

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.

Key Words:	Probation, New starter	
Version:	2	
Approved by:	Strategic workforce Group	
Ratified by:	People and Culture Committee	
Date this version was Ratified:	16 January 2024	
Please state if there is a reason for not publishing on website:	N/A	
Review date:	August 2026	
Expiry date:	January 2027	
Type of Policy:	Clinical	Non-Clinical ✓
Which Relevant CQC Fundamental Standards?	Well Led	

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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 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.
	September 2023	Reference made to 90-day new starter toolkit as required.
	September 2023	Changes to Appendices: <ul style="list-style-type: none"> • Appendix 2 – Probationary Review and Objective Setting Form • Appendix 3 – Probation Review Action Plan.

September 2023	New para added – 6.10 Irregularities discovered during the probationary period. If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience, or knowledge that he/she claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented his/her abilities in any way, the organisation will terminate the employment (giving one week's pay in lieu of notice
September 2023	New para added section 4.4. Extensions to the probationary period may be considered only in exceptional circumstances e.g.: <ul style="list-style-type: none"> • Where a manager has been unable to make a fair assessment of the new starter's performance despite ensuring that appropriate measures have been fully taken to monitor this during the probation period. • Where there is a short delay in the final review taking place • Where reasonable adjustments need to be made to accommodate disabled employees. • The new starter has demonstrated a degree of improvement in his/her performance which indicates that the required standards of performance could be achieved by an extension to the probationary period.
October 2023	4.3 - New Line Added As part of the final review where the employee has successfully completed their probation, objectives for the upcoming year should be recorded on uLearn and an appraisal completed to reset the appraisal date for 12 months' time. Probation will not be considered complete unless an appraisal is undertaken.
October 2023	4.6 – page 15. In cases where it is determined, following advice from appropriate lead professionals (e.g. Lead nurse, HR, safeguarding), that there is a risk to patients, staff or the employee to remain at work due to the serious nature of the concerns, paid special leave will be granted until the date of the Final Review meeting.
2 January 2024	Full Review

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Wider Consultation	All LPT Staff Bands 7 and above

Governance

Level 2 or 3 approving delivery group	Level 1 Committee to ratify policy
Strategic Workforce Group	People and Culture Committee

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 considers 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.

Due Regard

LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- Strategies, policies, procedures, and services are free from discrimination.
- LPT complies with current equality legislation.
- Due regard is given to equality in decision making and subsequent processes.
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix 9) of this policy.

Definitions that apply to this Policy

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 Period	A specific period of time which determines whether a new member of staff can 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.

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 for managing employees in their probationary period.
- 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 and Role Essential Training Policy
- 90-day new starter toolkit.

A summary flowchart of the Probationary Period process can be found in Appendix 1 and the Probationary Period Review Form can be found at Appendix 2.

1.0 Introduction

LPT is committed to supporting all new starters as they are inducted into the Trust. We are also committed to providing the highest quality of care for our patients. To help achieve this, all new employed staff to the Trust employed under a contract of employment will be subject to a formal six-month probationary period which allows them time to settle into the Trust.

A probation period is a period for a new member of LPT staff to demonstrate their suitability to a role. It allows both the manager and the employee to consider the individuals overall performance, attendance, behaviours and conduct, in relation to their job 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 4:

- A probationary period has been set, its length and structure.
- Their expected level of 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.

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 best care for all its patients and 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.

All staff should act in accordance with our Trust leadership behaviours for all and be able to evidence adherence in situations that involves a 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).

2.0 Purpose and Scope

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 employee, it becomes apparent that the new starter is not suited to the position to which they were appointed, this policy provides the facility for either party to terminate the contract.

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
- Attendance and Wellbeing 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 Dispute Resolution Procedure does not apply where action, at any stage, is being taken under this Probationary Policy. Where there are concerns with the application of this policy this should be raised with the line manager in the first instance, or the next-in-line manager.

3.0 Duties within the Organisation

Chief Executive and the Trust Board	The Trust Board has a legal responsibility for Trust policies and for ensuring that they are conducted effectively.
Trust Board Sub-Committees	Trust Board Sub-committees have the responsibility for ratifying policies and protocols.
Managers	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.
HR Business Partners/Advisors	Responsible for supporting managers who are using this policy and will be present at meetings, where appropriate.
Trade Union Representatives	Responsible for supporting their members and providing them with advice in relation to this policy.
All Trust Employees	Have a responsibility to follow the procedures detailed in this policy. Employees also have a responsibility to: <ul style="list-style-type: none"> • Support the Trust to achieve its Vision. • To always act in accordance with the Trust Values • Follow duties and expectations of staff as detailed in the NHS Constitution – Staff Responsibilities • To adhere to, always, any Professional and NHS Code of Conducts for their area of work.

4.0 Policy Content

4.1 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 time.

4.2 Probationary Period Procedure

The 6-month probationary period comprises of the following steps:

	Step	Timescale	Further Details
1	One-Month Review & Objective Setting	Within one month of commencing	Section 4.2.1
2	Three-Month Review	Within three months of commencing	Section 4.2.2

3	Final Review	No later than two weeks prior to the end of the probationary period.	Section 4.2.3
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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 in Appendix 2 should 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 advisor to discuss the next steps.

4.2.1 One Month Review and Objective Setting

At this stage, the manager should establish whether all the induction procedures have been completed by the employee. The manager should also explore the progress the employee has made following their induction in line with the Trust's 90-day new starter toolkit. At this stage, the manager can begin to assess as to whether the individual is performing to the expected standard.

New members of staff should set their objectives with their line manager within one month of them commencing in post. These should be documented and signed off using Appendix 2.

4.2.2 Three Month Review

The line manager will conduct this review within three months from the date of commencement. Its purpose is to:

- Measure and review the employee's performance, absence levels, behaviour and conduct against the job description, standard operating processes, the Trust's standards of behaviour and other relevant information.
- Review performance against their objectives set at the One-month review.
- Set any further objectives.

A balanced approach to feedback is encouraged supporting new starters with both positive and constructive feedback. Time should be taken to identify any areas of concern or required improvements. 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 at this Three-month review as these should have been picked up and discussed at the time the concern arose.

There are three potential outcomes at the Three-Month Review:

The manager must document this meeting using template “Probation Review Meeting Form” (Appendix 2)	
Outcome of Three-Month Review	Management Action
Performance, attendance, behaviour and conduct is at (or above) the level required.	<ul style="list-style-type: none"> • Ongoing monitoring will take place until final review. • Normal 1:1s/Supervision
Performance, attendance, behaviour or conduct is generally satisfactory, but there are areas for improvement.	<ul style="list-style-type: none"> • Appropriate support must be organised for the new member of staff to assist them to achieve the required standards. • Increased frequency of 1:1s/supervision, and ongoing review of probation, identify training needs and any further support.
Performance, attendance, behaviour or conduct is below that required.	<ul style="list-style-type: none"> • Manager must make clear to employee that this is the case and their continued employment with the Trust could be at risk. • Line manager must inform their HR Advisor to discuss the next steps. • Increased frequency of 1:1s/supervision, and ongoing review of probation, identify training needs and any further support. • PLEASE NOTE: If additional support has been identified, an action plan Appendix 3 (which must be attached to the Probation Review Form) must be set up to remedy the concerns identified e.g., setting attendance targets, establishing training needs.

4.2.3 Final Review

The line manager will conduct the Final Review no later than 2 weeks prior to the end of the probationary period.

The meeting should follow the same format described above in that any objectives and action plans that were set at the one-month / three-month review will be evaluated and discussed, together with the employee’s overall performance, and an assessment made as to whether the employee has met the required standards.

The employee must be given at least 5 working days’ notice in writing of the need to attend a Final Review. 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 in Appendix 2 should be used to document the meeting.

There are three potential outcomes at the Final Review:

<p>Probationary period is confirmed as successful – <u>See Section 4.3</u></p>	<p>→</p>	<p>Performance, attendance, behaviour and conduct is at (or above) the level required.</p>
<p>Extension of probationary period - <u>See Section 4.4.</u></p>	<p>→</p>	<p>Performance, attendance, behaviour or conduct is in general satisfactory, however there are clearly identified areas for improvement. In exceptional circumstances probation can be extended.</p>
<p>Probationary period is confirmed as unsuccessful - Contract will be terminated - <u>See Section 4.5</u></p>	<p>→</p>	<p>Performance, attendance, behaviour or conduct is below that required.</p>

4.3 Successful Completion of 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 (Appendix 4) on their personal file.

As part of the final review where the employee has successfully completed their probation, objectives for the upcoming year should be recorded on uLearn and an appraisal completed to reset the appraisal date for 12 months’ time. Probation will not be considered complete unless an appraisal is undertaken.

4.4 Extension of Probationary Period

The Trust reserves the right to extend an employee’s period of probation at its discretion. Any extension to the probationary period will usually be up to a maximum of 3 months after the employee commenced employment.

Extensions to the probationary period may be considered only in exceptional circumstances e.g.:

- Where a manager has been unable to make a fair assessment of the employee’s performance despite ensuring that appropriate measures have been fully taken to monitor this during the probation period.
- Where there is a short delay in the final review taking place
- Where reasonable adjustments need to be made to accommodate disabled

employees.

- The employee has demonstrated a degree of improvement in his/her performance which indicates that the required standards of performance could be achieved by an extension to the probationary period.

When a manager is considering any extension to the probationary period, this should be discussed with Human Resources prior to confirming in writing to the employee including the reasons for the extension together with the required standards/objectives and the support available to achieve the expected performance standards.

If it is decided that an extension is appropriate, 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 of the letter placed on their personal file.

Where an appraisal is not undertaken at six months of employment due to probation extension, workforce systems team must be notified by email to lpt.workforcesystemshelpdesk@nhs.net

The letter must be sent to the employee no later than 5 calendar days after the meeting and it must outline:

- The length of the extension and the date on which the extension will end.
- The reason for the extension, and if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards.
- Performance standards and objectives that the employee needs to achieve by the end of the extended period.
- A statement that if the employee does not meet fully the required standards by the end of the extended period of probation, his / her employment will be terminated.

An action plan must be drawn up between the manager and the employee as soon as possible after the Final Review using Appendix 3.

The line manager will conduct a further 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. Where this is successful, an appraisal must be undertaken in line with section 4.3.

4.5 Termination of Probation Contract (Dismissal)

The decision to terminate a contract of employment and dismiss the employee can be made at a Final Review. This decision can be taken where it has been clearly demonstrated that the employee has continued to perform their duties unsatisfactorily, or their absence, behaviour or conduct is below the standards that the Trust require, despite any action plans and performance targets set after the One /Three-Month review and at any one-to-ones and supervision.

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.

An employee must be given notice of the need to attend a Final Review in accordance with Section 4.2.3. Where dismissal is likely, a Human Resources Advisor must also be in attendance.

At the meeting, the line manager will clearly detail the reasons as to why the employee has not successfully completed the probationary period role and the measures that have been taken and support put in place to facilitate improvement.

The employee will also be given the opportunity to state his/her case including any mitigation. 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 4.9.

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. 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.

4.6 Termination of contract early/during the Probationary Period

If there is clear evidence prior to the end of the period of probation that suggests that the employee is unsuitable for the role, the line manager should consult with the Human Resources with a view of terminating the employee's contract early.

The stages in the procedure would normally be taken sequentially but there may be exceptional circumstances where it would be inappropriate to follow each stage. In such situations the Trust can convene a final review at any time to discuss the employees' overall performance behaviour and conduct, and make an assessment made as to whether the employee has met the required standards and dismiss the employee without notice (summary dismissal).

This may be where there is:

- Gross incompetence, gross misconduct or where there have been serious breaches of the standards of attendance or behaviour required by the Trust.
- An unacceptable impact on the service and their colleagues for example additional responsibilities undertaken by colleagues to ensure effective service provision and there are additional costs being incurred.

In cases where it is determined, following advice from appropriate lead professionals (e.g., Lead nurse, HR, safeguarding), that there is a risk to patients, staff or the employee to remain at work due to the serious nature of the concerns, paid special leave will be granted until the date of the Final Review meeting.

4.7 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 second line manager (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 during this time 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. A member of Human Resources will support them.

The employee must be given at least 5 working days' notice in writing of the appeal 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.

4.8 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 they 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.

4.9 Notice Periods

During the probationary period, where the contract is to be terminated, the Trust must give 4 weeks' notice (or payment in lieu of notice) to staff. Employees subject to summary dismissal due to gross misconduct will be dismissed without notice.

If a new starter wishes to resign during their probationary period with LPT, they must give the Trust 1 weeks' notice.

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.

4.10 Absence and Probation

There may be circumstances where an employee is unable to demonstrate satisfactory performance due to regular or long-term sickness absence. Whilst not following the Attendance and Management Wellbeing policy in its entirety it would be appropriate to manage the employee in line with the policy's key principles.

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 attendance targets). Where a new employee is on long term sickness absence during the probationary period, it may be necessary to seek advice from the Occupational Health team to inform next steps under this process.

Where an employee is not able to return to work or fit enough to attend a Final Review meeting within a reasonable period to demonstrate suitability for the role within an extended probation period, it would be appropriate to terminate the contract in line with section 4.5.

4.11 Irregularities discovered during the probationary period.

If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience, or knowledge that he/she claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts.

If the evidence suggests that the employee misrepresented his/her abilities in any way, the organisation will terminate the employment (giving one week's pay in lieu of notice).

5.0 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 essential 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 Training, Education and Development Group.

6.0 Monitoring Compliance and Effectiveness

Page/Section	Minimum Requirements to monitor	Process for Monitoring	Responsible Individual/Group	Frequency of monitoring
4.2.3	New starter appraisal compliance	Staff status reports for appraisal	Strategic workforce Group	Annually

7.0 Standards/Performance Indicators

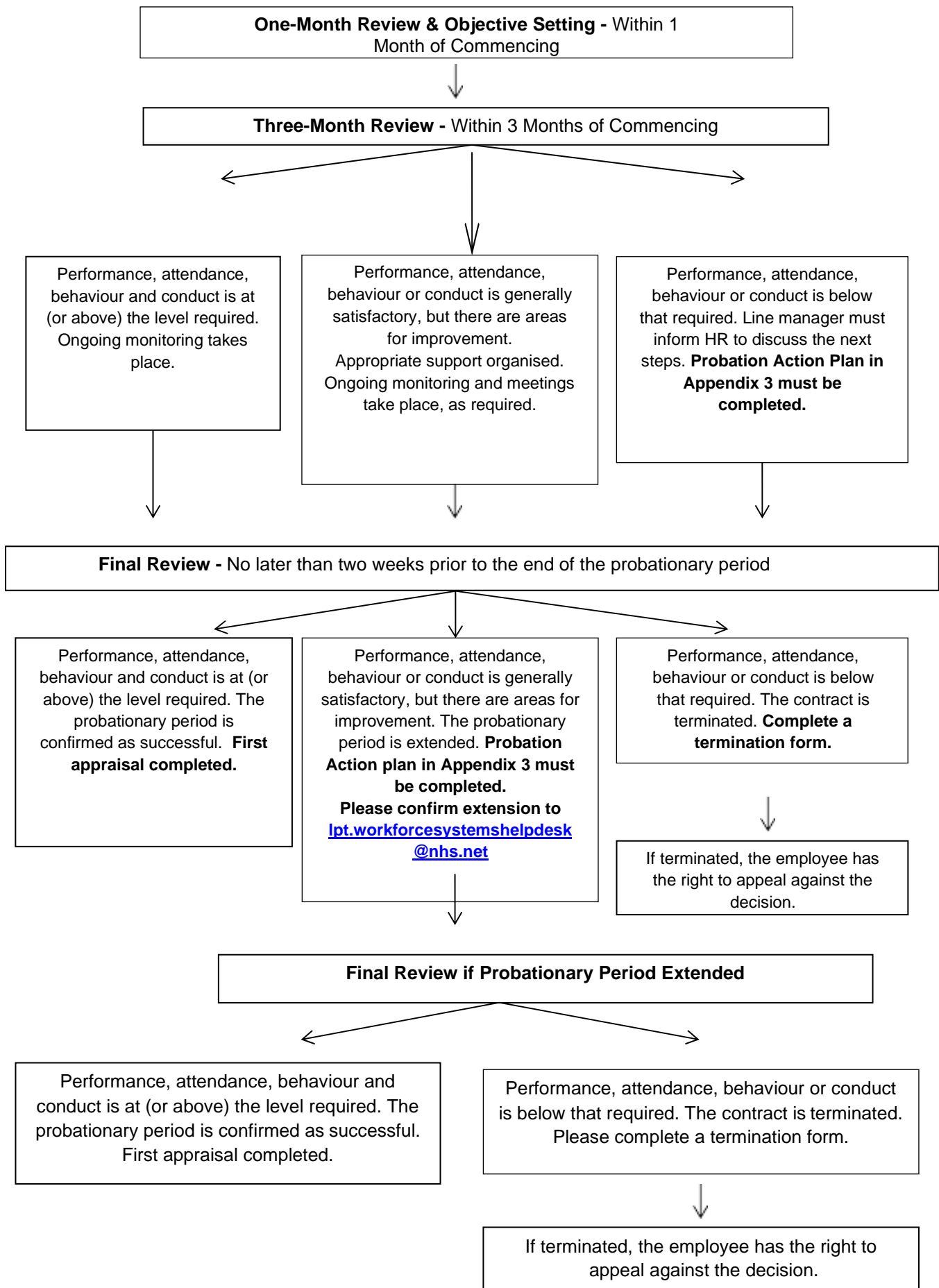
TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 CQC essential standards)	That the trust maintains compliance with CQC registration standards,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

8.0 References and Bibliography

This policy was drafted with reference to the following:

- ACAS Code of Practice 2009
- NHS Terms and Conditions Handbook
- 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 Attendance Management and Wellbeing Policy and Procedure
- LPT Management of Stress at Work Policy and Procedure.

Appendix 1 - Probationary Period Flowchart



Probation Reviews and Objective Setting Forms

PLEASE NOTE: You are **NOT** required to submit a copy of this form to Human Resources where the employee’s performance during probation is satisfactory. However, you **MUST** submit a copy to Human Resources and seek the advice of your HR Advisor as soon as possible if difficulties arise during the probationary period.

The line manager should ensure that the employee is given a copy of this document at each stage and should retain the original to monitor progress against set objectives at follow-up meetings.

Employee Name:		
Job Title:		
Band:		
Department:		
Post Start Date:		
Line Manager:		
	Date Due	Please tick when completed
One Month Review & Objective Setting		
3 Month Review		
Final Review		

PART 1: One-Month Review (4 weeks)

To be completed by the line manager in discussion with the employee.

<i>(Please Tick)</i>	Requires Improvement	Satisfactory	Good	Excellent
Attendance				
Timekeeping				
Performance in role				
Behaviour and Conduct				
Demonstrating Trust VALUES of Trust, Respect, Integrity and Compassion.				
Demonstrating Trust Leadership Behaviours.				

Section A – One Month Review Overall Assessment

Section B: Objectives

The line manager should identify specific objectives for the employee. These will be statements of what should be achieved during the probationary period, including indicators of success and timescales for achievement.

Objectives	What support will be required (i.e., Training/shadowing/mentor?)	How will this be measured/monitored?	Timescale for review

Section C: Development Plan

To support the employee in achieving these objectives, the line manager should identify any training and development needs and specify how and when these needs will be addressed during the probationary period.

Employee's Signature			
Manager's Name		Manager's Signature	
Date			

PART 2 - Three Month Review

<i>(Please Tick)</i>	Requires Improvement	Satisfactory	Good	Excellent
Attendance				
Timekeeping				
Performance in Role				
Behaviour and Conduct:				
Demonstrating Trust VALUES of Trust, Respect, Integrity and Compassion.				
Demonstrating Trust Leadership Behaviours				
<p>Section A – Three-Month Review Overall Assessment (If any areas of performance, conduct or attendance require improvement please provide details below)</p>				
<p>Where concerns have been identified, please summarise how these will be addressed during the remaining period of probation.</p>				
Have the objectives identified for the probationary period been met?	Yes/No	If No, what further action is required?	Review Date	
Have the training / development needs identified for probation period been addressed?	Yes /No			
Employee's Signature				
Manager's Name		Manager's Signature		
Date				

PART 3 – Final Review To be completed by line manager in discussion with the employee.

<i>(Please Tick)</i>	Requires Improvement	Satisfactory	Good	Excellent
Attendance				
Timekeeping				
Performance in role				
Behaviour and Conduct				
Demonstrating LPT Trust VALUES of Trust, Respect, Integrity and Compassion.				
Demonstrating Trust Leadership Behaviours.				
Section A – Final Review Assessment				
Section B - Outcome of Final Review <i>(Please tick)</i>				
1	Probationary period is confirmed as successful. First appraisal completed.			
2	Probation period will be extended for <input type="text"/> months (up to a maximum of 3 months) from DATE to END DATE <ul style="list-style-type: none"> Confirm extension dates and no appraisal undertaken to lpt.workforcesystemshelpdesk@nhs.net (If additional concerns/support has been identified, the Probation Review Action Plan Appendix 3 must be set up to remedy the concerns identified e.g., setting performance/attendance targets, establishing training needs. It must outline the expected improvements and the expected timescale for improvement.)			
3	Employment contract to be terminated. Send termination form to lpt.hrinputting@nhs.net			
Employee's Signature				
Manager's Name		Manager's Signature		
Date				

Copy of completed form to be saved in employee's personal file and a copy given to the employee for their record.

PROBATION REVIEW ACTION PLAN

Employee Name				
Managers Name				
Date				
Area of concern	Specific Objective(s)	Timescale to achieve objective(s)	Resources required or support needed	How will success be measured or identifiable

Employee Signature:		Date:
Manager Name:		Date:
Manager Signature:		

Template Standard letter – Successful Completion of Probationary Period

[DATE]

[NAME]
[ADDR
ESS]

Dear [FIRSTNAME]

Re. Successful Completion of Probationary Period

Dear NAME

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)

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.

Thank you for your hard work and effort.

Yours sincerely

Line Manager

Template Standard letter – Extension of Probationary Period

[DATE]

[NAME]
[ADDR
ESS]

Dear [FIRSTNAME]

Re. Extension of Probation Period

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

As discussed with you this is necessary for the following reasons: -

-

By the end of this extension period, it is expected that you will have achieved the following objectives/standards: -

-

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

-

I have attached the Probation Review Action Plan which outlines the above.

I will arrange a further final review 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.

Yours sincerely

Line Manager

Template Standard letter – Unsuccessful Probationary Period
Termination of Contract

[DATE]

[NAME]
ADRES

Dear
[FIRST
NAME]

Re. Unsuccessful Probation Period - Termination of contract

Dear **NAME**

Further to the Final review held on **DATE** I write to confirm the outcome. Present at the meeting was myself and the **HR Advisor (if applicable)** and you were represented by **NAME, ROLE, OR You opted to not bring a chosen representative to the meeting. (Delete as appropriate.**

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 assist you to meet the required standards of your job role.

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

- **LIST THE SUPPORT PUT IN PLACE AND HELP OFFERED**

I regret to inform you however that despite the Trust's 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 (Appendix 2/ Appendix 3 of the policy)

I have no option other than to terminate your employment on the grounds of capability with effect from **[Date]**.

You are entitled to four weeks' 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 **NAME OF 2ND LINE MANAGER** within ten working days of the date of this letter. Whilst your appeal is being considered the original decision to terminate your employment will remain.

Yours sincerely

NAME Line Manager

Appendix 7 - Training Requirements

Training Needs Analysis


Training topic:	Essential HR for Managers
Type of training: (See study leave policy)	<input type="checkbox"/> Mandatory (must be on mandatory training register) <input checked="" type="checkbox"/> Role specific <input type="checkbox"/> Personal development
Directorate to which the training is applicable:	<input checked="" type="checkbox"/> Mental Health <input checked="" type="checkbox"/> Community Health Services <input checked="" type="checkbox"/> Enabling Services <input checked="" type="checkbox"/> Families Young People Children / Learning Disability Services <input checked="" type="checkbox"/> Hosted Services
Staff groups who require the training:	Staff in management roles
Regularity of Update requirement:	One off training
Who is responsible for delivery of this training?	Human Resources
Have resources been identified?	Yes
Has a training plan been agreed?	Yes
Where will completion of this training be recorded?	uLearn
How is this training going to be monitored?	Through the Training, Education and Development group

Appendix 8 - The NHS Constitution

- The NHS will provide a universal service for all based on clinical need, not ability to pay.
- The NHS will provide a comprehensive range of services.

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

Appendix 9 - Due Regard Screening Template

Section 1			
Name of activity/proposal		Probation Period Policy	
Date Screening commenced		August 2023	
Directorate / Service conducting the assessment		Human Resources	
Name and role of person undertaking this Due Regard (Equality Analysis)		Jasveer Lally – Senior HR Advisor	
Give an overview of the aims, objectives and purpose of the proposal:			
AIMS: We aim to deal with issues that arise during your probationary period openly and honestly in accordance with the Leicestershire re Partnership NHS Trust values, supporting performance improvement if this is required.			
OBJECTIVES: Provide a framework for probation periods for all new employees to the Trust and internal promotions.			
Section 2			
Protected Characteristic	The policy applies to all new employees. It does not discriminate positively or negatively between any protected characteristic.		
Age	The policy applies to all new employees.		
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 <u>tick</u> appropriate box below.			
Yes		No	
High risk: Complete a full EIA starting click here to proceed to Part B		Low risk: Go to Section 4. ✓	
Section 4			
If 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.			
Signed by reviewer/assessor	Jasveer Lally	Date	August 2023
<i>Sign off that this proposal is low risk and does not require a full Equality Analysis</i>			
Head of Service Signed		Date	28 September 2023

Appendix 10 - Data Privacy Impact Assessment Screening

<p>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.</p> <p>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.</p>		
Name of Document:	Probation Period Policy	
Completed by:	Jasveer Lally	
Job title	Senior HR Advisor	Date: August 2023
Screening Questions	Yes / No	Explanatory Note
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.	No	
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.	No	
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?	No	
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?	No	
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.	No	
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?	Yes	Part of a formal process to appropriately manage an individual's employment.
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.	No	
8. Will the process require you to contact individuals in ways which they may find intrusive?		
<p>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via Lpt.dataprivacy@nhs.net In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</p>		
Data Privacy approval name:	Sarah Ratcliffe	
Date of approval	05/10/2023	

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