



# Managing Probation Policy

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## Managing Probation Policy

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## **1. Introduction**

Staff who join the Trust (excluding teachers) are contractually required to complete a 6-month probationary period (typically), which serves to ensure that new employees are supported to perform to the standard expected of them and ultimately, to ensure that they have the required knowledge, skills and ability to carry out their appointed role. This policy outlines how a new employee's probation period should be managed in order to ensure a fair and consistent approach.

## **2. Scope**

2.1 This policy applies to all Trust employees currently working within a probation period (which typically lasts for 6 months, but can be extended in exceptional circumstances). Any performance issues which arise beyond the probation period should be managed in accordance with the Trust's Performance Management Policy, or Capability Policy.

2.2 For fixed-term members of staff, this policy should still be applied irrespective of the length of the contract in recognition of the fact that fixed-term contracts may be extended.

## **3. The Probation Period**

3.1 The probation period lasts for a minimum of 6 months from the date of appointment, but may be extended in exceptional circumstances. Extensions would not typically extend beyond a further 3 months (i.e. making a probation period of 9 months in total).

3.2 The probation period typically consists of the following structured meetings, with informal discussion taking place around these as required:

- Induction Meeting (first week)
- First Review Meeting (1-2 months)
- Second Review Meeting (3 – 4 months)
- Final Review Meeting (month 6 – in advance of probation end date)

3.3 The aims of the probation period are to:

- Maximise the support provided to new employees in order to assist the effective performance of their duties at work, and to ensure that they have the required knowledge, skills and ability for the role to which they have been appointed
- Contribute to a culture of excellence within the Trust
- Encourage communication and dialogue around performance during the early stages of employment with the Trust
- Ensure the Trust acts in a fair, reasonable and consistent manner when dealing with performance management issues during the probation period

- 3.4 Throughout the probation period, the new employee's performance and development should be regularly discussed. This includes holding Review Meetings as outlined below, in addition to routine management.
- 3.5 Where conduct or attendance issues arise during probation, they will be managed in line with the principles of the Trust's Managing Attendance Policy or Disciplinary Procedure as appropriate. Due to the short-nature of the probation period, such cases may progress immediately to the final stages of these policies.
- 3.6 Where an underlying medical condition or disability is affecting performance at work, advice should be sought from the Trust's HR Advisors.
- 3.7 Where it is established at an early stage that an employee is unsuitable for the role (and where there is documented evidence that the need for improvement has been discussed previously) it may be appropriate for the manager to consider ending the probation process early (i.e. dismissing the employee), without having to wait until the 6 month point. HR advice should always be sought in these circumstances.
- 3.8 During the probation period, the employee's employment may be terminated by giving one month's notice (by either party).
- 3.9 Where a probationary employee takes maternity, adoption or shared parental leave, then their probation period will be extended accordingly on their return from leave. HR advice should be sought in such cases to ensure all appropriate steps are taken to support the employee during their probation period.

#### **4. Starting the Probation Period**

- 4.1 All new staff should be fully supported to integrate into the Trust, their team, their working environment and their new role.

##### Induction

- 4.2 The probation process should work alongside a new employee's induction at both a local level and at a Trust-wide level to support them in feeling welcome in their new environment and allow new employees to learn the key elements of their job within a reasonable and realistic timescale.

- 4.3 Induction resources can be found on the Employee Induction web pages.

##### Induction Meeting

- 4.4 Managers should ensure that new employees are fully aware of the expectation of them in their new role. This typically involves outlining clear and measurable objectives or performance standards, particularly accounting for the requirements of the individual's job description. Training needs (including mandatory training) should also be identified and fulfilled for all new employees in order to ensure they receive all the relevant training required to support them in carrying out their role.

4.5 An Induction Meeting should take place within the first week to discuss the requirements of the new employee's role and the expectations during the probation period and beyond. The Form – Probation Review should typically be used to note the agreed objectives/performance standards as well as any training needs, support or adjustments required before being signed by both the employee and line manager to acknowledge agreement. These will be reflected upon throughout any subsequent probation discussions or meetings as outlined below.

## **5. Routine Management**

5.1 Day-to-day discussions are a quick, effective and informal tool for managers to gauge a new employee's performance whilst offering the opportunity for the new employee to raise any concerns or request any support they might need. Day-to-day discussions should therefore take place as often as required, normally at agreed intervals, to ensure that an appropriate level of support is available outside of the more structured interim and final review meetings.

## **6. Reviewing Progress and Performance**

6.1 Ongoing review, throughout the duration of the probation period, is vitally important and should be a mixture of routine management as well as more structured review meetings. Structured meetings should typically take place at around 1-2 months, 3-4 months then in the 6<sup>th</sup> month (final) as described below. Additional meetings may be held as appropriate.

## **7. First Review Meeting (1-2 months)**

7.1 A first review meeting should be scheduled, typically around the 1-2 month point to allow for a structured 'check-in' discussion. This ensures that the employee is settling into their new role and provides the opportunity for any concerns or problems to be raised and for early feedback to be provided on performance so far.

7.2 The same Form - Probation Review, used at the Initial Probation Meeting, can be used by managers to guide and record the discussion at this meeting. The form should be retained for reference and updating at the second review meeting.

7.3 Where it is identified at an early stage that improvement is required, managers should discuss with the employee the areas which are causing concern, before clearly outlining the expected level of performance. Any relevant objectives or timescales for improvement should be clearly outlined, and any supportive measures or adjustments should be recorded, implemented and reviewed. In such circumstances it may be appropriate to hold more structured review meetings on a more frequent basis. Depending on the level of underperformance, it may be appropriate at this early stage for managers to outline the risks of the employee's employment not being confirmed after probation, should their performance not improve.

7.4 Where an underlying medical condition or disability is affecting performance at work, advice should be sought from The Trust's HR Advisors.

7.5 Following the first review meeting, managers should continue to use supportive routine discussions as appropriate in order to support a high-level of performance, or to support the employee in improving their performance (where relevant).

## **8. Second Review Meeting (3 - 4 months)**

8.1 A second review meeting should be scheduled, typically around the 3 to 4 month point in order to review the employee's performance to date, specifically in relation to any objectives set. It is also a further opportunity to discuss any concerns or problems which may have arisen and to reflect on any training, development or support requirements, including reviewing the effectiveness of any supports which have already been put in place. Arrangements should also be made to undertake any mandatory training, if it has not yet been completed by this point.

8.2 The same Form - Probation Review, used at the initial and first probation meetings, can continue to be used by managers to guide and record the discussion at this meeting. The form should be retained for reference and updating at the final review meeting.

8.3 In any areas where improvement is required, the expected level of performance should be clearly outlined and any supportive measures or adjustments should be recorded, implemented and reviewed. Where improvement is required, it may be appropriate to hold more structured review meetings on a regular basis. It is also important in such cases that the employee is made aware that a determination will be made at the final review meeting (outlined below) as to whether or not their probationary performance has been satisfactory. In such cases where it is deemed that performance has not improved to a satisfactory level, then dismissal is a potential outcome of the final review meeting. In cases where it is apparent that dismissal may be a potential outcome, HR support should be sought at this early stage.

8.4 Following the second review meeting, managers should continue to use routine discussions to support a high-level of performance, or to support the employee in improving their performance if appropriate.

## **9. Final Review Meeting (month 6)**

9.1 The final review meeting should be held in advance of the probation end date. Whether or not the employee's performance has been satisfactory over the probationary period will determine how the meeting should be held, as per below:

### Satisfactory Probation Performance

9.2 Where satisfactory performance is demonstrated throughout the probation period, managers should hold a final review meeting in the normal way and record the outcome on the Probation Review form. The form should then be returned to the Trust Administrator, who will confirm the employee's successful probation in writing.

9.3 The employee should then be managed as normal, with any agreed supports maintained and reviewed on an ongoing basis as needed.

## Unsatisfactory Probation Performance

9.4 In cases where satisfactory performance has not been demonstrated despite a period of review and support, the employee should be invited to a more structured final review meeting and should be made aware that dismissal is a possible outcome of the meeting. HR advice should be sought in such circumstances and an HR Adviser should be present at the meeting. Appropriate template documentation is also available.

9.5 The employee should be given reasonable notice in writing of the final review meeting (typically no less than 5 working days) and be advised of their right to be accompanied by a Trade Union Representative or work colleague. The final review meeting in these circumstances will typically be conducted by the direct line manager involved throughout the probation period.

9.6 In such cases, the manager will consider the following at the final review meeting:

- The issues or problems which have been identified and discussed throughout the probation period
- The level of consultation which has taken place with the employee across their probation period
- The level of support offered to support an improvement
- The period of time over which performance has been assessed
- Any mitigating factors, or advice provided by Occupational Health
- Representations made by the employee or their representative

9.7 Following consideration of the above, a decision will be made regarding the outcome of the employee's probation period. This decision may be dismissal from employment with the Trust, with one month's notice (plus payment for any accrued but untaken annual leave).

Where a decision is taken to dismiss, full reasons for the decision should be communicated by the manager and confirmed in writing.

In some cases, an extension to the probation period may be considered as an alternative to dismissal. Where the probation period is extended, the further review meetings should be held as necessary however extensions should not normally take the probation period beyond 9 months in total. The process outlined within section 9 should be repeated as the 9-month point approaches.

9.8 In exceptional circumstances, cases may progress to this stage at an earlier point where it can be evidenced that an employee is clearly unsuitable for the role despite a reasonable level of support and guidance having been provided.

9.9 HR advice should be sought in cases where there may be visa implications as a result of any decision to dismiss an employee.

## **10 Appeals**

10.1 If an employee wishes to appeal the outcome of a decision taken at the final probation meeting, they should submit an appeal in writing outlining their full grounds for appeal, to the CEO within 5 working days of receipt of the Trust's decision. Employees should be notified that their appeal has been received.

10.2 The appeal stage is not intended to be a rehearing of the original case. Hence the grounds for appeal should typically fall within one of the following:

- Procedural error
- The outcome and recommendations are unreasonable and significantly out of line with the issues considered
- New information is now available which could not have reasonably been provided when the original outcome was communicated

10.2 The Trust will invite the employee in writing to attend an appeal hearing, normally within 10 working days of receipt of an appeal. The letter will advise the employee of their right to be accompanied by a work colleague or Trade Union Representative.

10.3 Appeals will be heard by a panel of Board members. Dismissal appeals will be heard by a panel of two.

10.4 The employee will normally be informed of the outcome in writing within 5 working days of the appeal meeting.

10.5 Where an appeal is upheld and an appellant is reappointed, it may be appropriate for them to return to their role subject to an ongoing probation period appropriate to the circumstances.

10.6 This exhausts the appeal procedure and there is no further right of appeal.

## **11. Review**

11.1 The policy will be reviewed every 3 years by the Trust and may be amended at any time following appropriate consultation.