

Your Performance Matters – Probation Policy and Procedure

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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 |
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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.

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 Workforce.
- 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 Workforce Services.

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.

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 Workforce Services 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 Workforce 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 Workforce Services 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 Workforce 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 Workforce Services for retaining on the employee personnel file.

NHSLA 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 |
|--|-----------------------------------|--|--------------------------------|---|--|---|
| Workforce Services maintain record of all probation periods and outcomes | Audit | SHRBPs/ HR Advisors | Monthly | SHRBP's | SHRBP's | Trust Board / JCNC |

Equality Analysis

Name of Policy
Your Performance Matters – Probation Policy for New Employees

Equality Analysis Carried out by: Rachel Madge

Date: 5/7/16

Equality & Human rights Lead: Rachel Higgins

Director\General Manager:
Maz Fosh

***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? Please give details | No |
| C. | Is there is any evidence that the policy\service relates to an area with known inequalities? Please give details | No |

| | | | | |
|--|---|--|----|---|
| D. | Will/Does the implementation of the policy/service result in different impacts for protected characteristics? | There is a possibility the policy could impact on people with a disability | | |
| | | Yes | No | |
| | Disability | x | | The policy could impact on people who have to take time off for treatment or appointments related to their disability |
| | 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 | |
| | 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 | | | |
| The above named policy has been considered and does not require a full equality analysis | | | | |
| Equality Analysis Carried out by: | | | | |
| Date: | | | | |

Section 2- Full Equality Analysis

| How does the policy/service impact differently on people from any of the Protected Groups? | | | | |
|--|-----------|-----------------|----------------|--|
| | No Impact | Positive Impact | Neutral Impact | Please describe the impact for each of the protected groups and outline the evidence for your conclusion |
| Disability | | | X | <p>Attendance is considered as part of the probation period review.</p> <p>Sickness absences resulting from pregnancy or pregnancy related illnesses will normally be discounted under the attendance procedure. However this may not always be the case and the following should be noted:</p> <ul style="list-style-type: none"> • pregnancy or pregnancy related illnesses will still be recorded on an employee's sickness absence record • the employee's manager will still carry out return to work discussions, explaining that the relevant absences have been discounted and will discuss with the employee whether assistance from Occupational Health would help with attendance problems, including consideration of any reasonable adjustments • absences may be counted where it is justifiable to do so and in these circumstances employee's will be given advance warning that future absences will no longer be discounted |
| Sexual Orientation | | | X | |
| Sex | | | X | |
| Gender Reassignment | | | X | |
| Race | | | X | |
| Marriage/Civil Partnership | | | X | |
| Maternity/Pregnancy | | | X | |
| Age | | | X | |
| Religion or Belief | | | X | |

General Duty

Now consider and detail below how the policy impacts on elimination of discrimination, harassment and victimisation, advances the equality of opportunity and promotes good relations between groups. Where there is evidence, address each protected characteristic (Disability, Sexual Orientation, Sex, Gender Reassignment, Race, Marriage/Civil Partnership, Maternity/Pregnancy, age, Religion and Belief)

| | |
|---|----------------------|
| Eliminate discrimination, harassment and victimisation | No negative feedback |
| Advance equality of opportunity | No negative feedback |
| Promote good relations between groups | No negative feedback |

Engagement and Involvement

| | |
|---|---|
| How have you engaged stakeholders in gathering evidence? | Consultation via human resource colleagues and staff side representation |
| Have you engaged stakeholders in consulting on the policy proposals? | Individual feedback |
| For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs: | Circulated via email and discussed as agenda item during Trust Policy Group |

Human Rights Assessment Tool

The Human Rights Act, which came into force in October 2000, incorporates into domestic law the European Convention on Human Rights to which the UK has been committed since 1951. Section 6 of the Human Rights Act makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The underlying intention of the Act is to create a Human rights culture in public services.

| | | Yes/No | Comments |
|---|---|--------|----------|
| 1 | Will it affect a person's right to life? | No | |
| 2 | Will someone be deprived of their liberty or have their security threatened? | No | |
| 3 | Could this result in a person being treated in a degrading or inhuman manner? | No | |
| 4 | Is there a possibility that a person will be prevented from exercising their beliefs? | No | |
| 5 | Will anyone's private and family life be interfered with? | No | |

If the answer is "yes" to any of the above questions on the proforma can the policy be amended to avoid impacting on Human Rights? If not, please refer it to the Equality & Human Rights Lead for advice and guidance.