

PROBATION PERIOD PROCEDURE

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PROCEDURE SUMMARY

The probation period procedure is set out to allow time to clarify the job duties, responsibility and required standards and to identify any support or development opportunities to meet the needs of new employee's.

It confirms the processes and tools in place to ensure it is fair and consistent across the Trust.

This procedure will also need to be read in conjunction with the Trust's Probation Period Policy.

The Trust monitors the implementation of and compliance with this procedure in the following ways;

Audits are performed regularly on this procedure by the HR Department and reported as required through HR Management Team Meeting. Where appropriate, any issues identified will be escalated to the relevant Senior Management Team and action will be taken to rectify.

Services	Applicable	Comments
Trustwide	✓	

The Director responsible for monitoring and reviewing this procedure is the Director of Corporate Governance and Strategy

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

PROBATION PERIOD - PROCEDURE

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PROBATION PERIOD PROCEDURE

Assurance Statement

Essex Partnership NHS Foundation Trust aims to work with new employees to ensure that they adapt to their new working environment and understand the responsibilities and standards expected of them. New employees will be provided with suitable support to enable them to achieve this.

1.0 INTRODUCTION

- 1.1 This procedure supports the Policy on Probationary Periods and should be used as a tool to ensure new employees are given the opportunity to demonstrate their suitability for the post which they have been appointed to.

2.0 PURPOSE OF PROBATION PERIODS

- 2.1 The contract of employment will clearly state that within the first 6 months of the appointment it will be treated as a probationary period. The probationary period does not apply to Fixed Term Contracts of 6 months or under, or to new internal appointments (as these are managed through the capability policy and procedure) therefore this will not be included in these contracts of employment.
- 2.2 A probation period allows new members of staff to integrate comfortably into the new working environment both within the department and the Trust as a whole.
- 2.3 The probation period will provide an opportunity for the Trust to assess the new member of staff's performance, conduct and capability to undertake their role (please see 3.2) and to identify any problems or potential problems and address these quickly. This includes the successful completion of the Care Certificate for the appropriate employee group.
- 2.4 If a new member of staff wishes to leave the Trust at any point during the probation period they are required to provide 1 weeks' notice in writing to their line manager.

3.0 PROCESS FOR MANAGING PROBATION PERIODS

- 3.1 Line managers should ensure that the new member of staff is aware of the requirements and standards of the role, identify any training needs, explain the probation process and confirm the dates of meetings during the probation period. This should be completed by the end of the first week of employment.

In the absence of the line manager, an alternative manager should ensure that this is completed in a timely manner.

- 3.2 During the probation period, line managers should assess new members of staff against the requirements of the role. For example managers may wish to consider the following:

- quality / quality of work / attendance / time keeping
- lack of knowledge, skill or ability, resulting in a failure to be able to carry out their required duties and responsibilities to an acceptable standard.
- relationships with colleagues and wider contacts
- relationships with patients / clients
- training requirements
- completion of the competencies for the Care Certificate for the appropriate staff group

- 3.3 Line managers should meet with the new member of staff at regular intervals as part of their induction and probationary reviews. Formal meetings should be arranged as follows:

- after 1 month;
- after 2 months;
- after 3 months;
- after 4 months;
- after 5 months, and
- mid-way through the 6th month.

These meetings should be in addition to meetings required as part of the induction process.

Any concerns should be raised clearly, evidenced, given in good time and noted in writing to enable the employee the opportunity to improve performance and/or address capability and conduct.

All meetings should be documented using the Probationary Review Form, Appendix 1. Objectives, targets, training needs and agreed actions should be recorded including timescales for completion using the Probationary Performance Improvement Plan, Appendix 2. If any problems or potential problems are identified these should be discussed with the new member of staff and agreed action documented.

Achievements should also be discussed and noted. Line managers should seek advice from the Human Resources department where new members of staff are not meeting the required standards of performance, conduct and/or capability.

In addition to formal meetings the line manager should maintain informal contact with the new member of staff throughout the probation period.

3.4 At the 6th meeting, at which a member of the HR team may be present, the line manager will confirm the employment position:

- If the new member of staff is meeting the required standards of performance, conduct and capability to carry out their role the probation period will end. A copy of the Probationary Review Form Appendix 1 and Probationary Performance Improvement Plan, Appendix 2 completed at the final meeting confirming successful completion of the probation period and should be forwarded to the relevant Human Resources department. The employee will then be issued with a letter confirming their successful probation period by their Line Manager.
- If the new member of staff is not meeting the required standards of performance, conduct and/or capability to carry out their role, in exceptional circumstances, the probation period may be extended for up to a further 3 months. This could be applicable where reasonable adjustments or training are needed to enable the employee to adequately perform in their role and goes beyond the 6 months, or where there has been a long period of absence and assessments have not been possible to carry out during the initial 6 month period. The individual must be made aware of the reasons for the extension and an agreed plan should be made to achieve the required improvement. Line managers must take advice from their Human Resources Department prior to extending the probation period.
- If the new member of staff is not meeting the required standards of performance, conduct and/or capability to carry out their role, following appropriate levels of support and training then the individual will be informed that their contract of employment will be terminated providing 1 weeks' notice:

In order to do so the Line Manager will write to the individual, providing a minimum of 5 days' notice, inviting them to attend a final outcome meeting. The individual should be informed that the outcome may result in termination of the individual's employment. The individual will be advised of their right to representation by an accredited Trade Union Representative, where applicable, or work colleague. The Line Manager will be supported by a member of their HR team. The outcome of the meeting will be confirmed in writing to the individual within 3 working days, which will include details of their right to appeal.

Extended Probation Periods

3.5 When it is necessary to extend the probation period of a new member of staff formal meetings should continue as follows:

- after 7 months;
- after 8 months, and
- midway through the 9th month.

These should be documented using the Probationary Review Form, Appendix 1 and the Probationary Performance Improvement Plan, Appendix 2. Informal support should also be provided to assist the individual in achieving the required standards of performance, conduct and/or capability.

3.6 During the 9th meeting the line manager and the new member of staff will discuss the individual's performance, conduct and/or capability during the probation period and the employment contract position will be confirmed:

- If the new member of staff is meeting the required standards of performance, conduct and capability to carry out their role the probation period will end. A copy of the final Probationary Review Form Appendix 1 and the Probationary Performance Improvement Plan, Appendix 2 confirming this should be forwarded to the relevant Human Resources department. The employee will then be issued with a letter confirming their successful probation period by their Line Manager.
- If the new member of staff is not meeting the required standards of performance, conduct and/or capability to carry out their role, following appropriate levels of support and training then the individual will be informed that their contract of employment will be terminated providing 1 weeks' notice:

In order to do so the Line Manager will write to the individual, providing a minimum of 5 days' notice, inviting them to attend a final outcome meeting. The individual should be informed that the outcome may result in termination of the individual's employment. The individual must be given their right to representation by an accredited Trade Union Representative, where applicable, or work colleague. The Line Manager will be supported by a member of their HR team. The outcome of the meeting will be confirmed in writing to the individual within 3 working days, which will include details of their right to appeal.

4.0 TERMINATING THE EMPLOYMENT CONTRACT EARLIER IN THE PROBATION PERIOD

- 4.1 If at any point during the probation period it becomes clear that the new member of staff is unable to fulfil the requirements of the role, the Trust may terminate the individual's contract of employment as outlined below. The line manager should seek advice from the Human Resources department as soon as issues of this nature become apparent.
- 4.2 This action can only be taken where it is evident that the probation period reviews have been undertaken in line with the process as detailed in Section 3 and it would not be possible to improve performance satisfactorily, or if their conduct has been continuous and the employee has shown no improvement or where there is a genuine lack of capability, rather than a deliberate failure on the part of the employee to perform to the standards of which they are capable. The Trust may terminate the individual's contract of employment giving 1 weeks' notice. The manager will convene a final outcome meeting giving the individual a minimum of 5 days' notice. A member of the Human Resources team will be present at this meeting and the member of staff may be accompanied by a Trade Union Representative or a work colleague if they wish. The individual should be informed that the meeting may result in the termination of the employee's contract of employment during their probationary period

Where an employee has misrepresented their skills, abilities and/or qualifications at interview and they are unable to carry out the role as a result of this, the Trust may terminate the individual's contract of employment giving 1 weeks' notice as in section 4.1. The manager will convene a final outcome meeting giving the individual a minimum of 5 days' notice. A member of the Human Resources team will be present at this meeting and the member of staff may be accompanied by a Trade Union Representative or a work colleague if they wish. The individual should be informed that the meeting may result in the termination of the employee's contract of employment during their probationary period

- 4.3 Any allegations of gross misconduct/misconduct put to an employee during their probationary period will be investigated by the line manager through the gathering of statements or interviews as appropriate; this information will be compiled and presented to the next level of line management. The individual will also be given the opportunity to put forward their statement of case. The manager will then convene a final outcome meeting giving the individual a minimum of 5 days' notice. A member of the Human Resources team will be present at this meeting and the member of staff may be accompanied by an accredited Trade Union Representative, where applicable, or a work colleague if they wish. The individual should be informed that the meeting may result in the termination of the employee's contract of employment during their probationary period.

- 4.4 The line manager will inform the member of staff of the reasons for the decision taken in the final outcome meeting and confirm the outcome of the meeting in writing within 3 working days.

5.0 APPEALS AGAINST TERMINATION OF EMPLOYMENT DURING THE PROBATION PERIOD

- 5.1 If a new member of staff wishes to appeal against the decision to terminate their employment during the probation period they should complete the Appeal Form, Appendix 3. This should be forwarded to the next level of management within 10 days (not including Public Holidays) of receipt of written confirmation that their employment has been terminated.

- 5.2 The Manager will review all the documentation from the probation period e.g. review forms and will arrange a meeting with the member of staff to discuss their reasons for appeal.

A member of the Human Resources team will be present at this meeting and the individual may be accompanied by an accredited Trade Union, where applicable, or a work colleague if they wish.

- 5.3 The Manager will confirm a final decision in writing within 3 working days of the meeting. This will complete the appeal process.

END