Probation Period – Manager Guide

This guidance is to help any manager who has a new starter who is subject to a probation period. It should be read alongside the Probation Policy and Probation Action Card.

What is a probation period?
It is a set period of time (6 months) for you as a manager to monitor the performance of an employee who is new to GHC to assess their suitability for their role and their fit with Trust values. As part of this you need to ensure the necessary training and support are provided to enable new employees to achieve the expected standards of competency and appropriate behaviours.

As part of this assessment you will need to consider:

- performance
- conduct
- attendance
- timekeeping.

To help you do this you should think about if individuals have demonstrated the following:

- professional competence
- fit with Trust values and behaviours
- willingness to follow reasonable instructions
- ability to meet individual, team, service or organisational targets
- accuracy of work completion
- ability to meet required standard of work, meet deadlines or complete tasks
- ability to work effectively, independently or as part of a team, adhering to procedures
- good attendance, for example no persistent lateness, sickness absence levels that are within the trigger points for monitoring short-term absences
- professionalism towards patients, service users, colleagues, carers and/or visitors
- good working relationships with colleagues
- ability to follow the rules, regulations, policies and procedures of the Trust.

Who has a probation period?
All employees who are new to the Trust, including:

- individuals on fixed-term contracts
- people who have previously worked only on the Staff Bank
- individuals who retire and return.

Employees only have one probation period when they join GHC. If an employee moves internally to a new role they do not have a new probation period in that role. The only exception is when someone changes role before their initial probation period is completed. If this happens then:

- the remaining time on the probation period is carried over to their new role
- the new manager (or 'receiving' manager) becomes responsible for monitoring the rest of the probation period.

The new/receiving manager is responsible for checking if their preferred candidate is subject to an existing probationary period. The former manager should make this clear when they provide a reference.

Creating a structured probation programme
It is your responsibility as the manager to:

- set and agree a programme or plan to help the new starter learn their role and settle into the team during their probation. Ensure both you and the employee are clear about expectations, particularly where this may be different to the standards and expectations for the wider team
- ensure that all progress meetings take place and are documented.

Corporate induction followed by a local induction should provide a structured start for any new employee joining the Trust.

The programme should include:

- regular monitoring of the employee's performance through the induction, middle and final review meetings and additional meetings (e.g. 1-1 meetings, supervision)
- identify and discussing any problem areas at the earliest possible opportunity
- providing regular constructive feedback
- ensuring supervisory support and guidance is in place
- providing any necessary training and coaching or access to opportunities for training and coaching
- setting clear targets the employee is expected to achieve during, or by the end of, the probationary period
- making clear the standards of performance required in respect of the job duties
- informing the employee of the standards or measurements that will be used to assess their performance
- agreeing any development activities
- ensuring the employee is aware of any relevant standards of behaviour.

Probation review meetings
There are 3 review meetings that must take place to review an employee's progress during their probation period:

Induction review meeting	• This should be held after the employee has been in post for 2-4 weeks. • The purpose of this meeting is to: o review how the employee has gotten on during their initial induction o check what is still outstanding o set the focus for their first 3 months in post.
Middle review meeting	• This should take place after the employee has been in post for 12 weeks, which is halfway through the probation period. • The purpose of this meeting is to: o discuss the employee's progress in the role so far o set the focus for the remaining 3 months of their probation period.
Final review meeting	• This should take place 2-3 weeks before the end of the 6-month probation period.

	• The purpose of this meeting is to review and discuss the employee's progress over the whole 6 months of their probation period.

It is your responsibility to ensure these probationary review meetings are completed on time. Set the dates for these meetings and put them in your calendar to avoid the dates slipping. If the meetings do not take place in the relevant timeframe it could result in someone automatically passing their probation period, even if there have been concerns.

You might also consider having regular more informal progress meetings with the employee, e.g. on a monthly basis, to monitor their performance and progress and enable you to give prompt feedback if problem areas are identified. Not having regular progress meetings could result in important issues being overlooked or delays in resolving performance issues.

Progress meetings should be a two-way process where both you and the employee have the opportunity to discuss progress on a one-to-one and confidential basis.

At each meeting you should aim to:

- highlight areas where the employee is doing well. It is important to focus on successes, not just where improvement is required
- use specific examples to explain clearly and in precise terms any areas in which the employee is falling below the required levels
- deliver any necessary criticism in a constructive way
- explore the possible reasons behind any failure to meet the required standards – listen to what the employee has to say, discuss and agree if any specific training or coaching is needed
- discuss any other relevant matters such as timekeeping, attendance, general conduct or attitude
- avoid assuming that unsatisfactory performance is caused by something within the employee's control
- give the employee the opportunity to comment on issues, including things like the extent to which they have integrated into the department and how well they are getting on with colleagues
- give the employee an opportunity to ask questions or raise concerns about any aspect of their employment
- if appropriate, set out the consequences of underperformance and/or a failed probation in a constructive and supportive way. Ensure the individual understands that a continued failure to achieve the required standards could ultimately lead to the termination of employment.

You need to be prepared to provide all possible support to a new employee in order to give them a fair opportunity to become a fully integrated and productive employee in the longer term.

Where any concerns arise about the employee's performance, you should discuss these fully and openly with them and agree and document a plan to address the concerns. All managers are expected to adopt a supportive approach, in line with Trust values.

At the end of each progress meeting consider agreeing an action plan with the employee to enable progress to be monitored. Any action plan should be clearly documented, identifying what should be done, by whom, how and by when, and shared with the employee. This way the employee will know what is expected by the time of the next review.

There is no requirement for the employee to be accompanied by a union representative or colleague at progress and review meetings, or for HR to attend.

There is no obligation or legal requirement for individuals to declare an underlying health condition or disability during the recruitment process or when their employment starts, so new information about existing health conditions may only come to light later on. If the employee declares any health issues that are affecting their work you should consider if:

- you need to submit a Working Well referral for advice on potential reasonable adjustments
- you need to seek advice from your HR manager.

Carrying out the middle review meeting

Before the meeting	• Plan the meeting – you need to hold the middle review meeting when the employee has been in post for approximately 12 weeks, i.e. halfway through the probation period. • Arrange a suitable location where any interruptions will be minimal. • The meeting should normally be between just you and the employee. • Use part 2 of the Probation Review Form to help you structure the meeting.
During the meeting	• Review the employee's performance to date since they started. • Identify and discuss areas where the employee is doing well. • Identify and discuss areas in which the employee required or continues to require further training or development. • Review what training and/or support that has been provided so far and what is still outstanding. • Identify any areas of poor performance and explore any underlying reasons for this, this could include, personal, financial or health problems. • Agree a plan of focus / development for the next 3 months. • Summarise the progress-to-date against targets / standards set at the start of the probation period at the end of the meeting. And then discuss the likely outcome at the final review meeting if the performance continues at a similar level: o Good – the employee is likely to have their probation confirmed at the end of the 6-month period if they maintain the same level of performance o Satisfactory – the employee is generally working to acceptable standard, although there may be some areas that require improvement. Advise the employee on the specific areas where improvement may be required in the next 3 months

	○ Improvement required – the employee is not meeting the required standard of performance in the areas identified. In such cases, inform the employee if they fail to improve performance within an agreed timeframe it is likely that they will not be confirmed in post at the end of the probation period.
After the meeting	• Complete Part 2 of the Probation Review Form to document the review meeting. • Sign the form and get the employee to sign it. • Place one copy of the form on the employee's personal file and give a copy to the employee.

Conducting a final review meeting

You should hold the final review meeting when the employee has been in post for approximately 23-24 weeks, i.e. 2-3 weeks before the end of the 6-month probation period. This meeting should normally be between you and the employee. Use part 3 of the Probation Review Form to help you structure the meeting.

At the meeting you should follow the same approach as you did for the middle review meeting.

There are three potential outcomes at the final review meeting:

Good	Where performance has been above expected or satisfactory. In this situation you should: • confirm the employee has successfully completed of the probation period and is being confirmed in post • set their objectives for the rest of the year • explain how performance will continue to be managed in the future, i.e. through the appraisal system and ongoing supervision.
Satisfactory	Where the employee is generally performing at an acceptable standard, although there may be some areas are still requiring improvement which should be highlighted to the individual. In this situation you should: • confirm the employee has successfully completed the probation period and is being confirmed in post • highlight the areas still in need of some improvement • set their objectives for the rest of the year • explain how performance will continue to be managed in the future, i.e. through the appraisal system and ongoing supervision.
Unsatisfactory	Where the employee is not meeting the required standard of performance in some or all areas. In this situation you should consider either extending the probation period (for one occasion) or progressing into a probation hearing. You will need to seek HR advice before determining how to proceed.

After the meeting you should:

- complete Part 3 of the Probation Review Form to document the review meeting

- sign the form and get the employee to sign it
- place one copy of the form on the employee's personal file and give a copy to the employee
- confirm in a letter the outcome of the meeting.

Suspending & extending a probation period
You should seek advice from your HR manager before deciding to suspend or extend an employee's probationary period.

A probation period will need to be suspended when the employee is absent due to maternity or extended paternity leave (but not sickness absence) or in other exceptional circumstances. In these situations:

- you will need to inform the employee their probation period is suspended until they return to work
- you will need to confirm the suspension of the probation period in writing, making sure you place a copy of the employee's personal file
- when the employee returns to work the probation period will resume where it was suspended to ensure that a full 6 months of work is measured
- you will need to write to the employee again to confirm when the probation period has restarted
- once the probation period has resumed you must continue to managing the remainder of it in line with the probation review process.

The letters confirming an employee's probation period suspended / restarted need to include:

- the date the probation period is suspended from and when the probation period is expected to resume (the date at which they return to work) **or** the date the probation period actually resumes and when their probation period will end
- the reason for the suspension, e.g. they are taking maternity leave
- confirmation that when the probation period resumes the process will pick up from the point it was suspended.

A probation period should be extended where there are documented performance concerns or mandatory training requirements outstanding at the end of the 6 months. In these situations:

- only 1 extension can be given
- the extension should be proportional to the reason why the probation period needs to be extended
- the maximum length an extension can be is 3 months
- you will need to inform the employee their probation period is being extended. This should be done as part of the final probation review meeting
- you will need to confirm the extension of the probation period in writing, making sure you place a copy of the employee's personal file
- at the end of the of the extension you should hold a second final review meeting to assess if there has been adequate improvement / the required mandatory training has been completed during the extension.

The letter confirming an employee's probation period is being extended needs to include:

- the length of the extension and the date on which the extended period of probation will end

- the reason for the extension, e.g. the employee's performance has fallen short of certain standards, but you reasonably believe that an extension of time will be effective in allowing them to achieve these standards
- the performance standards or objectives the employee is required to achieve by the end of the extended period of probation
- any support, such as further training, that will be provided during the extension
- wording to inform the employee that if they do not reach the required level of performance their job will be at risk and they may not be confirmed in post.

Towards the end of the extended probation period an extension final review meeting should take place to assess the employee's overall performance during the extension. The options are the same as at the original final review meeting, except there is no option to extend the probation period again. The decision needs to be made to either hold a formal review meeting or confirm successful probation completion. This review meeting needs to be documented using the probation review form.

Potential reasons for probation period failure

The list below sets out potential reasons you might consider a probation period to be unsuccessful (the list is not exhaustive):

- incompetence
- lack of fit with Trust values or behaviours
- unwillingness to follow reasonable instructions
- complaints received from patients/ service users, colleagues
- failure to meet individual, team, service or organisational targets
- inaccurate work completion
- failure to meet required standard of work, meet deadlines or complete tasks
- unable to work effectively independently or as part of a team
- attendance (persistence lateness, sickness absence levels that exceed the current Trust trigger points/ expected levels of attendance)
- rudeness to patients/ service users, colleagues, visitors
- poor working relationships with colleagues
- failure to follow the rules, regulations, policies and procedures of the Trust

Probation hearing

If you need to progress a case to a probation hearing you will be full supported by your HR manager, who will explain the process that has to be followed, support you to write the management case and attend the hearing with you.

Before the hearing takes place you will need to write the management case, which should cover:

- the process followed during the probation period
- details of the induction, training and support provided
- the area(s) you believe remain unsatisfactory / not achieved at the end of the probation period
- the reasons why these areas remaining unsatisfactory / not achieved are problematic, i.e. the actual or potential consequences.

The purpose of a probation hearing is for a senior manager to review the probation period, the support provided by you and their colleagues and to decide if an individual's employment

will continue. The potential outcomes of a hearing are:

- the employee is confirmed in post
- the employee's probation period is extended (as long as there has not already been an extension)
- the individual's employment with the Trust is terminated.

Sick pay during probation period

New starters are eligible to receive contractual sick pay during their probation period in line with Agenda for Change Terms and Conditions of Service. What they are eligible to receive will depend on any previous service with an NHS employer, the type of contract/agreement they were engaged through, the organisation they worked for and the break in service between their NHS employment ending and when they started with GHC.

Notice periods during probation periods

During the probation period the normal contractual notice periods apply, i.e. 4 weeks for staff in band 1-4 posts, 8 weeks for staff in band 5-7 posts and 12 weeks for staff in posts that are band 8a or above.

General advice

- Be open and honest! It is much easier to address performance concerns at an early stage before they become more problematic. It should not come as a surprise to an employee at the end of their probation period if it is being extended or progressing to a probation hearing.
- If you have concerns seek advice from HR ahead of any meetings you have with the employee as this will help you be prepared.
- In most situations the full 6 months will be needed to give employees the opportunity to demonstrate that they can meet the expectations of the role
- To extend a probationary period or progress to a hearing you will need to have followed the probationary period policy appropriately and sought HR advice
- Following the process and completing documentation accurately is important – especially when it comes to extending probation periods and/or progressing to a hearing.
- Encourage reluctant employees to speak up to help you find out what might be concerning them and try to put in place appropriate additional support or training to help them succeed.