

# Probation Policy

This policy explains the arrangements for and gives instruction on the length of probationary periods, the procedure, successful completion of the probationary period, terminating a contract during or at the end of the probationary period and notice periods.

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## Version Control and Summary of Changes

Version number	Date	Comments (description change and amendments)
1.0	10 July 2017	New policy
1.1	4 October 2017	Amended 6.2.1 to remove 'in line with the Trust Appraisal Policy'.
	4 October 2017	Amended 6.2.2 to add 'Managers may wish to undertake this review alongside the first appraisal (in line with the Trust Appraisal Policy).'
	4 October 2017	Section 6.5 amended to include process for additional bank posts when a probationary period is not successful.
	4 October 2017	Section 3.0 amended to include 'Substantive staff who retire and return within 3 months will not be subject to a probationary period.'
	4 October 2017	Appendix 2 amended to include documentation and sign off of initial objectives.
1.2	6 November 2018	Section 6.8 Absence and Probation added for guidance and clarity. Appendix 11 Privacy Impact Assessment
1.3	July 2020	Amended Section 6.4 Requirement for a further final review meeting during an extended probationary period to fit alongside flowchart (Appendix1)
	July 2020	Amended Appendix 5 to include confirmation in letter extending a probation period that a further final review will be held.
	July 2020	Amended of 'Bank' panel to correct wording of 'Temporary Workforce' panel throughout.
	July 2020	Amended Appendix 6 Template letter to 'Termination of contract within probationary period'
	August 2020	Amended Appendix 2 to include objective setting table
	August 2020	New paragraph added 6.7 Postponement of final review/appeal meeting
	November 2020	Amendment made to Section 6.8. Notice Periods. Change made to reflect a more compassionate offer of a paid notice period of 4 weeks to any individual being dismissed with PILON which is outside of the Trust's statutory obligations.
	November 2020	Amendment made to Appendix 6: Template termination of contract letter - to reflect increase in notice period to four weeks.

**For further information contact:**  
HR Advisory Team – 0116 295 7520  
**Equality Statement**

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all.

This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

In carrying out its functions, LPT must have due regard to the different needs of different protected equality groups in their area.

This applies to all the activities for which LPT is responsible, including policy development and review.

## **Due Regard**

LPT must have due regard to the aims of eliminating discrimination and promoting equality when policies are being developed. Information about due regard can be found on the Equality page on e-source and/or by contacting the LPT Equalities Team.

**The Due regard assessment template is Appendix 10 of this document.**

## **Summary**

All new members of staff appointed to LPT (excluding medical and dental staff), whether on a fixed term or substantive basis, are subject to a probationary period. This policy explains the arrangements for this and gives instruction on:

- The length of probationary periods
- The procedure
- Successful completion of the probationary period
- Terminating a contract during or at the end of the probationary period
- Notice periods.

Other policies and documents that can also be referenced are:

- Appraisal Policy
- Mandatory Training Policy
- Induction Policy

A summary flowchart of the probationary period process can be found at appendix 1 and the Probationary Period Review Form can be found at appendix 2.

## **1.0 Introduction**

A probation period is a period of time for a new member of staff to LPT to demonstrate their suitability to a role. It allows both the manager and the employee to take into account the individuals overall performance, attendance, behaviours and conduct, in the relation to the job in question and the values of the Trust, enabling objective assessment to be made as to whether they meet the required standards.

It is important that all members of staff newly appointed to the Trust take steps to understand, as detailed in section 6:

- A probationary period has been set, its length and structure
- The expected performance
- The measures in place to support them through the probationary period
- That they are responsible for demonstrating their suitability for the post
- That failure to meet the required standards could result in the termination of their contract at any point during the probationary period.

A good starting foundation for all new members of staff is attendance at the Trust Induction, completion of their local Induction, the undertaking of any mandatory or role specific training required and the commencement of any relevant preceptorship/competency/educational programmes. Further details of these can be found in the Induction Policy and the Mandatory Training Policy.

The Trust recognises that due to the nature of some roles there may be a requirement for newly appointed members of staff to undertake a preceptorship/competency/educational programme, or similar and that this may extend beyond the 6 months probationary period. In these circumstances the required standards of performance of the individual will be in line with, but not exclusively related to, expected progress against the programme they are undertaking.

For staff new to the Trust that are appointed into a role at the same banding as their previous role and have an incremental date under agenda for change; please note that this will be withheld until a satisfactory probation period has been completed, any queries around this should be discussed with the HR Advisory Team. At the successful achievement of the probation period the increment would be backdated, subject to compliance with the Appraisal Policy.

The policy will be applied fairly and consistently to all employees regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation; whether working full or part-time or whether employed under a permanent, temporary or fixed-term contract.

The NHS Constitution Staff Rights and Pledges ensure that all staff are provided with access to appropriate education and training for their jobs, and line management support to enable them to fulfil their potential. In addition the Staff Responsibilities within the NHS Constitution, expect that staff should aim to take training and development opportunities provided over and above those legally required of the post and that staff have a duty to accept professional accountability and maintain the standards of professional practice as set by the appropriate regulatory body

applicable to their profession or role and to act in accordance with the express and implied terms of their contract of employment.

Through its Vision and Values, the Trust is committed to providing the very best care for all its patients and in order to achieve this we will respect and support staff by providing them with reasonable development, advice and other support as appropriate and treating them fairly. In return all staff are expected to strive for excellence, to reflect, learn and improve what they do and put patient safety above all else.

## 2.0 Purpose

This policy has been developed to ensure that the Trust has the facility to review performance and support new members of staff during their initial months in post. If, despite the efforts of management and the individual, it becomes apparent that the individual is not suited to the position to which they were appointed, this policy provides the facility for either party to terminate the contract.

## 3.0 Scope

This policy applies to all new members of staff to the Trust employed under a contract of employment, excluding medical and dental staff.

It does not apply to staff who have internally transferred within the Trust unless they are still within their probationary period at the point of the transfer.

Substantive staff that retire and return within 3 months will not be subject to a probationary period.

Bank Workers who are appointed to a permanent or fixed term post within the Trust will be subject to a probationary period. No previous bank service will count towards the probationary period.

The following do not apply to staff during their probationary period:

- Disciplinary Policy and Procedure
- Management of Ill Health Policy and Procedure
- Supporting Performance Policy and Procedure.

It should be noted that the termination of a contract under the Probationary Policy does not constitute redundancy.

The Trust's Grievance Procedure does not apply where action, at any stage, is being taken under this Probationary Policy.

## 4.0 Definitions

Capability	Ability to perform duties to a satisfactory standard that is consistent with what is reasonably expected of an employee in relation to either their job description, KSF outline, professional standards or their agreed objectives.
Gross Misconduct	Conduct which is regarded as so serious as to be inconsistent with continuing employment by the Trust.
Misconduct	Conduct which breaches expected standards of behaviour or Trust policies/procedures.
Performance	The action or process of performing a task or function.
Probationary	A specific period of time which determines whether a new member of

Period	staff is able to meet the expectations of the job, the required standards of performance, attendance and behaviours.
Standards	The required or agreed level of quality.
Summary Dismissal	Dismissal without notice.

## 5.0 Roles & Responsibilities

<b>Chief Executive and the Trust Board</b>	The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively.
<b>Trust Board Sub-Committees</b>	Trust Board Sub-committees have the responsibility for ratifying policies and protocols.
<b>Managers</b>	Are responsible for implementing this policy and the procedures outlined within it, seeking advice from their HR Business Partner/Advisor at the earliest possible stage. They should ensure that all their employees are aware of the existence of this policy.
<b>HR Business Partners/Advisors</b>	Are responsible for supporting managers who are using this policy and will be present at meetings, where appropriate.
<b>Trade Unions</b>	Are responsible for supporting their members and providing them with advice in relation to this policy.
<b>All Trust Employees</b>	Have a responsibility to follow the procedures detailed in this policy. Employees also have a responsibility to: <ul style="list-style-type: none"> <li>• Support the Trust to achieve its Vision</li> <li>• To act at all times in accordance with the Trust's Values</li> <li>• Follow duties and expectations of staff as detailed in the NHS Constitution – Staff Responsibilities</li> <li>• To adhere to, at all times, any Professional and NHS Code of Conducts for their area of work.</li> </ul>

## 6.0 Policy Content

### 6.1. Length of Probationary Period

The appointment of every new member of staff (excluding medical and dental staff) to a post is subject to a 6 month probationary period.

For the appointment of a new member of staff on a fixed term contract of less than 6 months the probationary period will be for the duration of their contract and the elements of the procedure below will be undertaken in a shorter timeframe.

### 6.2. Probationary Period Procedure

The 6 month probationary period comprises of the following elements:

Timescale	Element	Further Details
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Within one month of commencing	Objective Setting	Section 6.2.1
Within three months of commencing	First Review Meeting	Section 6.2.2
No later than two weeks prior to the end of the probationary period	Final Review Meeting	Section 6.2.3

It is vital that any issues or concerns are dealt with promptly as they arise and appropriate support is given to the new member of staff to assist them to achieve the required standards. In these circumstances the line manager should meet with the employee more frequently to address any shortfalls. The concerns should be clearly documented and a copy of the notes given to the employee to ensure that they are clear about the required standards and outcomes. The Probationary Period Review Form at Appendix 2 can be used to document the meeting. A copy of the notes should be placed on their personal file.

If the standards of performance, attendance, behaviours or conduct do not improve, despite appropriate support, the line manager must inform their HR Business Partner/Advisor to discuss the next steps.

### **6.2.1. Objective Setting**

New members of staff should set their objectives, with their line manager or another person acting in that capacity, within one month of them commencing in post. These can be documented and signed off using the form at Appendix 2.

### **6.2.2. First Review Meeting**

The line manager will carry out this informal review within 3 months of the date of commencement. Managers may wish to undertake this review alongside the first appraisal (in line with the Trust Appraisal Policy). Its purpose is to:

- Measure and review the employee's performance, absence levels, behaviour and conduct against the job description and other relevant information, such as a KSF outline
- Review performance against their objectives
- Set any further objectives.

Positive feedback should be given, where applicable, and any areas of concern or required improvements must also be highlighted. The employee must be given an opportunity to ask questions, highlight any issues they may have and make suggestions about any support or training they think that they require.

If there are any areas for concern these should not be a surprise to the employee as they should have been picked up and discussed at the time the concern arose. There are three potential outcomes at this first review meeting:

1. Performance, attendance, behaviour and conduct is at (or above) the level required. In these circumstances ongoing monitoring will take place until the final review meeting.

2. Performance, attendance, behaviour or conduct is generally satisfactory, but there are areas for improvement. In these circumstances the appropriate support must be organised for the new member of staff to assist them to achieve the required standards. The concerns should be clearly documented and a copy of the notes given to the employee to ensure that they are clear about the required standards and outcomes. The Probationary Period Review Form at appendix 2 can be used to document the meeting. A copy of the notes should be placed on their personal file. In these circumstances ongoing monitoring and meetings will take place, as required, until the final review meeting.

3. Performance, attendance, behaviour or conduct is below that required. In these circumstances the line manager must make it clear to the employee that this is the case and their continued employment with the Trust could be at risk. The line manager must inform their HR Business Partner/Advisor to discuss the next steps.

### **6.2.3. Final Review Meeting**

The line manager will carry out this formal review no later than 2 weeks prior to the end of the probationary period, except in exceptional circumstances whereby an extension to the probationary period can be made and notified to the employee, see section 6.4.

Examples of exceptional circumstances could include:

- The new member of staff being unable to attend training that is essential to their role due to its cancellation and this has resulted in them being unable to demonstrate their ability against the required standards of performance
- The new member of staff making really good progress and the areas for concern being minor or minimal in nature.

The employee must be given at least 5 working days' notice in writing of the need to attend a final review meeting. The letter must also advise that they have the right to be accompanied by either a representative of a trade union/professional organisation or a work colleague.

The meeting will be conducted by the line manager and they may be supported by a member of Human Resources, who will act as the advisor. Human Resources must be in attendance where there is a potential to dismiss.

Its purpose is to review the employee's probationary period and to make a final decision regarding the employee's ability against the required standards and the implications for their employment. The Probationary Period Review Form at appendix 2 can be used to document the meeting. There are three potential outcomes:

1. Performance, attendance, behaviour and conduct is at (or above) the level required and the probationary period is confirmed as successful - see section 6.3.

2. Performance, attendance, behaviour or conduct is generally satisfactory, but there are areas for improvement. In exceptional circumstances consideration can be given to extending the

probationary period - see section 6.4, or the contract will be terminated in accordance with section 6.5.

3. Performance, attendance, behaviour or conduct is below that required. In these circumstances the contract will be terminated in accordance with section 6.5.

### **6.3. Successful Completion of the Probationary Period**

If at the end of the probationary period the employee has reached the required standards of performance, attendance, behaviours and conduct the line manager must confirm this in writing to the employee and place a copy of the letter on their personal file. This needs to be forwarded to [HRInputting@leicspart.nhs.uk](mailto:HRInputting@leicspart.nhs.uk) to action removal of probation period on ESR and arrange for retrospective pay of any incremental award (if applicable).

### **6.4. Extending the Probationary Period**

In certain circumstances (see 6.2.3) consideration can be given to extending the probationary period to allow the employee an opportunity to reach the required standard. If this option is being considered by the line manager then they must discuss it with their HR Business Partner/Advisor prior to informing the employee.

If it is decided that an extension is appropriate then it will usually be for no longer than 3 months and only one extension will be granted unless there are exceptional circumstances. The extension will need to be confirmed in writing to the employee and a copy placed on their personal file. **Please forward this to [HRInputting@leicspart.nhs.uk](mailto:HRInputting@leicspart.nhs.uk).**

The line manager will carry out a formal final review no later than 2 weeks prior to the end of the extended probationary period to review the employee's probationary period and to make a final decision on whether the employee has met the required standard in line with the criteria set.

### **6.5. Termination of the Contract during or at the End of the Probationary Period (Dismissal)**

The decision to terminate a contract of employment, and dismiss the employee at a final review meeting can be made at any time within the probationary period where it has been clearly demonstrated that, despite support being provided, where appropriate, the employee is not capable of carrying out their duties, or their absence, behaviour or conduct is contrary to the standards that the Trust requires.

Prior to terminating the contract the employee must have been made aware that their performance, attendance, behaviour or conduct is jeopardising their continued employment with the Trust. The exception to this is in cases of gross incompetence, gross misconduct or where there have been serious breaches of the standards of attendance or behaviour required by the Trust, or there is an unacceptable impact on the service and colleagues they work with, for example where colleagues are having to take in additional responsibilities to ensure effective service provision or additional costs are being incurred, the Trust can convene a final review meeting at any time and dismiss the employee without notice (summary dismissal).

An employee must be given notice of the need to attend a final review meeting in accordance with section 6.2.3.

At the meeting the line manager will detail the reasons as to why the employee is not capable of continuing in the role and the measures that have been taken to facilitate improvement. The employee will also be given the opportunity to state his/her case before a decision is made. If the decision is that the employee has failed to meet the required standards despite reasonable support, the contract of employment will be terminated in line with the notice period detailed in section 6.8.

In these circumstances the employee will be paid in lieu of their notice and any untaken accrued annual leave entitlement and they will not be required to attend work during their notice period. This does not apply in the case of summary dismissal. In these circumstances the employee would not be entitled to pay for any outstanding contractual annual leave and will only be paid for any outstanding accrued annual leave in accordance with the Working Time Regulations.

In the event of an employee overtaking their annual leave entitlement, this will be deducted from their final salary.

A letter will be sent to the employee within 5 working days of the meeting, where possible, advising them of the decision. A copy of this letter must be placed on the individual's personal file.

The reason for leaving will be recorded on the Notification of Leavers Form (H5) and ESR as Dismissal – capability.

If the staff member holds an additional bank agreement, and the contract of their substantive post is terminated it does not mean that their bank post will automatically be terminated. The reasons for dismissal from the substantive post will be considered on a case by case basis by the Trust Temporary Workforce Panel. The bank worker will be restricted from working through the bank until this consideration has taken place. An outcome of this may be that the bank agreement is also terminated.

## **6.6. Appeals**

An employee that is dismissed during their probationary period has the right to appeal against the decision and this must be addressed to their Line Manager's Manager. The appeal must be made in writing, stating the grounds for the appeal, and be received within 10 working days of the date of the letter advising of the decision by the relevant manager. The employee will remain dismissed in accordance with the original decision however if they are subsequently reinstated their pay and continuity of service will be backdated to the date of termination.

A meeting will be convened by the senior manager or other senior manager nominated by them who has not previously been involved in the case. They will be supported by a member of Human Resources.

The employee must be given at least 5 working days' notice in writing of the appeals meeting. The letter must also advise that they have the right to be accompanied by either a representative of a trade union/professional organisation or a work colleague.

The dismissing manager and the individual will be present at this meeting.

### **6.7. Postponement of final review/appeal meeting**

Where possible and where the name of the employee's staff side representative is known, the date of the meeting may be agreed with the employee and their representative. All parties should make efforts to avoid unreasonable delay when arranging a mutually convenient date and time for the meeting.

If the individual or their representative is unable to attend a scheduled meeting s/he may request one postponement, provided the request for postponement is made on reasonable grounds. The meeting will be rescheduled as soon as possible and ideally held within 5 working days of the original date. The Trust will be under no obligation to allow further postponements.

Where the employee or their staff side representative/work colleague is unable to attend the rescheduled meeting, the Trust will be under no obligation to allow further postponement. In such cases the meeting will proceed without the employee or their representative and the decision will be made on the information available.

### **6.8. Notice Periods**

During the probationary period the Trust's notice period is four weeks for staff with more than one month and less than 2 years' service. I.e. when a new starter has continuous NHS service. Employment can be terminated subject to this notice, except in the case of summary dismissal by the Trust.

Employees, who have successfully completed their probationary period, will then be subject to the Trust's standard notice periods as detailed in their contract of employment.

The notice that an individual has to give to the Trust is 1 week.

### **6.9. Absence and Probation**

There may be circumstances where an employee is unable to demonstrate adequate performance due to regular or long-term sickness absence. Whilst not following the ill health management policy in its entirety it would be appropriate to manage the employee in line with the principles of it.

Where an employee has regular short term absences that exceed the Trust trigger points the employee should be met with to clarify the expected levels of attendance (set targets).

Where a new employee is on long term sickness absence during the probationary period, it may be necessary to seek occupational health advice to inform next steps under this process. Where an employee is not able to return to work within a reasonable timeframe to demonstrate

suitability for the role within an (extended) probation period, it would be appropriate to terminate the contract in line with section 6.5.

## 7.0 Implementation & Training

This policy is applicable with immediate effect within the Trust, from the date that it is published on the intranet. The HR Business Partners/Advisors will support managers when using the policy. Human Resources will make Trust staff aware of this version of the policy through the Trust e-newsletter. New starters to the Trust will be made aware of it through their recruitment correspondence and their contract of employment.

There is a need for training identified within this policy. In accordance with the classification of training outlined in the Trust Learning and Development Strategy this training has been identified as role development training.

The course directory on U-Learn will identify who the training applies to, the delivery method, the update frequency, learning outcomes and a list of available dates to access the training. A record of the event will be recorded on U-Learn.

The governance group responsible for monitoring the training is the Learning and Development Group.

## 8.0 Monitoring Compliance and Effectiveness

Ref (section of policy)	Minimum Requirements	Evidence for Self-assessment	Process for Monitoring	Responsible Individual / Group	Frequency of monitoring
3.0	Application of this policy to be consistently applied to all new staff	Number of grievances	Monthly	SWG	Bi-annually
6.3	Monitor number of formal approvals of Probation periods in accordance with the procedure	Monitor the number of formal approvals	Annual	SWG	Bi-annually
6.5	Number of non-approved Probation Periods in accordance with the procedure	Monitor the number of formal rejections / terminations	Annual	SWG	Bi-annually

## 9.0 Standards/Performance Indicators

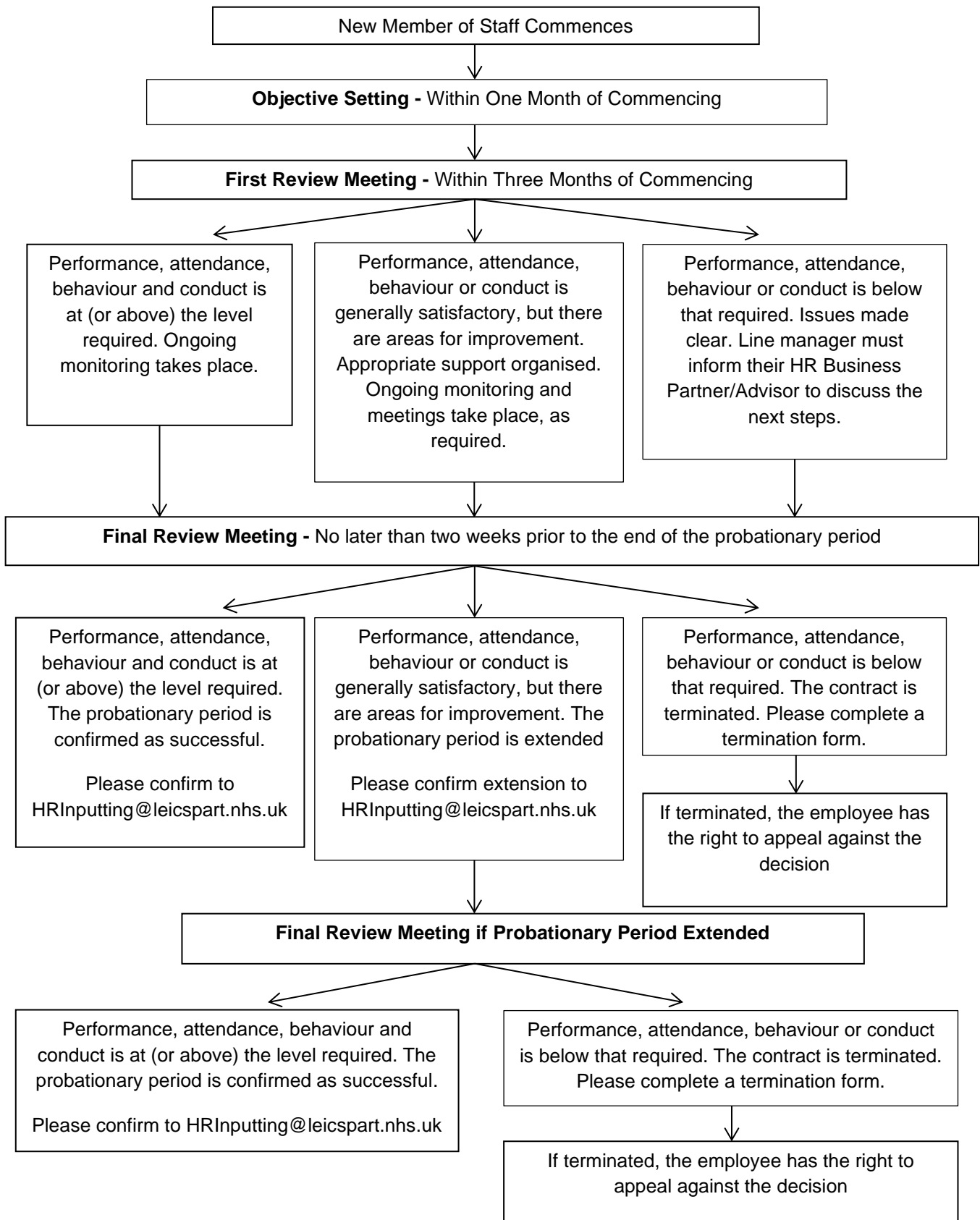
TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 <a href="#">CQC essential standards</a> )	That the trust maintains compliance with CQC registration standards, this policy supports outcome standards 14

## 10.0 References and Bibliography

This policy was drafted with reference to the following:

- ACAS Code of Practice 2009
- Agenda for Change
- Employment Act 2008
- Employment Rights Act 1996
- Employment Relations Act 2004
- LPT Recruitment and Selection Policy
- LPT Disciplinary Policy and Procedure
- LPT Supporting Performance Policy and Procedure
- LPT Management of Ill Health Policy and Procedure
- LPT Management of Stress at Work Policy and Procedure

## Appendix 1 – Probationary Period Flowchart



**See section 6.5 regarding gross incompetence, gross misconduct or where there have been serious breaches of the standards of attendance or behaviour required by the Trust, or there is an unacceptable impact on the service and colleagues they work with.**



## Appendix 2 – Probationary Period Objectives and Review Forms

### Probationary Period Review Form

A probation period is a period of time for a new member of staff to LPT to demonstrate their suitability to a role. It allows both the manager and the employee to take into account the individuals overall performance, attendance, behaviours and conduct, in relation to the job in question and the values of the Trust, enabling objective assessment to be made as to whether they meet the required standards.

All staff should act in accordance to our Trust leadership behaviours for all and be able to evidence adherence in situations involved in their probation period. A fundamental approach to developing our Leadership behaviours for all is our ability to both give and receive feedback in a positive and insightful way. The feedback method is based on defining; Context, Understanding, Behaviour and Effect (CUBE).

### LPT Values

- Trust
- Respect
- Integrity
- Compassion

### Objective Setting

(To be completed within 1 month of commencement of employment and recorded below).

Objective	How objective will be achieved	What support will be required / who can provide this (i.e. training, shadowing, mentor etc)	Evidence of work carried out	Timescale for review (i.e. 3 month/ 6 month)

Mandatory training confirmed as up to date? Yes/No

Signed Line Manager \_\_\_\_\_

Signed Employee \_\_\_\_\_

Date \_\_\_\_\_

## First Review Meeting

(To be completed within 3 months of commencement of employment)

Purpose: Line manager to give feedback and review: Performance against objectives, absence levels, behaviour and conduct

Employee Name \_\_\_\_\_

Line Manager Name \_\_\_\_\_

Date of Meeting \_\_\_\_\_

### Line Managers Comments (to be completed by the line manager)

### Employee's comments / questions / concerns (to be completed by the employee)

Mandatory training confirmed as up to date? Yes/No

### Outcome of First Review

- Performance, attendance, behaviour and conduct is at (or above) the level required. In these circumstances ongoing monitoring will take place until the final review meeting.
- Performance, attendance, behaviour or conduct is generally satisfactory, but there are areas for improvement. In these circumstances the appropriate support must be organised for the new member of staff to assist them to achieve the required standards. The concerns should be clearly documented and a copy of the notes given to the employee to ensure that they are clear about the required standards and outcomes. A copy of the notes should be placed on their personal file. In these circumstances ongoing monitoring and meetings will take place, as required, until the final review meeting.
- Performance, attendance, behaviour or conduct is below that required. In these circumstances the line manager must make it clear to the employee that this is the case

and their continued employment with the Trust could be at risk. The line manager must inform their HR Business Partner/Advisor to discuss the next steps.

Signed Line Manager \_\_\_\_\_

Signed Employee \_\_\_\_\_

Date \_\_\_\_\_

**Final Review Meeting**

(To be completed no later than 2 weeks prior to end of probationary period. 5 days written notice must be provided to employee and HR should be approached prior to meeting to discuss ongoing concerns)

Purpose: Line manager to review employee's probationary period and make a final decision regarding employee's ability against required standards

Employee Name \_\_\_\_\_

Line Manager Name \_\_\_\_\_

Representative Name (if applicable) \_\_\_\_\_

HR Representative Name \_\_\_\_\_

Note: HR should only be asked to attend if line manager has ongoing concern about employee

Date of Meeting \_\_\_\_\_

**Line Manager's Comments (to be completed by the line manager)**

**Employee's comments / questions / concerns (to be completed by the employee)**

Mandatory training confirmed as up to date? Yes/No

**Outcome of Final Review**

- Performance, attendance, behaviour and conduct is at (or above) the level required and the probationary period is confirmed as successful
  
- Performance, attendance, behaviour or conduct is generally satisfactory, but there are areas for improvement. In exceptional circumstances consideration can be given to extending the probationary period up to max 3 months or the contract will be terminated in accordance with Probationary Policy. Right of appeal will be provided.
  
- Performance, attendance, behaviour or conduct is below that required. In these circumstances the contract will be terminated in accordance with Probationary Policy. Right of appeal will be provided.

Signed Line Manager \_\_\_\_\_

Signed Employee \_\_\_\_\_

Date \_\_\_\_\_

**Copy of completed form to go on individual's personal file and a copy given to the employee for their record**

**Please send completed signed form to [HRInputting@leicspart.nhs.uk](mailto:HRInputting@leicspart.nhs.uk) and [HRadvisoryteam@leicspart.nhs.uk](mailto:HRadvisoryteam@leicspart.nhs.uk)**

## Appendix 3 – Invite to Review Meeting Template

### DATES FOR REVIEW MEETINGS

[DATE]

[NAME]

[ADDRESS]

Dear [FIRSTNAME]

#### **Re: Probation Period Review Meeting dates**

Further to our discussion I write to confirm the agreed dates for your probation review meetings:

<b>Review meeting</b>	<b>Date</b>	<b>Time</b>	<b>Place</b>
Objective setting			
First review			
Final review			

Yours sincerely

[MANAGER]

## **Appendix 4 – Template Standard letter – Successful Completion of Probationary Period**

Dear

### **Probation period**

I am writing to inform you that you have successfully completed your probation period and have successfully achieved the standard in the following areas

- a) Performance (achieved work objectives and standards of customer care)
- b) Behaviour (successfully integrated into the team / has good working relationships with co-workers and line manager)
- c) Attendance (achieve the required level of attendance)

Where applicable

- d) I will arrange for your withheld increment to be paid.

I have pleasure in confirming your appointment with effect from your original date of commencement with the Trust.

Please attach this letter to your contract of employment and a copy will also be retained on your personal file.

I am looking for you to maintain the high standard of work you showed during your probation period and I will ensure this is monitored through your annual Appraisal in line with the Trust's Appraisal Policy.

Thank you for your hard work and effort.

Yours sincerely

Manager

## Appendix 5 – Template Standard letter – extension of probation period

Dear

### Extension of probation period

Following our review meetings I can confirm that it will be necessary to extend your probation period for a period of \*\*\*\* (maximum of 3 months), effective from..... and ending on.....

This is necessary for the following reasons:-

- 

By the end of this extension I expect you to have achieved the following objectives/standards:-

- 

To help you to do this, I will support you as follows:-

- 

I will arrange a further final review meeting no later than 2 weeks prior to the end of the extended probation period to review whether the objectives/standard have been met.

If you are unable to meet the required standards for this post, it will be necessary to terminate your employment with the Trust. For the avoidance of doubt for all employees within a probation or extended probation period process a one week notice period applies which can be paid in lieu of notice.

Yours sincerely

Manager



**Appendix 6 - Template Standard letter – Termination of contract within probation period.**

Dear

**Probation period**

Further to our Final review meeting on..... I write to confirm the outcome. Present with me was..... You were represented by.....

Prior to the meeting we met on a number of occasions to discuss the progress of your probation period and I offered you additional help and support to help you to meet the required standards of your post.

Specifically, this additional help and support was as follows:-

I regret to inform you however that despite the Trusts best efforts you have not completed your probation period to the required standards in the following areas:-

**LIST AREAS WHERE STANDARDS HAVE NOT BEEN MET**

Documentary evidence in support of this is attached.

I have no option other than to terminate your employment on the grounds of capability with effect from [Date] You are entitled to four week's notice and this will be paid in lieu to you. You have a right of appeal against the decision to terminate your contract. If you wish to appeal then please write to..... within 10 working days of the date of this letter. Whilst your appeal is being considered the original decision to terminate your employment will remain.

If you have a bank post this will not automatically be terminated however you will be restricted from undertaking work for the bank until the reason/s for your dismissal have been considered by the Temporary Workforce panel

Yours sincerely

## Appendix 7 - Training Requirements

### Training Needs Analysis

<b>Training Required</b>	YES
<b>Training topic:</b>	Essential HR for Managers
<b>Type of training:</b> (see study leave policy)	<input type="checkbox"/> Role specific
<b>Services to which the training is applicable:</b>	<input type="checkbox"/> Adult Mental Health <input type="checkbox"/> Community Health Services <input type="checkbox"/> Enabling Services <input type="checkbox"/> Families Young People Children & Learning Disability Services. <input type="checkbox"/> Hosted Services
<b>Staff groups who require the training:</b>	<i>Staff in management roles</i>
<b>Regularity of Update requirement:</b>	One off training
<b>Who is responsible for delivery of this training?</b>	Human Resources
<b>Have resources been identified?</b>	Yes
<b>Has a training plan been agreed?</b>	Yes
<b>Where will completion of this training be recorded?</b>	<input type="checkbox"/> U-Learn
<b>How is this training going to be monitored?</b>	Through the learning and development group

## Appendix 8 - The NHS Constitution

<b>Shape its services around the needs and preferences of individual patients, their families and their carers</b>	✓ <input type="checkbox"/>
<b>Respond to different needs of different sectors of the population</b>	✓
<b>Work continuously to improve quality services and to minimise errors</b>	✓
<b>Support and value its staff</b>	✓
<b>Work together with others to ensure a seamless service for patients</b>	✓
<b>Help keep people healthy and work to reduce health inequalities</b>	✓
<b>Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance</b>	✓

## Appendix 9 - Stakeholders and Consultation

### Key individuals involved in developing the document

Name	Designation
Claire Taylor	Senior HR Business Partner
Kathryn Burt	Deputy Director of HR & OD
Dan Norbury	Head of Employment Services
Sarah Willis	Director of HR & OD

### Circulated to the following individuals for comment

Name
Directors / Heads of Service and Direct Reports
Operational HR Team
Equalities Team
Staffside
Workforce & Wellbeing Group

Appendix 10 – Due Regard

Section 1	
<b>Name of activity/proposal</b>	Probation Period Policy
<b>Date Screening commenced</b>	October 2016
<b>Directorate / Service carrying out the assessment</b>	Human Resources
<b>Name and role of person undertaking this Due Regard (Equality Analysis)</b>	Claire Taylor – Senior HR Business Partner
<b>Give an overview of the aims, objectives and purpose of the proposal:</b>	
<b>AIMS:</b> We aim to deal with issues that arise during your probationary period openly and honestly in accordance with the Leicestershire Partnership NHS Trust values, supporting performance improvement if this is required.	
<b>OBJECTIVES:</b> Provides a framework for probation periods for all new employees to the Trust and internal promotions	
<b>PURPOSE:</b> The purpose of this policy is to support the Trusts requirement for the recruitment, development, and retention of high quality staff. All new employees (except for those detailed in clause 2.6) are required to undergo a probationary period to determine their suitability for the posts they are occupying.	
Section 2	
Protected Characteristic	Could the proposal have a positive or negative impact Yes or No (give details)
Age	The policy applies to all new employees. It does not discriminate positively or negatively between any protected characteristic.
Disability	The policy makes mention of consideration of reasonable adjustments and staff would be covered by the provisions of the Employee Wellbeing Policy - amended There are a number of reasons why staff can fail to achieve the required performance levels including attendance, capability and levels of sickness absence. The policy makes clear that Occupational Health may be consulted.

Gender reassignment	The policy applies to all new employees. It does not discriminate positively or negatively between any protected characteristic.
Marriage & Civil Partnership	
Pregnancy & Maternity	
Race	
Religion and Belief	
Sex	
Sexual Orientation	
Other equality groups?	

### Section 3

**Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please tick appropriate box below.**

Yes	No
High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B	Low risk: Go to Section 4. <input checked="" type="checkbox"/>

### Section 4

**It this proposal is low risk please give evidence or justification for how you reached this decision:**

The policy applies to all new employees. It does not discriminate positively or negatively between any protected characteristic.

*Sign off that this proposal is low risk and does not require a full Equality Analysis:*

**Head of Service Signed:**

**Date:** 18 August 2020

### DATA PRIVACY IMPACT ASSESSMENT SCREENING

<p><b>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual's expectations of privacy.</b></p> <p><b>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</b></p>		
<b>Name of Document:</b>	<b>Probation Policy</b>	
<b>Completed by:</b>	<b>Claire Taylor</b>	
<b>Job title</b>	<b>Senior HR Business Partner</b>	<b>Date: August 2020</b>
<b>Screening Questions</b>	<b>Yes / No</b>	<b>Explanatory Note</b>
<b>1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.</b>	No	
<b>2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.</b>	No	
<b>3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?</b>	No	
<b>4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?</b>	No	
<b>5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.</b>	No	
<b>6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?</b>	Yes	Part of a formal process to appropriately manage an individual's employment.
<b>7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.</b>	No	
<b>8. Will the process require you to contact individuals in ways which they may find intrusive?</b>	No	
<p><b>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via <a href="mailto:Lpt-dataprivacy@leicspart.secure.nhs.uk">Lpt-dataprivacy@leicspart.secure.nhs.uk</a></b></p> <p><b>In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</b></p>		
<b>Data Privacy approval name:</b>	<b>Sam Kirkland, Head of Data Privacy</b>	
<b>Date of approval</b>	<b>18/08/2020</b>	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust