

## **Your Performance Matters – Probation Policy and Procedure**

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## Your Performance Matters – Probation Policy and Procedure

### Version Control Sheet

Version	Section / Para / Appendix	Version / Description of Amendments	Date	Author / Amended by
1		New Policy	February 2014	Pam Leverton
2		Full Review	May 2016	Rachel Madge
3		Full Review	September 2018	Francesca Civitillo
4		Updated Monitoring Template and Equality Analysis	March 2019	Francesca Civitillo
4.1	Section 6 – Final Formal Probation Period Review	Minor amendment – notice period for employees during probation period	September 2019	Francesca Civitillo
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# **Your Performance Matters – Probation Policy and Procedure**

## **Policy Statement**

### **Statement**

This policy and procedure applies to all new employees and the aim is to ensure consistent and fair treatment for all in the organisation.

This policy provides a framework for the management of probation periods and the actions to be taken during that time.

Lincolnshire Community Health Services NHS Trust is committed to ensuring that all staff have the opportunity to develop in role to reach their potential. It is also essential that we have robust assurance that performance management systems are in place to enable the organisation to meet its core values and The LCHS Way “We listen, We Care, We Act, We Improve”.

Every member of staff has a personal responsibility to achieve and sustain high standards of performance and conduct at all times and to comply with this policy.

### **E&D statement**

This policy aims to meet the requirements of the Equality Act 2010 and ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.

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## **1. Principles**

- The six month probation period is set as the recognised amount of time that is sufficient for a line manager to make a realistic assessment of an employee's suitability for the post following a recruitment and selection process, and before committing to substantive employment arrangements, and enables a line manager to ensure that any skills gaps or training needs are identified and addressed to enable the employee to meet the expectations of the organisation.
- All new employees whether full or part time, fixed term or permanent, are required to successfully complete a probation period of six months including those having previously worked in a bank or agency capacity. This will only be varied in exceptional circumstances and where advice has been sought from HR.
- Employees who move roles internally within the Trust will not be subject to a probation period unless they are still within their probation period at the point of transfer, in which case, it will be expected that management of the probation period continue as set out in this policy.
- Line managers need to take account of the need for sufficient management time and effective methods to facilitate a local induction, set expectations, monitor progress, and conduct probation period reviews to agreed timescales set out in this policy, along with routine 1-1 meetings where it is not set out that a probation period review is required.
- Non-confirmation in post dismissals can take place at any stage during the probation period providing the first formal probation period review meeting has taken place and the employee has been made aware that the issues or concerns are putting their continued employment at risk.
- Employees may be represented or accompanied, if they wish, by a trade union representative or staff side/work colleague at any formal meeting.

## **2. Local Induction**

Following Corporate Induction, all new employees should be subject to a local induction programme upon commencement, facilitated by the line manager, to ensure that new employees have the opportunity to become familiar with the practices and procedures of the organisation and receive the appropriate support and any training and development to enable them to perform their role to the required standards in line with their job description.

## **3. Expectation Setting**

As part of the local induction, line managers must meet with new employees to clarify their understanding of;

- The probation period process, and that failure to perform at the expected standard throughout the probation period will result in the end of the individual's employment.
- What is expected from the outset of employment in relation to performance and behaviour and how this is monitored.
- The objectives to be met during the probation period.
- Available support, training and development.

A record of the meeting should be documented and shared with the employee.

#### **4. Issues or Concerns**

It is vital that line managers raise and address any issues or concerns as soon as they arise and give appropriate support to assist the employee to attain the required level. Action plans should be clearly documented defining the shortfalls in performance, the required outcomes, the support that will be provided to assist achievement and associated timescales.

The line manager must make the employee aware that if the standard is not improved, this may jeopardise continued employment.

A record of the meeting should be documented and shared with the employee.

#### **5. First Formal Probation Period Review**

The line manager should arrange to meet with a new employee for a first formal probation period review by the end of month three.

The purpose of this meeting is to review the probation period and the individual's ability to perform in the post. In making their assessment, a line manager will consider;

- Progress of objectives set.
- Performance against the job description and any areas of shortfall in performance.
- Attendance, and if the new employee is demonstrating higher than expected sickness absence as outlined in the Your Attendance Matters Policy.
- Competence, and ensure training and development needs are being met.
- Behaviour and conduct in accordance with Trust Values, behavioural standards and the LCHS Way.
- The expected level of progress in relation to any essential training requirements associated with their role e.g. The Care Certificate, Case Manager training etc.

Where issues or concerns have been identified and addressed, the line manager must reiterate to the employee that if the standard is not improved, this may jeopardise continued employment.

#### **6. Final Formal Probation Period Review**

The line manager should arrange to meet with new employees for a final formal probation period review by the end of month six, or prior to the end of the agreed extended probation period.

The purpose of this meeting is to review the probation period and the individual's ability to perform in the post and to confirm whether or not the employee has successfully completed their probation period. In making their assessment, a line manager will consider the same factors as at the first formal probation period review meeting.

Where it is not possible to complete the final formal probation period review meeting within the above timeframe, this must be confirmed in writing to the employee and the meeting arranged for the earliest opportunity. It is noted that this situation should occur in exceptional circumstances only e.g. sickness absence. Where the final formal probation period review meeting does not take place within the above timeframe without documentation to support the rationale for this, by default, the probation period will be classified as successfully completed.

Outcomes of a final formal probation period review meeting will normally be either:

- **Confirmation in post**

Where performance is assessed as satisfactory, the line manager will confirm the successful completion of the probation period to the employee and submit a copy of the outcome letter to HR.

This outcome letter acts as an addendum to the contract of employment and confirms substantive employment in post and as a result, the notice requirements to terminate employment will be as detailed in the contract. Should an employee wish to resign during the probation period prior to confirmation in post, it would be encouraged for the employee to discuss the required period of notice with the line manager, however, ordinarily; a period of one month's notice would be required.

The line manager will confirm the employee's future objectives and identify any further training and development which will support the employee in their role, along with confirming arrangements for future routine 1-1 meetings.

- **Extension**

Where performance cannot be assessed as satisfactory but the employee has demonstrated improvements / achievements, the line manager may extend the probation period to allow additional time for the employee to demonstrate their suitability for the post e.g. following return from a period of long term absence during the probation period.

The extension should be no longer than three months and a date for an additional final formal probation period review meeting should be arranged to take place prior to the end of the agreed extended probation period.

Action plans should be clearly documented defining the shortfalls in performance, the required outcomes, the support that will be provided to assist achievement and associated timescales. The line manager must make the employee aware that failure to perform at the expected standard throughout the probation period will result in the end of their employment.

The line manager will confirm the extension of the probation period to the employee and submit a completed change form (EF2) to HR along with a copy of the outcome letter.

- **Non confirmation in post – Dismissal**

Where performance is assessed as unsatisfactory and where it is clearly demonstrated that the employee is not capable of carrying out their duties despite training and support being provided, the line manager should approach a Deputy Director or other appropriate senior manager for consideration of dismissal.

Where the final formal probation period review meeting could potentially result in non-confirmation of post, the employee should receive a written invitation to the meeting. A maximum of two dates will be offered allowing seven calendar days' notice of the meeting. Following which, should the employee be absent without reasonable mitigation, an outcome will be decided in absentia.

At the meeting, supported by a HR Representative, the line manager will describe the shortfalls in performance and provide examples of this, explore the reasons for the unsatisfactory performance, and confirm the steps that have been taken to address the

problems and support the employee. The employee will be given the opportunity to respond and state their case before any decision is made.

Where no mitigation is presented, the line manager will confirm to the employee the termination of their employment on the grounds of capability and submit a completed termination form (EF3) to HR along with a copy of the outcome letter including the right of appeal against the decision.

Termination will take immediate effect, subject to one month's notice paid in lieu. The individual will not be required to work during their notice period.

The line manager should ensure appropriate assets are returned to LCHS, and that all IT access is terminated with immediate effect.

## **7. Appeals**

An employee who wishes to appeal against a decision to dismiss, must do so in writing stating the grounds for appeal within seven calendar days of confirmation of the meeting outcome in writing.

The appeal will be heard by an appropriate manager independent and of a level of seniority above that of the manager who confirmed the dismissal decision, supported by a HR Representative. Additional panel members may also be invited where this is deemed necessary.

It is open to those hearing the appeal to uphold the appeal, or to confirm the decision applied at the previous stage, or to reach an alternative decision according to their judgement as to the appropriateness of the decision at the previous stage having regard to all the circumstances of the matter.

The panel will hear the appeal and decide the case as impartially as possible. The decision given at the stage of an appeal is final.

## **8. Record-keeping**

The line manager will provide written confirmation of formal outcomes to the employee and record on the Intranet system that a review has been undertaken, providing a copy of documentation to HR for retaining on the employee personnel file.

## Monitoring Template

This template should be used to demonstrate compliance with NHSLA requirements for the policy where applicable and/or how compliance with the policy will be monitored.

Minimum requirement to be monitored	Process for monitoring e.g. audit	Responsible individuals/group /committee	Frequency of monitoring /audit	Responsible individuals / group / committee (multidisciplinary) for review of results	Responsible individuals / group / committee for development of action plan	Responsible individuals / group / committee for monitoring of action plan
Record of all probation period extensions and dismissals	ER Tracker	Operational Managers Practitioner Performance Review Meetings Workforce and Transformation Executive Group	Annual	Practitioner Performance Review Meetings Workforce and Transformation Executive Group	Operational Managers Practitioner Performance Review Meetings	Operational Managers Workforce and Transformation Executive Group

## Equality Analysis

**Name of Policy/Procedure/Function: Your Performance Matters – Probation Policy and Procedure**

**Equality Analysis Carried out by: Francesca Civitillo**

**Date: 20<sup>th</sup> March 2019**

**Equality & Human rights Lead: Rachel Higgins**

**Date:**

**Director\General Manager: Marie Fosh**

**Date:**

**\*In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.**

### Section 1 – to be completed for all policies

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	This Policy details the use of probationary periods within Lincolnshire Community Health Services NHS Trust (LCHS) and ensures consistent application and use for all involved in the process. Probationary periods are considered necessary to allow LCHS to review the behaviour and performance of new members of staff and ensure that any skills gaps or training needs are identified and addressed to enable the employee to meet the behaviour expectations of the organisation. The probationary period is set as the recognised amount of time that is sufficient for a line manager to make a realistic assessment of a member of staff's performance and suitability for the post.
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? <b>Please give details</b>	All Trust employees.
C.	Is there is any evidence that the policy\service relates to an area with known inequalities? <b>Please give details</b>	

D.	Will/Does the implementation of the policy/service result in different impacts for protected characteristics?			
		Yes	No	
	Disability		X	
	Sexual Orientation		X	
	Sex		X	
	Gender Reassignment		X	
	Race		X	
	Marriage/Civil Partnership		X	
	Maternity/Pregnancy		X	
	Age		X	
	Religion or Belief		X	
	Carers		X	
<p><b>If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2</b></p>				
The above named policy has been considered and does not require a full equality analysis				
<b>Equality Analysis Carried out by:</b>		Francesca Civitillo		
<b>Date:</b>		20 <sup>th</sup> March 2019		