

PROBATIONARY PERIODS POLICY

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SECTION A – POLICY

1. Policy Statement, Aims and Objectives

- 1.1. This policy describes the approach of NHS Barnsley Clinical Commissioning Group to the use of probationary periods for new employees.
- 1.2. A probationary period is a trial period during which the performance, conduct and attendance of the employee will be assessed by their line manager against the particular requirements of the role, the CCGs values and behaviours and expected standards of attendance and punctuality.
- 1.3. The probationary period, together with other measures such as induction, provides a consistent means by which new employees can be supported to become effective as quickly as possible.
- 1.4. The CCG has the right to terminate the contract of an employee at any time during the probationary period should they fail to meet the required standards. In the event of the contract being terminated the employee will be entitled to one month's notice which will normally be paid in lieu in the event of dismissal. If the reason for termination includes any suspicion of fraud, bribery or corruption, the matter should be reported immediately to the CCG's Counter Fraud Specialist Chris Taylor on 01709 428717 or christaylor2@nhs.net. The matter can also be reported to the CCG's Chief Finance Officer or the NHS Counter Fraud Authority via <https://cfa.nhs.uk/reportfraud> or by calling the national NHS fraud and corruption reporting line on 0800 028 4060.
- 1.5. A decision as to whether the probationary period has been successful or not will normally be made within 6 months of the date of commencement of employment. However if there are significant concerns highlighted at the review stage a decision may be taken to extend the probationary period for up to 12 months in totality.
- 1.6. On successful completion of the probationary period, the notice period as outlined in the employee's contract of employment will apply.
- 1.7. The development of this policy:
 - Ensures probationary periods apply to all new employees
 - Ensures the application of probationary periods is fair and consistent
 - Satisfies legislative requirements.

2. Legislation and Guidance

- 2.1. The following legislation and guidance has been taken into consideration in the development of this procedural document.

- Bribery Act 2010

3. Scope

- 3.1 This policy applies to those members of staff that are directly employed by NHS Barnsley CCG and for whom NHS Barnsley CCG has legal responsibility. It also includes agency workers and contractors.
- 3.2. Existing CCG employees who take up new posts within the CCG will not be subject to a probationary period nor will individuals who join the CCG due to the application of the Transfer of Undertakings Protection of Employment (TUPE) regulations.

4. Accountabilities and Responsibilities

- 4.1 Overall accountability for this policy lies with the Chief Officer. Responsibility is delegated to the following:

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| Head of HR | <p>Has delegated responsibility for:</p> <ul style="list-style-type: none"> • Leading the development, implementation and review of this policy • Advising managers and employees on the application of this policy • Working in partnership with managers and staff side representatives to ensure employees are treated fairly and consistently within the framework of the policy • Ensuring that all recruitment/contractual documentation reflects the requirement for probationary periods, with particular emphasis on correct notice periods |
| Head of Governance and Assurance | <p>Has delegated responsibility for:</p> <ul style="list-style-type: none"> • Maintaining an overview of the corporate ratification and governance process associated with the policy |
| Appointing Officers | <p>Have delegated responsibility for:</p> <ul style="list-style-type: none"> • Creating and implementing an induction plan for the employee including regular supervision arrangements • Agreeing induction and probationary review dates with the employee and to ensure those reviews are undertaken • Completing the probationary review form • Establishing clear objectives for the employee and for ensuring that training (including mandatory and statutory training) and development opportunities are identified, planned |

| | |
|-------------------|---|
| | <p>and undertaken by the employee</p> <ul style="list-style-type: none"> • Seeking advice from HR should the employee not be performing to the required standard • Making recommendations to the relevant Deputy/Chief/Associate Chief of Service/Chief Officer if they believe that the employees contract of employment should be terminated during, or at the conclusion of, the probationary period • Ensuring all related correspondence is held on the employees personal file • Ensuring, where necessary, that a workplace assessment is carried out and any reasonable adjustments required are implemented in a timely manner |
| All Staff | <p>Have the responsibility for:</p> <ul style="list-style-type: none"> • Performing to the best of their ability • Undertaking and agreed induction, training and development activities and to implement learning from these activities • Raising awareness of any training and development needs with their line manager as soon as possible |
| Staff Side | <p>Have responsibility to:</p> <ul style="list-style-type: none"> • Engage in consultation regarding the drafting of this Policy • Ensure they are familiar with the policy and procedure • Advise and support employees who are members of a recognised Trade Union |

5. Dissemination, Training and Review

5.1. Dissemination

5.1.1. The effective implementation of this procedural document will support openness and transparency. NHS Barnsley CCG will ensure all staff and stakeholders have access to a copy of this procedural document via the organisation's website.

5.1.2. This procedural document is located on the CCG website. A set of hard copy Procedural Document Manuals are held by the Governance Team for business continuity purposes and all procedural documents are available via the organisation's website. Staffs are notified by email of new or updated procedural documents.

5.2. Training

5.2.1. All staff will be offered relevant training commensurate with their duties and responsibilities. Staff requiring support should speak to their line manager in the first instance. Support may also be obtained through the Head of HR.

5.2.2. This policy should be read in conjunction with the following:

- Induction, Mandatory and Statutory Training Policy
- Recruitment and Selection Policy
- Disciplinary Policy
- Managing Performance Policy
- Access to Learning Policy
- Sickness Absence Policy
- Fraud, Bribery and Corruption Policy

5.2.3 A Managers Guide to the Probationary Periods Policy with standard letters included is located on the CCG intranet.

5.3. Review

5.3.1. As part of its development, this procedural document and its impact on staff, patients and the public has been drafted in line with NHS Barnsley CCG's Equality Duties. The purpose of the assessment is to identify and if possible remove any disproportionate adverse impact on employees, patients and the public on the grounds of the protected characteristics under the Equality Act.

5.3.2. The procedural document will be reviewed every three years, and in accordance with the following on an as and when required basis:

- Legislative changes
- Good practice guidelines
- Case Law
- Significant incidents reported
- New vulnerabilities identified
- Changes to organisational infrastructure
- Changes in practice

5.3.3. Procedural document management will be performance monitored to ensure that procedural documents are in-date and relevant to the core business of the CCG. The results will be published in the regular Governance Reports.

SECTION B – PROCEDURE

1.1 Introduction

- 1.1. A probationary period is a trial period during which the performance, conduct and attendance of the employee will be assessed by a manager against the particular requirements of the role, the organisational values and behaviours and expected levels of attendance and punctuality.
- 1.2. A decision about whether the probationary period has been successful will normally be made within 6 months of the date of commencement of employment. However, if there are significant concerns highlighted at earlier review stages, and there is no evidence of the required improvement being made, a decision to dismiss or to extend the probationary period may be taken before the end of the probationary period by the appropriate manager (see Section 5.3).
- 1.3. During the probationary period, the employee's performance, conduct and attendance will be reviewed by the manager and recorded as follows:
 - Induction review Week 1
 - Initial review Week 4
 - Intermediate review Week 12
 - Final review week 26

2.1 Contract of Employment and Related Policies and Procedures

- 2.1 During the probationary period the employee will be employed on a contract of employment and subject to a range of CCG policies and procedures. However the procedures regarding the management of sickness absence, performance and discipline will not apply and any areas of concern will be dealt with via the probationary period review process. This does not affect any statutory rights.
- 2.2 The details of the probationary period will be clearly set out in offer of employment letters and contracts of employment.
- 2.3 During the probationary period the employee will be required to give one month's notice to terminate their employment. The employee will be required to receive one month's notice of termination from the organisation which will normally be paid in lieu in the event of dismissal
- 2.4 Confirmation of the probationary period will be included in CCG Job Descriptions and Adverts.

3. Record Keeping

- 3.1 A record must be kept by the line manager of the outcome of every stage of the probationary period review and assessment process and this should be retained on the employee's personal file.
- 3.2 Records should include the probationary period assessment form (Appendix 1) and copies of any letters sent to the employee by their line manager concerning a need for improvement, an extension of the probationary period and the outcome of the probationary period review process.

4. Right to Representation

- 4.1 An employee is entitled to be accompanied at a probationary period review meeting should they wish. The employee may be accompanied by a Trade Union Representative or colleague not acting in a legal capacity.
- 4.2 A minimum of 5 working days' notice of each review meeting will be provided by the line manager who will take into account the right of the employee to representation when arranging the meeting.
- 4.3 It is the responsibility of the employee to arrange for their representative to attend as the review meetings will go ahead with or without a representative being present given the importance of adhering to the timetable laid down in this policy/procedure.

5. Extension to Probationary Periods

- 5.1 A probationary period should only be extended in exceptional circumstances, e.g. where the performance of the employee has not met the required standard, but it is felt that further time for review is necessary, e.g. due to lack of available support or because sickness has resulted in an inability to conduct meetings.
- 5.2 Any extension to the probationary period will be for not longer than 12 months after the employee commenced employment. The extension must be agreed between the line manager and the employee and must be approved by the relevant Deputy/Chief /Assistant Chief Officer or Chief Officer.
- 5.3 Any extension to the probationary period should be confirmed to the employee including the reasons for the extension together with the required standards/objectives and the support available to achieve the required performance standards.

6. Outcome of Probationary Period

- 6.1 Upon completion of the probationary period review meetings, including any extension to the probationary period, the line manager will either decide that the employee is to be confirmed in post or to recommend that they are dismissed.
- 6.2 This decision/recommendation, with reasons, will be confirmed in writing to the employee. A copy will be retained on the employee's personal file.
- 6.3 Where there is a recommendation that the employee be dismissed this will be subject to a written report by the line manager which will be considered by the Deputy/Chief /Assistant Chief Officer or Chief Officer and a HR representative. The decision to accept or reject the recommendation will be communicated to the employee in writing within 5 working days.

7. Right of Appeal

- 7.1 An employee has the right to appeal against a decision made to terminate their employment during, or at the end of, their probationary period.
- 7.2 The appeal process to be followed is in accordance with the Disciplinary Policy.

PROBATIONARY PERIOD – REVIEW FORM

| | |
|---------------------------------------|--|
| Name of Employee: | |
| Job title: | |
| Line Manager: | |
| Date Commenced in Post: | |
| Date of Review (specify week): | |

| KEY RESULT AREAS | Satisfactory | Unsatisfactory | Details of further experience, learning, coaching required | Comments from Employee |
|----------------------------------|---------------------|-----------------------|---|-------------------------------|
| Induction | | | | |
| Capability | | | | |
| Integration into the team | | | | |

| | | | | |
|--|--|--|--|--|
| Relationships with manager and Colleagues | | | | |
| Attendance | | | | |
| Time Keeping | | | | |

Signed:..... (Line Manager) Date:.....

Signed:..... (Employee) Date:.....

RECOMMENDED REVIEW SCHEDULE

| | |
|----------------------------|----------------|
| Induction Review | Week 1 |
| Initial Review | Week 4 |
| Intermediate Review | Week 12 |
| Final Review | Week 26 |

This schedule is intended as a guide and can be flexible and can be tailored to meet the needs of the line manager and employee, provided three review meetings are held.