# PROBATIONARY PERIOD POLICY AND PROCEDURE (CG471)

## Approval

<table>
<thead>
<tr>
<th>Approval Group</th>
<th>Job Title or Chair of Committee</th>
<th>Date</th>
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<tbody>
<tr>
<td>Policy Approval Group</td>
<td>Chair, Policy Approval Group</td>
<td>July 2017</td>
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## Change History

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Author</th>
<th>Reason</th>
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<tbody>
<tr>
<td>Version 1.0</td>
<td>September 2014</td>
<td>Suzanne Emerson-Dam, Deputy Director of Workforce</td>
<td>New Policy</td>
</tr>
<tr>
<td>Version 2.0</td>
<td>April 2017</td>
<td>Mel Smith, Head of Employee Relations</td>
<td>Policy Review</td>
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## Authorship Information

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<th>Author:</th>
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<td>Mel Smith</td>
<td>July 2017</td>
<td>Head of Employee Relations</td>
<td>July 2019</td>
<td>Director of Workforce</td>
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Supporting Documentation and References

This document must be read in conjunction with

The Trust’s Induction Policy (CG056)
The Trust’s Appraisal Documentation
The Trust’s Capability Policy (CG225)
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 during their probationary period.

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

2.0 Scope

This policy and procedure applies to all new staff employed in the Trust, excluding 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 probationary 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 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.
- To keep the relevant Human Resources Representative informed of any underperformance within the required timeframe.

Human Resources Department
- To ensure that information is available for managers.
- To ensure that this policy and procedure is being fairly and consistently applied across the Trust.
- To ensure that managers understand and comply with this procedure.
- To advise managers on all aspects of the application of this procedure.
- To attend final review meetings where appropriate.
Employees
- To attend the Trust’s Induction Programme.
- To ensure they are aware of this policy and procedure.
- To participate in the probationary review process.

Local Trade Union Official/Professional Representatives
- To act in a professional manner in accordance with their own Union or Professional Association guidelines
- To support employees through the Probationary Period as required.
- To be familiar with the process and protocols to be followed during Probationary final review or appeal meetings advising the employees they are representing, of the relevant policies, procedures and guidelines.

4.0 Definitions

Probationary Period
A probationary 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 Probationary Period
The standard probationary period for all new starters will normally be 6 months. The probationary period may be extended in some circumstances.

Extended Probationary Period
The standard probationary period can be extended, where necessary, up to a further three to six months. The maximum probationary 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

Accredited Representative
An accredited representative who is appointed at the request of a member of staff 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 probationary 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 probationary 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, subject to the rules of gross misconduct.¹

On successful completion of the probationary period, the notice period outlined in the employee’s contract of employment will apply.

During the probationary period the Capability Policy, and Disciplinary Policy do not apply. 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 Probationary Period

Induction for New Employees
All new employees are required to attend the Trust’s Induction Programme. The line manager is responsible for ensuring that the employee attends the Trust Induction Programme and for ensuring that the employee has a local (ward or departmental) induction and objectives.

¹ Please refer to the Disciplinary Policy & Procedure for definitions.
Probationary Period Policy and Procedure

Probationary Reviews
The line manager must ensure that they meet with the employee in the early stages of the appointment to discuss the employee’s progress. If concerns arise during the probationary period the employee and line manager should discuss these as and when they arise.

Three review meetings should normally take place at the following intervals:

- **Initial Review**: within the first month of employment
- **Interim Review**: half way through the probationary period
- **Final Review**: prior to the end of the probationary period

The meetings can be brought forward/abridged if appropriate.

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

- Acknowledge good performance/achievements so far
- Review timekeeping/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
- Provide guidance and support as appropriate
- Introduce/agree any changes to the objectives set
- Confirm the date of the next review meeting

The line manager should keep a record of the content of the review meetings.

Confirm Employee in Established Post
If at the final review meeting the employee’s performance is satisfactory, the manager will write to the employee to confirm them in the established post.

Extension of the Probationary Period
The line manager may decide to extend the probationary 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 probationary period beyond 12 months.

Where the probationary period is extended the manager must confirm the following:

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• 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 probationary period.

If the employee does not meet fully the required standards, by the end of the extended probationary period, his/her employment will be terminated.

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

The line manager and HR 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 employee will be advised of their right of appeal against the termination of their contract.

**Should an employee commit an offence considered to be gross misconduct, they may be dismissed summarily (i.e. without notice / pay in lieu of notice).**

The employee can be accompanied by a Trade Union Representative or a workplace colleague at this meeting.

### 5.3 Appeals

An employee whose employment is terminated during the probationary period will be given a right of appeal. The employee should write to the Director of Workforce and OD outlining the grounds for their appeal within 14 days of receiving the letter confirming the termination of employment during the probationary period.

Appeals against dismissial will be heard by a senior manager who will be supported by a senior Human Resources Representative and professional adviser (if necessary). The decision from the appeal hearing will be final. There will be no further right of appeal.

Employees can obtain support from a Trade Union Representative or a workplace colleague during the probationary period process.
6.0 Consultation Undertaken

This policy has been developed in conjunction with Human Resources (HR Operations, Learning & Development and Recruitment) and the Trade Unions through the Joint Negotiating Committee.

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.

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

8.0 Implementation

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

9.0 Training

There is no mandatory training associated with this policy. There is however appraisal training courses for managers who are required to undertake appraisals.

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

10.0 Monitoring Of Compliance

<table>
<thead>
<tr>
<th>Aspect of compliance or effectiveness being monitored</th>
<th>Monitoring method</th>
<th>Individual or dept. responsible for the monitoring</th>
<th>Frequency of the monitoring activity</th>
<th>Group Committee which will receive the findings/ Monitoring report</th>
<th>Committee/ individual responsible for ensuring that the actions are completed</th>
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<tbody>
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<td>N/A</td>
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12.0 Equality Impact Assessment

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)

| Do different groups have different needs, experiences, issues and priorities in relation to the proposed policy/change proposal? | Age | Sex | Disability | Race | Gender Reassignment or Religion or Belief | Sexual Orientation | Marriage and Civil Partnership | Pregnancy and Maternity |
|---|---|---|---|---|---|---|---|---|---|
| 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? | Age | Sex | Disability | Race | Gender Reassignment or Religion or Belief | Sexual Orientation | Marriage and Civil Partnership | Pregnancy and Maternity |
|---|---|---|---|---|---|---|---|---|---|
| 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)? | Age | Sex | Disability | Race | Gender Reassignment or Religion or Belief | Sexual Orientation | Marriage and Civil Partnership | Pregnancy and Maternity |
|---|---|---|---|---|---|---|---|---|---|
| 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? | Age | Sex | Disability | Race | Gender Reassignment or Religion or Belief | Sexual Orientation | Marriage and Civil Partnership | Pregnancy and Maternity |
|---|---|---|---|---|---|---|---|---|---|
| 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:

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• 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.
• 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.
Appendix A

Probationary Period Flow Chart

Employee attends Trust Core Induction

Initial Review – Line manager meets with employee within the first month of employment

Interim Review – Line manager meets with employee half way through the probationary period

Final Review – Line manager meets with employee prior to the end of the probationary period

Employees performance is satisfactory

Employees performance is not at the required level but is likely to improve with more time

Employee is not performing to the required standard

Probationary period is extended (max. 3-6 months)

Employees contract is terminated

Line manager writes to employee to confirm details of extension

Employee submits an appeal

Line manager writes to employee to confirm them in the established post

Appeal panel convene

 Appeal successful

 Appeal Unsuccessful

 Outcome is confirmed in writing – no further right of appeal

Outcome is confirmed in writing employee is reinstated into the substantive post