1. **Introduction**

1.1 A probation period is a period of time for an employee who is a new recruit to the Trust or newly appointed to a role, to demonstrate suitability for their role. It allows both the manager and the employee to take into account the individual's overall capability, skills, performance, and general conduct in relation to the job in question and assess objectively if they meet the requirements.

1.2 The probationary period is written into the employee's contract of employment and it is considered an extremely useful management tool, provided it is well structured and properly implemented.

1.3 It is important that employees are fully aware of the probationary period and the fact that they can be dismissed for failing to achieve the necessary standards of performance within that period. This will be where the individual proves to be unsuitable or incompetent in the role.

1.4 It is also important for managers to identify and address any unsatisfactory performance or behaviour well before the end of the probationary period as failure to confirm the successful completion of the probationary period may lead to being deemed to have been completed automatically.

1.5 During the probationary period, an employee, who is new to the NHS is not eligible to receive contractual sick pay for any period of sickness absence. This benefit does not become an entitlement until the employee has been confirmed in post following a successful probationary period. An employee's continuous previous service with any NHS employer counts as reckonable service in respect of NHS agreements on sick pay.

1.6 New employees on a permanent contract will be eligible to participate in Trust salary sacrifice schemes. It is important that they are fully aware that should their employment be terminated they will be required to repay the Trust in full, for any monies outstanding.

2. **Scope**

The procedure applies to all new appointments to the Trust, including those appointed to temporary contracts of employment, both medical and non medical.

3. **Length of Probationary Period**

3.1 The Trust's standard probationary period is a minimum of six months. This should be a reasonable period of time to give the employee the opportunity to learn the key elements of the role, and receive necessary training.
3.2 The probationary period may be extended where the new employee is not performing to the required standard at the six month stage. While it is hoped that employees can be coached and guided to improve it is important that the employee is informed of this well in advance of the formal end of probation review.

4. Potential Reasons for Failure to Complete Probationary Period (behavioural and operational; this list is not exhaustive)

   a) incompetence
   b) misfit with organisational ethos
   c) unwillingness to follow reasonable instructions
   d) complaints received from patients, colleagues
   e) failure to meet targets
   f) inaccurate work completion
   g) failure to meet required standard of work, meet deadlines or complete tasks
   h) not able to work effectively independently or as part of a team opposite, not sticking to procedures
   i) attendance (persistence lateness, unsatisfactory sickness absence)
   j) rudeness to patients, colleagues, visitors
   k) poor relationships with colleagues
   l) failure to follow the rules, regulations, policies and procedures of the Trust.

5. Structuring a Probationary Period

5.1 Induction

New employees should be given a thorough departmental and Trust induction into their new role.

5.2 Training

5.2.1 Although in most roles the employee will be recruited because of their existing qualifications and experience, all organisations are different and even the basics practices, such as, telephone and email systems can hinder performance if no, or insufficient training is given. It is the responsibility of the employee’s manager to ensure that this training is provided in the first weeks of employment.

5.2.2 A training plan must be agreed at the beginning of the probationary period and should cover all primary job functions and the employee’s progress in learning to perform the duties of the post. A training plan will identify specific job tasks and;

   a) the organisation’s procedures on, for example, health and safety or the use of computers;
   b) general workplace practices;

The objective is to structure the training plan to enable the employee to work towards competent performance by the end of the probationary period.
5.3 **Structured Probation Programme**

5.3.1 During a new employee's probationary period, managers should follow a structured process that aims to assess and review the employee's performance, capability, conduct and suitability for the role.

5.3.2 It will be the manager's responsibility to agree the process and a programme of review to ensure both parties are clear about expectations.

The programme should include:

a) regular monitoring of the new employee's performance through progress meetings;

b) identification and discussion of any problem areas at the earliest possible time;

c) the provision of regular constructive feedback;

d) supervisory support and guidance;

e) the provision of any necessary training and coaching.

f) clear objectives that the employee is expected to achieve during, or by the end of, the probationary period;

g) the standards of performance that are required in respect of the job duties;

h) the standards or measurements against which the employee's performance will be assessed;

i) any agreed development activities;

j) a description of any relevant standards of behaviour, for example in relation to liaison with patients and colleagues

6. **Planned Progress Meetings**

6.1 During the probationary period, there should be regular progress meetings between the manager and the employee. These meetings should be scheduled in advance, preferably at the start of the employee’s employment. It will be the manager's responsibility to ensure that all probationary reviews are completed on time and the meetings should be diarised to avoid the dates slipping.

6.2 Monthly meetings are recommended throughout the probationary period as they will allow the employee's performance and progress to be monitored on a regular basis and allow prompt feedback to be provided to the employee should problem areas be identified. Less frequent meetings may result in important issues being overlooked, or delays in the resolution of performance issues.

6.3 At each meeting, the manager should aim to:

a) highlight areas where the employee is doing well;

b) focus on successes, as well as, failures;

c) explain clearly and in precise terms any areas in which the employee is falling below the required levels;

d) explore the possible reasons for any failure to meet the required standards;

e) listen to what the employee has to say;

f) discuss and agree whether or not any specific training or coaching is required;
g) discuss any other relevant matters such as timekeeping, attendance, general conduct or attitude;

h) deliver any necessary criticism in a constructive way;

i) avoid assuming that unsatisfactory performance is caused by something within the employee’s control

j) invite the employee to comment on issues such as the extent to which he or she has integrated into the department and how well he or she is getting on with colleagues;

k) give the employee an opportunity to ask questions or raise concerns about any aspect of his or her employment.

6.4 It is important that the manager does not restrict the progress meetings to discussions of problem areas, but also identifies and comments on the positive outcomes that the new employee has achieved.

6.5 Managers should be prepared to provide all possible support to their new employees in order to give them a fair opportunity to become fully integrated and productive employees in the longer term.

6.6 The progress meetings should be a **two-way process** and provide both the manager and the employee with the opportunity to discuss progress on a one-to-one and confidential basis.

6.7 Where any concerns have arisen about the employee’s performance, the line manager should discuss these fully and openly with the employee and an action plan to remedy the problem should be agreed and documented. The line manager should always adopt a supportive attitude.

6.8 Where necessary, the line manager should clearly explain the consequences of underperformance to the employee. The individual should be helped to understand that a continued failure to achieve the required standards could ultimately lead to the termination of employment.

6.9 At the end of each progress meeting, the manager should agree an action plan with the employee to enable progress to be monitored. The action plan should be clearly documented identifying what should be done, by whom, how and by when. In this way, the employee will be aware of what is expected of him or her by the time of the next review. A summary by e-mail would be acceptable.

7. **Three Month Interim Review**

7.1 After three months service, the manager should arrange a formal review meeting to discuss the employee’s progress in the role so far. In the case of Consultants and Specialty Doctors this meeting should fit in with the three month post appointment Job Plan Review.

7.2 The employee has no legal right to be accompanied at the meeting but any request may be considered.

7.3 At the meeting there should be a review of the role profile/job description and the standards of performance required against the employee’s progress to date in the role.
7.4 Positive feedback should be given where applicable rather than just bringing up errors or concerns. Areas of concern or required improvements to meet the standards of the post must be highlighted. Confirmation of any training and support provided and training that is due to be given before the end of the probationary period. Note whether any support offered is accepted.

7.5 Ask the employee if he/she has any questions, if there is any further training or support they think they need going forward.

7.6 At the end of the meeting sum up their progress and provide confirmation in writing (email will be acceptable) as either being:

a) excellent or satisfactory performance and likely to have their probation confirmed at the end of the six month period if they maintain the same level of performance.

b) mixed performance with some areas requiring improvement although generally acceptable standard. The manager must advise the employee that he or she needs to try harder generally and/or focus on specific areas to bring their performance up to a satisfactory level overall.

c) if the employee is not meeting the required standard of performance in most areas, then the employee should be advised that if they fail to improve performance, it is likely that they will not be confirmed in post at the end of the probationary period. The manager must explore any underlying reasons for poor performance which may include, personal, financial or health problems (beware disability issues may be involved). If applicable the manager should inform the employee that their probationary period may be extended.

7.7 If the employee declares any health issues that are affecting their work, the manager must discuss this with HR who may propose an Occupational Health review. It is important to have a record of this discussion noting what was said, as outlined in the Action Plans

8. **Formal End of Probation Review**

8.1 An electronic pro-forma is available on the HR section of the Trust’s intranet; this pro-forma must be considered by the manager, approximately 8 weeks before the expiry date of the employee’s probationary period. This form must not be completed and submitted until the formal end of probation review meeting has taken place.

8.2 The formal end of probation review meeting should be held with the employee at least two weeks before the end of the probationary period. The purpose of this is to review the probationary period and the employee’s ability to perform the job.

8.3 Like the interim review, the employee has no legal right to be accompanied at the meeting but any request may be considered.
8.4 In advance of the meeting the manager should gather together evidence of the employee’s work, obtain feedback (from students, colleagues or internal/external customers) and any other factors relevant to the role. If performance issues remain the manager must provide evidence of any training and support that has been provided over the past six months to support the employee.

8.6 During the Meeting the manager must:

   a) review the employee’s performance in the period following the interim probation review meeting
   b) identify and discuss areas in which the employee required or continues to require further training or development
   c) confirm any further training or support that has been provided following the interim probationary review
   d) confirm how the employee feels generally about his or her employment.
   e) explain how performance will continue to be managed in the future i.e. through the formal appraisal system

8.7 If the employee’s performance is satisfactory, the manager will inform the employee that they will be confirmed in post and must submit the end of probation form via the HR Section of the Trusts intranet. HR will provide confirmation of appointment in writing and update ESR.

8.8 If the employee’s performance has not met the standards required, advice must be sought from HR prior to the formal end of probation review.

8.9 In the case of unsatisfactory performance, the manager must reiterate the shortfall(s) in performance and inform the employee that a meeting will be arranged to consider termination of employment at which the employee will have the right to be accompanied. This meeting must take place prior to the end of the probation period.

8.10 Where the outcome of the meeting is termination of employment the employee will have the right of appeal to the Senior Human Resources Manager. Medical and Dental employees will have the right of appeal to the Senior Human Resource Manager (Medical). The appeal must be made in writing within 14 days of the original decision and set out the grounds of appeal. An appeal hearing will be arranged without undue delay and will be heard by an Officer of Higher Authority.

9. Extending Probationary Periods

9.1 In the event of absence for whatever reason, (including sickness absence, maternity leave) during the probationary period, the probationary period should be suspended until the employee is able to return to work, at which point the probationary period will re-commence. to ensure that a full six months’ of work is measured. The process for managing the re-commenced probationary period will be as outlined above with regular review meetings and a formal end of probation review. The length of the absence will not count towards the length of the probationary period.

9.2 If at the end of the probationary period, shortfalls in performance have been identified and it is felt the employee would benefit from some additional time to meet
the relevant action plan and the required performance level an extension of the probationary period may be appropriate.

9.3 An extension should normally be sought only where there are special circumstances justifying it. The manager should consult with HR prior to any decision to extend an employee's probationary period. Any extension of a probationary period should normally be for no more than three months and only one extension will be granted.

9.4 Managers must indicate to the HR department by completing the relevant section of the Probationary Proforma to confirm the decision to extend the employee's probationary period for a further 3 months.

9.5 Where it is agreed that an employee's period of probation will be extended, it will be important for the manager to set out the terms of the extension in writing and copy to the HR Officer.

It will be important to state clearly:

a) the length of the extension and the date on which the extended period of probation will end;

b) the reason for the extension - for example that the employee's performance has fallen short of certain standards, but the manager reasonably believes that an extension of time will be effective in allowing him or her to achieve these standards;

c) the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;

d) any support - such as further training - that will be provided during the extension;

e) inform the employee that if they do not reach the required level of performance their job will be at risk and they may not be confirmed in post.

9.6 It is inadvisable to make extending probationary periods the norm. An extension should be agreed only if there are exceptional factors that justify it.

10. Terminating employment during or at the end of the probationary or extended probationary period.

10.1 Any decision to recommend termination of employment should be taken by the Directorate Manager or Head of Department and agreed with the HR Adviser.

10.2 In the case of medical staff, any decision to terminate employment should be made by the Medical Director in conjunction with the Clinical Director.

10.3 The reason for termination would be unsatisfactory probationary period.

10.4 However, if there is evidence that the performance is wholly unsuitable for the role; HR advice should be sought with a view to early termination.
11. **Existing employees recruited to a new role**

11.1 If an employee transfers to a different position within the Trust during their probationary period, the employee will be subject to a new probationary period. The responsibility to assess the employee will transfer to the new manager. It is essential to ensure that the employee meets the requirements of the Trust and their new role and the same process should be applied with regard to progress meetings.

11.2 If an employee who is already employed within the Trust is recruited to a different position within the Trust, they will be subject to a new probationary period. However, if the employee has more than one year's continuous employment with the Trust any issue regarding their performance should be dealt with in accordance with the appropriate Trust procedure.

12. **Performance Appraisal**

The Trust has in place an appraisal process, and an employee’s probationary period reviews will form part of the overall assessment for appraisal purposes. There is a significant amount of information which is captured as part of the process and is useful in creating action plans to support performance.

13. **Job Plan Reviews**

In respect of Consultants and Specialty Doctors the probationary period reviews should be managed in conjunction with the Job Plan review, undertaken three months post appointment.

14. **Serious Misconduct**

If the employee performs an act of serious or potential gross misconduct during the probationary period then this will be addressed as a conduct issue through the Disciplinary Policy/Procedure. Such issues may progress straight to any stage of the procedure, including dismissal. Advice should be sought from the HR department.

15. **Audit and Monitoring**

15.1 Compliance with this policy will be monitored by the Director of Human Resources. The organisations’ figures will be presented to the Heads of Human Resources Meeting on an annual basis, who will identify appropriate action plans to address any areas of concern and will continue to monitor the plan until its completion.

15.2 Monitoring will include reporting of information on the Electronic Staff Record for the purposes of:

- a) the number of probationary periods extended
- b) the number of probationary periods unsuccessfully completed

16. **Further Advice and Guidance**

Please contact a Human Resources Officer in the Human Resources Department.

Author: Director of Human Resources
This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

<table>
<thead>
<tr>
<th>Policy Title: Procedure for Managing Probationary Periods</th>
<th>Policy Author: Karen Pearce – Senior HR Manager (Projects)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes/No?</td>
<td>You must provide evidence to support your response:</td>
</tr>
<tr>
<td>1. Does the policy/guidance affect one group less or more favourably than another on the basis of the following: (* denotes protected characteristics under the Equality Act 2010)</td>
<td>No</td>
</tr>
<tr>
<td>Race *</td>
<td>No</td>
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<tr>
<td>Ethnic origins (including gypsies and travellers)</td>
<td>No</td>
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<tr>
<td>Nationality</td>
<td>No</td>
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<tr>
<td>Gender *</td>
<td>No</td>
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<td>Culture</td>
<td>No</td>
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<tr>
<td>Religion or belief *</td>
<td>No</td>
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<tr>
<td>Sexual orientation including lesbian, gay and bisexual people *</td>
<td>No</td>
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<tr>
<td>Age *</td>
<td>No</td>
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<tr>
<td>Disability – learning difficulties, physical disability, sensory impairment and mental health problems *</td>
<td>No</td>
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<tr>
<td>Gender reassignment *</td>
<td>No</td>
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<tr>
<td>Marriage and civil partnership *</td>
<td>No</td>
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<tr>
<td>2. Is there any evidence that some groups are affected differently?</td>
<td>No</td>
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<tr>
<td></td>
<td>There was no evidence to support any group was affected differently</td>
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<tr>
<td>3. If you have identified potential discrimination which can include associative discrimination i.e. direct discrimination against someone because they associate with another person who possesses a protected characteristic, are any exceptions valid, legal and/or justifiable?</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>As above</td>
</tr>
<tr>
<td>4(a). Is the impact of the policy/guidance likely to be negative? (If “yes”, please answer sections 4(b) to 4(d)).</td>
<td>No</td>
</tr>
<tr>
<td>4(b). If so can the impact be avoided?</td>
<td>NA</td>
</tr>
<tr>
<td>4(c). What alternatives are there to achieving the policy/guidance without the impact?</td>
<td>NA</td>
</tr>
<tr>
<td>4(d). Can we reduce the impact by taking different action?</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Comments:**

Name and Designation of Person responsible for completion of this form: Karen Pearce – Senior HR Manager (Projects) Date: 05/01/2011

Names & Designations of those involved in the impact assessment screening process: The Employment Policies and Procedures Consultative Group

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified on this form, please refer to the Policy Author identified above, together with any suggestions for the actions required to avoid/reduce this impact.)

For advice on answering the above questions please contact Frances Blackburn, Head of Nursing, Freeman/Walkergate, or, Christine Holland, Senior HR Manager. On completion this form must be forwarded electronically to Steven Stoker, Clinical Effectiveness Manager, (Ext. 24963) steven.stoker@nuth.nhs.uk together with the procedural document. If you have identified a potential discriminatory impact of this procedural document, please ensure that you arrange for a full consultation, with relevant stakeholders, to complete a Full Impact Assessment (Form B) and to develop an Action Plan to avoid/reduce this impact; both Form B and the Action Plan should also be sent electronically to Steven Stoker within six weeks of the completion of this form.