

PROBATION PERIOD REVIEW POLICY

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CONSULTATION SCHEDULE

Name and Title of Individual	Groups consulted	Date Consulted
	Staff Engagement Group	August 2019
	Staff Side	November 2019

APPROVAL & RATIFICATION SCHEDULE

Name of Committee approving Policy	Date
Communications, Engagement, Equality & Employment Committee	19 th Oct 2019
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Integrated Care Board	1 st July 2022

VERSION CONTROL

Version	Version/Description of amendments	Date	Author/amended by
1	New policy	April 2013	CSU
2	Amended to include all six ICBs in Staffordshire & Stoke on Trent & added in Equality statement	Oct 2020	Jane Chapman
3	Adapted for the ICB	July 2022	Jane Chapman
4	Reviewed and updated, as per schedule	May 2023	Zena Richards

Impact Assessments – available on request

	Stage	Complete	Comments
Equality Impact Assessment	Stage 1	complete	No amendments recommended
Quality Impact Assessment			N/A
Privacy Impact Assessment			N/A

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1.0 PURPOSE

- 1.1 This document describes the approach of NHS Staffordshire & Stoke-on-Trent Integrated Care Board (ICB) to the use of probationary periods.
- 1.2 The purpose of a probationary period is to provide a consistent means by which new employees can be supported to become effective as quickly as possible and to enable a manager to objectively assess the capability, attitude and potential of the new employee.
- 1.3 Should the required standards of the ICB not be met during the probationary period employment may either be terminated or exceptionally extended.
- 1.4 The probationary period should be aligned to a structured and supportive Induction Plan a copy of which should be placed in the new employees personnel file for reference.

2.0 SCOPE OF PROCEDURE

- 2.1 This procedure will apply to all new employees of the ICB but will not apply to those engaged on fixed term contracts of six months or less.
- 2.2 Existing ICB staff who take up new posts within the ICB will not be subject to a probationary period nor will individuals who join the ICB due to the application of the Transfer of Undertakings Protection of Employment regulations.

3.0 ASSOCIATED POLICIES

- 3.1 During the probationary period, the organisation's disciplinary procedure; informal or formal Performance Management Procedure or the formal Sickness Absence Management Procedure will not apply.

4.0 ROLES AND RESPONSIBILITIES

4.1 The Manager

- 4.1.1 To agree probationary review induction dates with the employee and to ensure that these reviews are undertaken, and the probationary assessment forms are completed.
- 4.1.2 To create and implement an induction plan for the employee including regular supervision arrangements.
- 4.1.3 To establish clear objectives for the employee and to ensure that training and development opportunities are identified, planned and undertaken by the new recruit.
- 4.1.5 To ensure that copies of all related correspondence and records are kept and are accessible.
- 4.1.6 Where necessary, to carry out a workplace assessment and ensure that any reasonable adjustments required at work are implemented in a timely manner.
- 4.1.7 To seek advice from the HR Team should the employee not be performing to the required standard.

4.2 The Employee

- 4.2.1 To perform to the best of their ability.
- 4.2.2 To undertake any agreed induction, training and development activities and to implement learning from these activities.
- 4.2.3 To raise training and development needs with the manager as early as possible.
- 4.2.4 To identify whether they have a protected characteristic and whether additional support, training, equipment or adjustments are required.

4.3 HR Team

- 4.3.1 To provide guidance and advice to managers about implementation of this policy and procedure.

4.4 Occupational Health Service

- 4.4.1 To provide advice and guidance to managers about the outcome of any pre-employment health questionnaire and where reasonable adjustments are identified.

5.0 CONTRACT OF EMPLOYMENT AND RELATED POLICIES AND PROCEDURES

- 5.1 During the probationary period the employee will be employed on a contract of employment
- 5.2 The existence of a probationary period will not affect a new employee's length of service or statutory employment rights
- 5.3 Employees on a probation period are subject to the same range of ICB policies and procedures as their colleagues, including all relevant operational policies and procedures other than the formal procedures set out in section 3.0.
- 5.4 Following successful completion of the probationary period all ICB Policies will become applicable.

6.0 PROCEDURE

- 6.1 A probationary period is normally a six month period during which the performance, conduct and attendance of the employee will be assessed by a manager against the particular requirements of the role, the ICB's values and behaviours and expected levels of attendance and punctuality.
- 6.2 *Agreeing Expectations*
 - 6.2.1 A Line Manager will have certain expectations of a new employee in terms of performance, attendance and conduct. Likewise, a new employee has expectations from their Line Manager in regard to support, communication and what development and training they need on starting their new role.

6.2.2 These expectations should be discussed when the employee joins the organisation and form part of the Induction Plan. These can include:

- A discussion of the job role and what the key responsibilities are including any people management or supervisory responsibilities.
- Clear job outputs, i.e. what the new employee is expected to achieve during, or by the end of, the probationary period;
- The standards of performance that are required in respect of the job duties;
- Any agreed development activities
- Agreed dates for the Probation Review meetings
- A description of any relevant standards of behavior including levels of absence (see section 6.6.3).
- An understanding from the new employee of how they like to be managed and what they expect from their new Line Manager

6.2.3 The Line Manager should ensure that the employee has a copy of the Probation Period Review Policy and that they understand that they are on a 6-month probation period.

6.2.4 The discussed expectations should be documented, and a copy provided to the new employee for reference.

6.3 *Review meetings*

6.3.1 During a new employee's probationary period, the line manager will follow a formal structured procedure that is aimed at assessing and reviewing the employee's performance, capability and suitability for the role.

6.3.2 The program should include:

- regular monitoring of the new employee's performance through progress meetings;
- identification and discussion of any problem areas at the earliest possible time;
- the provision of regular constructive feedback; supervisory support and guidance; and the provision of any necessary training and coaching.

6.3.3 Regular reviews should be held at the following points and recorded within standard documentation (Appendix 1)

- four weeks
- ten weeks, sixteen weeks
- twenty weeks
- twenty-six weeks

6.3.4 These reviews are two-way conversations to discuss what is going well; identify any challenges; provide constructive feedback to support development and to identify any further training needs.

6.4 *Training Plan*

6.4.1 Where necessary additional support and development opportunities will be provided by the manager. Where these are provided, support should be clearly documented on the standard probation document or on a separate Training Plan (see Appendix)

6.4.2 The training plan is to outline everything that the employee needs to learn in order to carry out the role effectively and should cover:

- specific job tasks;

- the organization's procedures on, for example, health and safety or the use of computers;
 - general workplace practices;
 - product and/or technical knowledge; and
 - computer skills.
- 6.4.3 The training should be structured in stages in order to enable the employee to work towards competent performance by the end of the probationary period.

6.5 *Action Plan*

- 6.5.1 At the end of each progress meeting, the manager should agree an action plan with the employee so that their progress can be monitored during the next few weeks.
- 6.5.2 The action plan should be documented in detail, stating what should be done, by whom, how and by when. In this way, the employee will be aware of what is expected of them by the time of the next review. One copy will be given to the employee, and one retained by the Line Manager and stored in the employee's personal file.

6.6 *Standards*

- 6.6.1 When reviewing a new employees probation period, a Line Manager should consider their attendance, performance and conduct. This provides a holistic view of the employee new into post.
- 6.6.2 A serious concern in one or more of these areas, where it is documented that appropriate support has been provided and the new employee given reasonable opportunity to improve, is grounds for the Line Manager to recommend that a Formal Probation Review Hearing is held (section 12.0)
- 6.6.3 Whilst the formal Attendance Management Procedure will not apply to an employee on probation, it is expected that they maintain regular attendance during this time. The stage 1 sickness absence triggers under the Formal Procedure can be used to determine an unacceptable level of sickness absence.

7.0 **EQUALITY ACT 2010**

- 7.1 This policy has been assessed in relation to having due regard to the (1) the Public Sector Equality Duty three aims dropping down from the Equality Act 2010 to eliminate discrimination, harassment victimisation, advance equality of opportunity; and foster good relations, (2) the Health and Social Care Act 2012 re evidencing showing due regard to reducing health inequalities between the people of England.

8.0 **OCCUPATIONAL HEALTH**

- 8.1 In circumstances where a new employee has a level of sickness absence which is causing concern, there are issues with their performance, or the line manager is aware of or is concerned about the individual's health a referral to Occupational Health should be made.
- 8.2 Occupational Health can support the Line Manager in identifying any reasonable adjustments and supportive measures which can be put in place.

9.0 **OUTCOME OF PROBATIONARY PERIOD**

- 9.1 A decision about whether the probationary period has been successful will normally be made at 26 weeks.
- 9.2 It is expected that in the majority of employees new into post, with the appropriate level of support from their Line Manager, will successfully pass their probation period and be confirmed in post.
- 9.3 The Line Manager can issue a letter to the employee to confirm that they have successfully completed their probationary period which can then be placed on the employee's personnel file.
- 9.4 However, should there be significant concerns highlighted at earlier review stages and there is no evidence of the required improvement being made, a decision to dismiss or extend the probationary period may be taken sooner in line with the process set out below.
- 9.5 In all cases, this should be discussed with the HR Team who can provide appropriate advice and guidance.

10. SERIOUS CONCERNS WITHIN PROBATION

- 10.1 When a line manager has more serious concerns within a probation period, waiting to speak to the individual at the next review period as outlined in section 6.3.3 may not always be appropriate. Therefore, a meeting should be arranged as soon as possible between the employee and the line manager and should include:
- An explanation of the areas which are causing concern
 - Discussion to understand if there are any underlying causes (please refer to the Performance Management Policy section 6.0 for factors which can cause performance issues).
 - Clear explanation of what the line manager expects going forward
 - Encouragement and assistance to improve
 - Discussion and commitment to additional training and support
 - Agreement of an action plan based on SMART objectives
 - A date for review
 - The Line Manager should reaffirm their full commitment to working with the individual to support them in reaching the required standard.
- 10.2 It is important that at this meeting, whilst the line manager is outlining areas of concern, areas of positive performance are highlighted to ensure that feedback is balanced.
- 10.3 The Line Manager should ensure that they maintain regular contact with the individual during the action plan and should consider weekly one to one meetings to check on progress between setting the action plan and the review date of the actions. This may encompass the review periods as outlined in section 6.3.3.
- 10.3 If at the review date, the Line Manager feels that sufficient progress has been made and the concerns have been resolved and addressed, the Line Manager can sign the action plan as complete and either return to holding reviews as outlined in section 6.3.3 or if the employee has completed 26 weeks employment, can confirm they have successfully passed their probation.
- 10.4 If the Line Manager doesn't feel that enough progress has been made and concerns remain, the action plan can be extended; additional training and support agreed and a further review date set.

- 10.5 If serious concerns persist at this point or at the end of a further extension of the Action Plan / Probationary period, the Line Manager should consider if they need to recommend that the individual's employment be terminated on the grounds of unsuccessful probationary period.
- 10.6 If the Line Manager is considering making this recommendation, they should hold a meeting with the individual to explain their concerns and provide the employee with an opportunity to explain any mitigating circumstances.
- 10.7 The Line Manager should confirm to the employee their decision to recommend that the individual's employment be terminated on the grounds of unsuccessful probationary period and that a formal probationary review hearing will therefore be arranged.
- 10.8 The Line Manager should speak to the HR Team before confirming this decision to the individual.

11.0 EXTENSION TO PROBATIONARY PERIODS

- 11.1 A probationary period should only be extended in exceptional circumstances.
- 11.2 These may be when the performance of the employee has not been satisfactory but further time is regarded as being necessary due to a lack of support or the timing of sickness absence resulting in an inability to conduct reviews.
- 11.3 This may also be in cases where the individual is nearing the end of their probationary period and a Line Manager does not feel able to sign their probationary as successful or is considering a recommendation that the individual's employment should be terminated on the grounds of failed probation.
- 11.3 Any extension to the probationary period can only be for a short period of time i.e. a maximum of 12 weeks. The manager and the employee must both agree to an extension.
- 11.4 An extension of probationary period must always be confirming in writing and include the reasons for the extension and the date that the probationary period has been extended to.

12.0 FORMAL PROBATIONARY REVIEW HEARING

If the recommendation of the Line Manager is for the employee to be dismissed a formal probationary review hearing will be arranged as follows;

- 12.1 At this stage a panel consisting of a ICB Manager who has not previously been involved in the process with delegated authority to dismiss and the Human Resources Representative shall be convened.
- 12.2 The employee will be given 5 days' notice of the hearing in writing. The letter will detail the purpose of the hearing; identify any area/s of concern and the possible outcome.
- 12.3 In addition, the employee should be advised in the letter that their Line Manager will attend to give an account of the review process followed and presenting any relevant documentation.

- 12.4 The Line Manager will submit a report to the panel. The report should outline the areas of concerns, the timeline of meetings and events, details of support and training provided and make a clear recommendation outlining what factors have been considered when reaching this recommendation.
- 12.5 The employee will also receive a copy of this report and any supporting documentation with their formal meeting invite allowing time to review and prepare.
- 12.6 The employee should be advised that they will have the opportunity to present any factors in mitigation.
- 12.7 The panel will hear from the Line Manager first. The employee will then have an opportunity to put forward any factors in mitigation. The panel will then adjourn to make their decision.
- 12.8 If no exceptional circumstances are put forward the panel should consider if the employees' employment should be terminated on the grounds of failed probationary period.
- 12.9 If the panel believe there is acceptable mitigation or explanation, an extension to probationary period can be considered. The length of the extension would depend on the circumstances of the case however should not be for more than an additional 12 weeks and consideration should also be given to any prior extensions made by the line manager.
- 12.10 If the decision is to dismiss on the grounds of failed probationary period, the employee will be advised of this decision and will be entitled to their contractual notice period. The employee will not be expected to work their notice and will receive a payment in lieu of notice.
- 12.11 The decision of the panel will be confirmed in writing to the employee together with reasons for dismissal and advising them of their right to appeal against the decision in 10 working days of receipt of the letter.
- 12.12 The appeal must be lodged in writing to the Chief Executive Officer clearly outlining the reasons for the appeal.

13.0 RIGHT TO BE ACCOMPANIED

- 13.1 Employees can choose to be accompanied at any meeting detailed within this policy who can be a work colleague or a member of the Trade Union (workplace representative or full-time officer).
- 13.2 To ensure that an employee can make arrangements to be accompanied, a minimum of five calendar days' notice of each informal review meeting will be provided by the manager who will take into account the right of the employee to representation when making the meeting arrangements. Notice does not need to be given in writing for the review meetings arranged under section 6.3.3.
- 13.3 It is the responsibility of the employee to arrange for their representative to attend as review meetings will go ahead with or without a representative being present given the importance of adhering to the timetable laid down in this policy/procedure.
- 13.4 If an employee wishes to be accompanied at a Formal Probationary Review Hearing or an Appeal against a decision to dismiss, and their chosen companion cannot attend, the

employee can suggest another date which is no more than five working days after the original date of the hearing.

14.0 SERIOUS INCOMPETENCE, NEGLIGENCE OR GROSS MISCONDUCT

- 14.1 When an employee's performance constitutes serious incompetence or negligence or their actions could be considered to constitute gross misconduct, it would be inappropriate to take them through a staged probationary procedure if this would put the safety of staff or patients in jeopardy or there would be serious consequences to the ICB.
- 14.2 In such cases this policy will allow for those within their probationary period to be suspended on full pay while a fact-finding exercise is undertaken.
- 14.5 If following the fact-finding meeting, these concerns remain, a Formal Probationary Review Hearing will be arranged and held in line with section 12.0 of this policy.

15.0 RIGHT OF APPEAL

- 15.1 An employee has a right to appeal against a decision made to terminate their employment during, or at the conclusion of, their probationary period.
- 15.2 The appeal process to be followed is laid down in the Disciplinary Policy.

16.0 RECORD KEEPING

- 16.1 It is important that a written/electronic record is kept by the manager of the outcome of every stage of the probationary assessment process and that this record can be accessed by the employee and HR.
- 16.2 Records will include the Probationary Period Assessment Form (Appendix 1) and copies of any letters sent to the employee by the manager concerning a need for improvement, an extension of the probationary period and the outcome of the probationary period review process.

Appendix 1 - Probationary Period Assessment Form

Name of employee	
ICB	
Start Date in post	
Date of Meeting	
Week: 4, 10, 16, 20, 26, other	
Areas for Review: <i>This may include attendance, time-keeping, conduct, capability, commitment and feedback from colleagues and clients</i>	
Improvement Required: <i>Please detail expected standards and any improvement required</i>	
Training and Development/Support: <i>Please note any training, development or support needs identified and actions put into place</i>	
Monitoring: <i>Please detail how progress will be monitored</i>	
Signed (Manager undertaking review)	
Signed (Employee)	

Where issues have been raised which could have implications for continuation of the employee's contract, advice should be sought from the HR department

A copy of this form should be kept on the employee's file.