

Probationary Period	Policy Register No: 14025 Status: Public
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Developed in response to:	Staff Management Needs and Best Practice
Contributes to CQC Regulations:	18

Consulted With	Individual/Body	Date
	Policy Sub-Group	October 15
	JCNC Staff Side	November 2015
Carin Charlton	Director of Estates & Facilities Management (JCNC)	November 2015
Lyn Hinton	Acting Director of Nurse (JCNC)	November 2015
Stephanie Watson	Acting Director of Finance (JCNC)	November 2015
Professionally Approved By	Bernard Scully, Director of Human Resources	November 2015

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Author/Contact for Information	Nona Stevenson
Policy to be followed by (target staff)	All New Staff other than Medical Staff
Distribution Method	Intranet & Website
Related Trust Policies (to be read in conjunction with)	Appraisal Performance Review Policy (04011) Induction Policy (08079) Safeguarding Children Policy (04064) Safeguarding Vulnerable Adults Policy (08034) Incident Policy (09100) Counter Fraud and Corruption Policy (07025)

Document Review History

Version No	Reviewed by	Issue Date
1.0	Nona Stevenson	1 st March 2016
1.1	Nona Stevenson – addition of template letters and forms to the appendix	3 rd October 2016
1.2	Nada Rogers - 6 month extension request due MSB standardisation	28 th March 2019
1.3	Nada Rogers - 6 month extension request due MSB standardisation	12 th September 2019

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1. Purpose of the Document

- 1.1 This policy sets out the procedure for dealing with probationary periods for new employees within Mid Essex Hospital Services NHS Trust.

2. Aims

- 2.1 The aim of the Probationary Period Policy is to provide a framework for identifying and addressing any early difficulties which may occur in the initial 6 month period of employment.

3. Scope

- 3.1 This policy applies to all new substantive appointments to the Trust (except medical staff). It does not apply to bank workers, agency staff or volunteers.
- 3.2 It is recognised that the various professional bodies, of which many health care staff are required to have membership, will also have professional standards of capability, conduct and competence. The Trust requires employees in those professions to adhere to those standards.

4. Roles and Responsibilities

4.1 Manager

- 4.1.1 Managers will ensure that all new employees complete both a corporate and departmental induction programme.
- 4.1.2 Managers are responsible for ensuring the employee understands his/her job and what is expected of them, and that the employee understands the Trust appraisal process.

4.2 Employee

- 4.2.1 The employee is required to co-operate fully with the induction programme and the Trust appraisal process.

4.3 Human Resources

- 4.3.1 The Human Resources Operations Team is available to give advice on any matter relating to the interpretation of this policy and advise in individual cases during the probationary period.

5. Equality and Diversity

- 5.1 Mid Essex Hospital Services NHS Trust is committed to a Policy embracing the Equality Act 2010 in all its employment practices and strives to eliminate all unfair discrimination, harassment, bullying and victimisation. Equality of opportunity is a high priority within Mid Essex Hospital Services NHS Trust and the Trust will not unlawfully, unfairly or unreasonably discriminate or treat individuals less favourably on the grounds of gender, marital status, sexual orientation, religion or belief, disability, age, race, nationality or ethnic origin.

6. Professional and Statutory Bodies

- 6.1 If, during the probationary period, there are concerns about an employee's fitness to practise, including concerns about a practitioner's health, which are serious enough to affect a practitioner's registration, the Trust will refer the matter to the relevant professional body. This referral will usually be undertaken by the appropriate professional lead.
- 6.2 If the concerns relate to the employee potentially posing a risk to a vulnerable adult or child (as defined by the Safeguarding Authority) the relevant Vulnerable Adult Protection co-ordinator or the Named Nurse Child Protection will be consulted as soon as possible for further immediate action to be agreed and undertaken.
- 6.3 If the concerns relate to the employee allegedly having committed an act of fraud in the course of their duties, the matter will be reported in line with the Trust's Counter Fraud and Corruption Policy.

7. The Probationary Period

- 7.1 Probationary periods will be for six months. In exceptional circumstances probationary periods may be extended to a maximum of nine months (see paragraph 9.2.3).
- 7.2 The Trust Disciplinary, Sickness and Capability Policy do not apply during the employee's probationary period.
- 7.3 During the employee's probationary period the Agenda for Change entitlement to sick pay will continue to apply. Employees will also have access to the Trust Occupational Health Department.

8. Informal Supervision Meetings

- 8.1 "Supervision meetings" should take place on a monthly basis, and more frequently if necessary (Appendix 1). The following points should be included at each meeting:
- constructive feedback given to the employee highlighting both achievements and areas of weakness using suitable examples
 - in the event of areas of difficulty being identified, ways of resolving these should be clearly defined and agreed
 - appropriate solutions to problems or difficulties must be discussed and the line manager must provide guidance, direction or instruction as appropriate
 - an honest assessment about the support that the line manager or others in the organisation can provide should be stated to avoid building up unrealistic expectations
 - meeting notes must be taken (Appendix 2) with one copy placed on the personal file and a second copy given to the employee
- 8.2 If, following one or more supervision meetings, the employee's performance is causing significant concern then the employee should be warned (formally in writing) of the possibility that his/her employment may be terminated in accordance with this Policy.

9. Formal Probationary Review Meetings

9.1 First Formal Review Meeting

- 9.1.1 The first formal review meeting should take place no later than the end of the first three months' probation period (Appendix 3). It is a meeting between the line manager and the employee to cover work performance to date, review progress and expectations and set clear targets for the next three months. The employee should be encouraged to contribute views and ideas. The line manager must make a record of the meeting (Appendix 4), including any action agreed to resolve concerns (Appendix 5), and provide a copy of this record to the employee. If significant problems are identified this meeting will take place sooner.
- 9.1.2 If, following this meeting, the employee's performance is causing significant concern then the employee should be warned (formally in writing) of the possibility that his/her employment may be terminated in accordance with this Policy (Appendix 6).
- 9.1.3 In the event that the employee has previously been given a written warning they may be accompanied at this meeting by a Trade Union representative or a work colleague.

9.2 Final Review Meeting

- 9.2.1 The final review must take place after five months of the probation period (Appendix 7). It is a meeting between the line manager and the employee. If concerns about the employee's performance are such that the manager is considering termination of the employment, an HR Advisor or Manager must also be present and the employee has the right to be accompanied by a work colleague or Trade Union representative.
- 9.2.2 This meeting must cover work performance over the probationary period to date and take account of informal supervision meetings, the first formal review meeting and any progress or problems since those meetings. The manager must make a written record of the final review meeting (Appendix 8) and provide a copy to the employee within five working days, together with written confirmation of the outcome of the probationary review. This will inform the employee whether his/her employment with the Trust is confirmed (Appendix 9), the probationary period is extended (Appendix 10), or the employment is to be terminated (Appendix 11).
- 9.2.3 Decisions to extend the probationary period should only be made in exceptional circumstances and for a maximum period of three months. Any extension must be authorised by a manager at least two bands higher than the employee.
- 9.2.4 If the decision is not to confirm employment or extend the probationary period, the employment would terminate on the expiry of the six month's probationary period. The Trust will provide a reference having regard to the facts and circumstances under which the employment was terminated.
- 9.2.5 If the decision is not to confirm employment, the employee will have the right of appeal against the decision. Full details are provided in Section 12.

9.3 Gross Incompetence

- 9.3.1 At any stage in the probationary period if the employee's performance is considered to be gross incompetence a formal meeting will be held as soon as possible and the employment may be terminated by giving one weeks' notice. The employee will have

the right to be accompanied at this meeting by a work colleague or Trade Union representative.

10. Notice Period

10.1 During the probationary period the period of notice will be one week on either side.

11. Annual Leave

11.1 When considering annual leave requests, managers must have regard in granting leave, to the possibility of early termination of employment under this policy, so as to avoid any overtaking of annual leave.

12. Appeals Procedure

12.1 All employees have the right of appeal against a decision to terminate his/her employment under this Policy.

12.2 If the employee wishes to appeal, he/she must do so in writing to the Director of Human Resources within 14 calendar days of receipt of written notification of the original decision. The letter must clearly state the grounds of appeal.

12.3 The decision of the Appeal Panel is final. The decision will be notified to the Appellant within 7 calendar days. If the Panel reinstates a dismissed employee, the employee shall be treated as if they had not been dismissed and any back pay due will be calculated as if the employee had been at work, excluding casual overtime. If the appeal is successful, in whole or in part, the employee's personnel record will be amended as appropriate.

13. Breaches of Policy

13.1 Where there is a significant breach of this policy, the HR Operations Team will report the breach in accordance with the Trust Incident Policy.

14. Audit and Monitoring

14.1 The policy will be monitored annually by the Human Resources Operations Team with areas of exception being highlighted.

14.2 A yearly audit of all probationary periods will be carried out and submitted to JCNC. This will be completed by the Human Resources Operations Team.

14.3 A yearly audit of all breaches of this Policy will be carried out and submitted to JCNC. This will be completed by the Human Resources Operations Team.

15. Communication and Implementation

15.1 Staff will be made aware of this policy through reference in their offer of employment letter, at Corporate Induction and dissemination via Staff Focus. The document will be stored for access to all on the MEHT Intranet under HR Policies.

16. Review

- 16.1 This policy and procedure will be reviewed within 24 months of its agreement and tri-annually thereafter. Any additional amendments will be made in accordance with any changes in legislation.

17. Equality Impact Assessment

- 17.1 The Trust is committed to the provision of a service that is fair, accessible and meets the needs of all individuals. An Equality Impact Assessment is attached at Appendix 12.

Private and Confidential

Name
Job Title
By Hand

DEPARTMENT
Broomfield Hospital
Court Road
Broomfield
Chelmsford
Essex
CM1 7ET

Main Switchboard - 01245 362000

DATE

Dear []

Probationary Period – Informal Supervision Meeting

I am writing to invite you to an informal supervision meeting to discuss your performance and progress to date during your probationary period. This is in accordance with the Trust's Probationary Policy (copy enclosed).

The meeting will be held at [time] on [date] at [place]. If the time, date or venue is not suitable for you, please let me know and we can reschedule the meeting.

Please could you also let me know if there are any specific issues that you would like to discuss at the meeting, for example if you have encountered any problem areas in your new job or if you are unclear about anything.

After the meeting, I will make a brief record of what we have discussed using the Trust's Probationary Informal Supervision Record Form. A copy of the form will be given to you and a copy of this will also be placed on your personnel file.

Yours sincerely

Name
Job Title

Cc: Personal File

Enc: Probationary Policy

Probationary Period Informal Supervision Record Form

Employee's Name:	
Job Title:	
Ward / Department:	
Manager's Name:	
Manager's Job Title:	
Date of Review:	
Manager's Comments	
Employee's Comments	
Actions Agreed:	
Date of Next Review:	
Employee's Signature:	
Manager's Signature:	
Date:	

A copy of the completed form must be provided to the employee and a copy retained on the employee's personal file

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Name
Job Title
By Hand

DEPARTMENT
Broomfield Hospital
Court Road
Broomfield
Chelmsford
Essex
CM1 7ET

Main Switchboard - 01245 362000

DATE

Dear []

Probationary Period – First Formal Review Meeting

I am writing to invite you to the first formal review meeting to discuss your performance and progress to date during your probationary period. This is in accordance with the Trust's Probationary Policy (copy enclosed).

The meeting will be held at [time] on [date] at [place]. If the time, date or venue is not suitable for you, please let me know and we can reschedule the meeting.

Please could you let me know if there are any specific issues that you would like to discuss at the meeting, for example if you have encountered any problem areas in your new job or if you are unclear about anything.

After the meeting, I will make a record of what we have discussed using the Trust's Probationary First Formal Review Record Form. A copy of the form will be given to you and a copy of this will also be placed on your personnel file.

As you have previously been given a written warning you may be accompanied at this meeting by a Trade Union Representative or a workplace colleague. *

Yours sincerely

Name
Job Title

Cc: Personal file

Enc: Probationary Periods Policy

*delete as appropriate

Probationary Period First Formal Review Record Form

Employee's Name:	
Job Title:	
Ward / Department:	
Manager's Name:	
Manager's Job	
Title:	
Date of Review:	
Manager's Comments	
Employee's Comments	
Actions Agreed:	
Date of Next Review:	
Employee's Signature:	
Manager's Signature:	
Date:	

A copy of the completed form must be provided to the employee and a copy retained on the employee's personal file

PROBATIONARY PERIOD ACTION PLAN

Employee's Name:		Ward / Department:	
Commenced:		Review date:	

Area of Concern	Examples	Required Standard/Expectation	How evidenced	Management Support	Timescale for improvement

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Name
Job Title
By Hand

DEPARTMENT
Broomfield Hospital
Court Road
Broomfield
Chelmsford
Essex
CM1 7ET

Main Switchboard - 01245 362000

DATE

Dear []

Further to your probationary first formal review meeting on [date], I am writing to confirm that your performance is causing significant concern. As we discussed, this is because of [summarise reasons for significant concern].

To assist you in reaching the required standard of performance / conduct * we agreed the attached action plan. Please sign and return it to me and retain a copy for your reference.

We will review your progress during the remainder of your probationary period and in this connection we agreed to meet again at [time] on [date] to discuss your progress towards achieving the action plan.

Your final review meeting has been provisionally scheduled for [date] at which a final decision on your continued employment will be made. You may be accompanied at this meeting by a Trade Union Representative or a workplace colleague.

However, if you fail to make sufficient progress during the remainder of your probationary period, your employment may be terminated in accordance with the Trust Probationary Policy.

I hope that with the support of the agreed action plan you will be able to achieve sufficient improvement and if I can be of further assistance please do not hesitate to contact me.

Yours sincerely

Name
Job Title

**delete as appropriate*

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Name
Job Title
By Hand

DEPARTMENT
Broomfield Hospital
Court Road
Broomfield
Chelmsford
Essex
CM1 7ET

Main Switchboard - 01245 362000

DATE

Dear []

Probationary Period – Final Review Meeting

I am writing to invite you to the final review meeting to discuss your performance and progress to date during your probationary period. This is in accordance with the Trust's Probationary Policy (a copy of which has been provided to you previously).

The meeting will be held at [time] on [date] at [place]. If the time, date or venue is not suitable for you, please let me know and we can reschedule the meeting.

This meeting will cover work performance over the probationary period to date and take account of your informal supervision meetings, the first formal review meeting and any progress or problems since those meetings. Please could you let me know if there are any specific issues that you would like to discuss at the meeting, for example if you have encountered any problem areas in your new job or if you are unclear about anything.

I will make a written record of the final review meeting using the Trust's Probationary Final Review Record Form, and provide a copy to you within five working days, together with written confirmation of the outcome of the probationary review. This will inform you whether your employment with the Trust is confirmed, the probationary period is extended, or the employment is to be terminated. A copy of the form and outcome letter will also be placed on your personnel file.

As you have previously been given a written warning you may be accompanied at this meeting by a Trade Union Representative or a workplace colleague. *

Yours sincerely

Name
Job Title

** delete as appropriate*

Probationary Period Final Review Record Form

Employee's Name:	
Job Title:	
Ward / Department:	
Manager's Name:	
Manager's Job	
Title:	
Date of Review:	
Manager's Comments	
Employee's Comments	
Actions Agreed:	
Date of Next Review: (if required)	
Outcome:	<input type="checkbox"/> Confirmation of Employment <input type="checkbox"/> Extension of Probationary Period <input type="checkbox"/> Termination of Employment
Employee's Signature:	
Manager's Signature:	
Date:	

Private and Confidential

Name
Job Title
By Hand

DEPARTMENT
Broomfield Hospital
Court Road
Broomfield
Chelmsford
Essex
CM1 7ET

Main Switchboard - 01245 362000

DATE

Dear []

I am writing to you to confirm that you have successfully completed your probationary period and therefore I have pleasure in confirming your appointment on a [*substantive/fixed term**] basis.

Under the terms of your contract your notice period will increase to [Number] months.

Your other terms and conditions of employment remain as previously notified to you.

Yours sincerely

Name
Job Title

** Delete as appropriate*

Private and Confidential

Name
 Job Title
 By Hand

DEPARTMENT
 Broomfield Hospital
 Court Road
 Broomfield
 Chelmsford
 Essex
 CM1 7ET

Main Switchboard - 01245 362000

DATE

Dear []

Further to your probationary review meeting on [date], I am writing to confirm that your probationary period has been extended by [*insert duration of extension – maximum 3 months*]. This is because of [*summarise reasons for extension*]. In accordance with the Trust Probationary Period, this extension has been authorised by [name – this must be a manager at least 2 bands higher than the employee].

To assist you in reaching the required standard of performance / conduct * we agreed the attached action plan. Please sign and return it to me and retain a copy for your reference.

We will review your progress during the remainder of your probationary period and in this connection we agreed to meet again at [time] on [date] to discuss your progress towards achieving the action plan.

Your final review meeting has been provisionally scheduled for [date] at which a final decision on your continued employment will be made. However, if you fail to make sufficient progress either during or by the end of your extended probationary period, this is likely to result in your dismissal.

I hope that following this further period of probationary employment you will be able to achieve sufficient improvement and if I can be of further assistance please do not hesitate to contact me.

Yours sincerely

Name
Job Title

**delete as appropriate*

Private and Confidential

Name
Job Title
By Hand

DEPARTMENT
Broomfield Hospital
Court Road
Broomfield
Chelmsford
Essex
CM1 7ET

Main Switchboard - 01245 362000

DATE

Dear []

I am writing to you to following the final review meeting held on [DATE] under the Trust Probationary Period Policy. You were accompanied at the meeting by [NAME] and [NAME], HR Manager, was also present.

At the meeting we discussed the significant concerns that I have regarding your performance/conduct *, which were [details of concerns].

As you have not achieved the required standards of performance/conduct *, I am giving you one weeks' notice that your employment with the Trust will be terminated on [DATE].

You have the right of appeal against this decision. If you wish to appeal this must be done in writing to the Director of Human Resources within 14 calendar days of receipt of this letter. You must clearly state the grounds of your appeal.

Yours sincerely

Name
Job Title

** Delete as appropriate*

Equality Impact Assessment (EIA)

Title of document being impact-assessed: Probationary Period Policy

Equality or human rights concern. (see <i>guidance notes below</i>)	Does this item have any differential impact on the equality groups listed? Brief description of impact.	How is this impact being addressed?
Gender	Impact of the policy is neutral	
Race and ethnicity	Impact of the policy is neutral	
Disability	Impact of the policy is neutral	
Religion, faith and belief	Impact of the policy is neutral	
Sexual orientation	Impact of the policy is neutral	
Age	Impact of the policy is neutral	
Transgender people	Impact of the policy is neutral	
Social class	Impact of the policy is neutral	
Carers	Impact of the policy is neutral	

Date of assessment: 8 October 2015

Names of Assessor (s).....Nona Stevenson