

East Kent Hospitals University NHS Foundation Trust

New Starter Probation Policy

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Author:	Head of Employee Relations
Approving committee:	Staff Committee
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Version Control Schedule

Version	Date	Author	Status	Comment
1	November 2012	Employee Relations Advisor	Final	New Starters Policy
2	December 2013	Employee Relations Advisor	Final	New Starters Policy
3	January 2020	Employee Relations Advisor	Final	Change of Policy Name (previously known as New Starters Policy and New Starter Toolkit)
3.1	October 2021	Head of Employee Relations	Pending	No passing of probation by default (paragraph 8.4.1) Extension of probationary periods now 6 months (paragraph 8.4.3.3) Re-wording of statutory notice provisions (paragraph 8.5.3)

Consultation and Ratification Schedule

Name and Title of Individual	Date Consulted

Name of Committee	Date Reviewed
Staff Committee	October 2021

Associated Documents

Disciplinary Procedure

Sickness Absence Policy

Managers Guidance on Redeployment

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1. Policy Summary

- 1.1. East Kent Hospitals University NHS Foundation Trust is committed to providing a thorough induction process for all employees engaged by the Trust.
- 1.2. The probation policy has been developed to contribute to the achievement of the Trust's aims to promote "the employability, lifelong learning and continuing professional development of its employees".

2. Introduction

- 2.1. All new employees appointed to the Trust and covered by Agenda for Change terms and conditions, including Very Senior Managers and those on a fixed term contract, are subject to a probationary period. A probationary period ensures the Trust has the facility to review and support new employees during their initial months in post.
- 2.2. All new starters who are either permanent or on a fixed term contract will attend the mandatory Trust Welcome Week. Following this, managers should follow the structured new starters programme and ensure employees receive an appropriate local induction and complete any statutory, mandatory and essential training.
- 2.3. 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 for example they do not meet the Trust's We Care Values and Behaviours, level of competency outlined within the Job Description relevant to the post, or our attendance expectations; this policy provides the facility for either party to terminate the contract.

3. Purpose and Scope

- 3.1. This policy is designed to support new employees employed by the Trust and help them become fully integrated and productive from the earliest opportunity.
- 3.2. All employees directly employed by the Trust who have been away from the organisation for more than a year either on extended leave or working elsewhere must complete both the Trust Welcome Day and local induction.
- 3.3. Employees who transfer to EKHUFT under TUPE or similar arrangement must undertake the Trust Welcome day. The need for local induction for this group should be reviewed as part of the arrangements for the transfer.

- 3.4. Employees that are internally transferring to a new work area must complete a local induction, but will not be considered to be on probation if they are already an established employee.

4. Duties & Responsibilities

4.1. Chief Executive

- 4.1.1. The Chief Executive is responsible for ensuring that there is a framework in place for the identification of requirements for induction and supporting the workforce to provide safe care for patients.

- 4.1.2. The Chief Executive (or their nominated deputy) is responsible for attending and championing the Trust Welcome Day.

- 4.2. **Executive and Care Group Directors** are responsible for: ensuring all managers understand the importance of employees completing all aspects of the Trust Welcome Week and local induction; and ensuring monitoring of compliance takes place in their areas and that any non-compliance is followed up.

4.3. Managers

- 4.3.1. Managers are responsible for:

4.3.1.1. Contacting employees prior to starting the Trust Welcome Week; to confirm attendance or welcoming the new starter to the team.

4.3.1.2. Managers are responsible for on-boarding new starters at the earliest opportunity, inviting new starters to team meets, events, away days or other activities as part of welcoming them to our Trust.

4.3.1.3. Managers are responsible for assigning a 'buddy' to support the new starter as part of their local induction.

4.3.1.4. Ensuring that a robust local induction and orientation plan is in place for all new employees to the department.

4.3.1.5. Ensuring that local induction and mandatory training takes place in accordance with the guidelines within the first six weeks with the Trust.

4.3.1.6. Ensuring that standards of performance, behaviours and attendance of all employees are consistent with the requirements of the position; and are in line with the job description and Trust policies.

- 4.3.2. Where such standards do not meet with Trust policies, ensuring that appropriate action is taken in accordance with relevant Trust policies.

- 4.3.2.1. Providing appropriate supervision to monitor progress or identify difficulties through constructive feedback and clear guidance on expectations; providing opportunities for support and action in a timely manner in order to ensure a good working relationship.
- 4.3.2.2. Ensuring that all probationary review meetings take place and, that associated documentation is completed, in accordance with the Local Induction Handbook, a copy of which is to be kept locally
- 4.3.3. Confirming whether the employee has successfully completed their probation period and that the policy is applied fairly and consistently for all employees.
 - 4.3.3.1. Contacting Employee Relations if there are concerns during the probation period, seeking guidance and support from HR prior to extending the probation period or terminating contracts of employment.

4.4. Human Resources

- 4.4.1. Human Resources are responsible for:
 - 4.4.1.1. Completing pre-employment checks and issuing the Contract of Employment
 - 4.4.1.2. Arranging start dates for new employees to attend the Trust Welcome day and local induction;
 - 4.4.1.3. Providing guidance on local induction for managers
 - 4.4.1.4. Notifying subject matter experts, as required, of new starters to ensure they are booked on relevant training;
 - 4.4.1.5. Reviewing the arrangements for the Trust Welcome day and local induction on a regular basis;
 - 4.4.1.6. Providing advice and guidance to managers and employees on the application of probation procedures including decisions on extension or termination of employment; and
 - 4.4.1.7. Working with managers to ensure the Trust complies with legislative requirements and good employment practice.

4.5. Employees

4.5.1. Employees are responsible for:

- 4.5.1.1. Attending the Trust Welcome Week and commencing their New Starter programme
- 4.5.1.2. Completing their local induction programme with their line manager
- 4.5.1.3. Completing their statutory, mandatory and essential training.
- 4.5.1.4. Meeting any reasonable objectives within deadlines set;
- 4.5.1.5. Identifying to their line manager at the earliest opportunities any difficulties they are experiencing;
- 4.5.1.6. Raising with their line manager any additional training, development or supportive measures which they believe to be necessary in order for them to fulfil the requirements of the role.
- 4.5.1.7. Demonstrating Trust We Care Values and Behaviours

5. On-boarding – New Starter Portal

- 5.1. All new employees receive access to their New Starter Portal (www.ekhft.nhs.uk/newstarter) as part of their offer of employment. This allows them to familiarise themselves with the organisation and to prepare for their arrival.
- 5.2. The purpose of the New Starter Portal is to provide a central platform through which we maximise their new starter experience. It is comprised of the following:
 - 5.2.1. Overview of the Trust
 - 5.2.2. Our vision, mission and values
 - 5.2.3. Our culture
 - 5.2.4. Pre-employment check information and guidance
 - 5.2.5. Guidance, contacts and link to complete Occupational Health checks
 - 5.2.6. Essential paperwork requiring completion before they start
 - 5.2.7. An overview of the Welcome Week
 - 5.2.8. Outlining our Local Induction

6. Trust Welcome Week

- 6.1. All new employees must attend our Corporate Induction Programme before starting in post. For non-clinical and non-patient facing new starters, this is simply attendance at our Trust Welcome Day.
- 6.2. Our clinical and patient-facing employees are required to attend additional role-specific training within their first week; this is referred to as our “Welcome Week”.

6.3. Trust Welcome Day

- 6.3.1. The first day for any new employee is an opportunity to create a lasting first impression, one that is both appreciative and welcoming. Our Trust Welcome Day has been designed around the needs of the new starter, not organisational compliance. The day includes:
 - 6.3.2. Executive welcome – Introduction to our culture and values
 - 6.3.3. Contractual terms & conditions; Reward, recognition and benefits
 - 6.3.4. Meeting with key stakeholders at a lunchtime support staff marketplace
 - 6.3.5. Overview of statutory, mandatory and essential (e-Learning) training
 - 6.3.6. Outline of the Local Induction programme, including the Trust Welcome week
 - 6.3.7. Issuance of Smartcard, ID badge, NHS Mail account, AD login and e-Learning credentials*

* Subject to satisfactory identification and proof of address checks

6.4. Trust Welcome week

- 6.4.1. In addition to the Trust Welcome Day, new starters in clinical and other patient-facing roles will be invited to attend a number of role-specific training sessions within their first week of employment. Line managers should ensure that they know what the current welcome week involves as well as the statutory and mandatory requirements of their new starters role and allocate time accordingly. The welcome week covers a range of topics such as:
 - 6.4.1.1. Resuscitation training

The majority of clinical colleagues will be required to attend this training which covers basic life support and use of Trust defibrillators, drug boxes and resuscitation trolleys.
 - 6.4.1.2. Clinical induction

This one day event is designed to give all clinical staff starting in the organisation a head start in the clinical environment and covers topics such as Communications and Human Factors, Patient Safety and Clinical IT systems.

6.4.1.3. Safeguarding Training

This foundation course is aimed at colleagues in patient-facing roles and provides new joiners with the knowledge and understanding of safeguarding adults and children.

6.4.1.4. Manual Handling (within first month)

Compulsory for everyone involved in moving loads / patients as part of their roles.

- 6.4.2. The latest information about what training sessions are currently included in the Welcome Week can be found in the New Starters section on the Staff Zone. Details of the most up to date Statutory and Mandatory training requirements can also be found on Staff Zone.

7. Local Induction

- 7.1. Line Managers are responsible for providing a robust and comprehensive local induction to their new employee. Best practice identifies that they are optimally placed to understand local needs and monitor, support and encourage the progress of new employees (including those 'acting up' or internally transferred/promoted).
- 7.2. Whilst formal probationary meetings need to be conducted by the Line Manager, other local induction activities can be delegated to relevant colleagues. For example, the local orientation could be completed by a nominated colleague, peer or 'buddy'.
- 7.3. Each new employee will be given a Local Induction Handbook (available in the New Starters section on Staff Zone) at their Trust Welcome Day which highlights the recommended content. As a minimum this should include:
- 7.3.1. Welcome to the ward/department – orientation & introduction to key contacts
 - 7.3.2. Health and safety, including familiarisation with local equipment
 - 7.3.3. Overview of the Care Group structure and support available
 - 7.3.4. Localised policies and procedures
 - 7.3.5. Mandatory and essential role specific training requirements
- 7.4. Further guidance around the Local Induction can be found in the Local Induction Toolkit for Managers.

8. Probation

- 8.1. Every new employee appointed to a permanent post or on a fixed term contract governed by Agenda for Change terms and conditions, including Very Senior Managers will be subject to a six-month probationary period.
- 8.2. The probation period should follow a set structure; this will ensure that as a Trust we are fair and consistent with all new employees.
- 8.3. Whilst the new employee is in their probationary period their line manager must meet with them at regular and set times and a record of these reviews must be documented in the New Starter Local Induction Handbook. A copy of which must be kept in the employee's personal file; this document will be used to record the employees progress towards their objectives, their attendance and conduct and form the basis for discussion at the end of probation review meeting:-

Week 2	Agree probationary objectives	Confirm with the new employee what they are expected to achieve during, or by the end of, the probationary period and what they will be required to demonstrate to show they have met this target. This discussion to include expectations in relation to attendance and Trust Values & Behaviours.
Week 6	1 st Review Meeting	Statutory Training to have been completed
3 months	Mid- point review	A review of achievements and progress against objectives to date. Discuss and identify any additional development needs and the most appropriate method and support to help the employee meet these, including the consideration of an extension to the probation period or redeployment (consult with Employee Relations if considering either of these options)
5 months	3rd Review Meeting	Summary of achievements and overall performance during the probation period. Re-consider options available as outlined above (consult with Employee Relations).

6 months	End of probation review	Confirm whether or not probation has been successfully completed.
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8.4. End of Probation Review Meeting

8.4.1. It is imperative that the employees end of probation review meeting is held before the end of the probationary period. An appointment will not be confirmed by default if concerns have been expressed during the probationary period, but the manager should take steps to address the concerns as a matter of urgency. There are several options available to a manager at this time:

8.4.2. Successful completion of probation

8.4.2.1. If an employee is successful in their probationary period, they will join the normal objective setting cycle.

8.4.3. Extension to Probation

8.4.3.1. In some circumstances, it may be necessary to extend an employee's probationary period, this may be due to a change in role, a period of absence that has meant the employee missed training or you feel the employee needs some additional targets to meet the standards required.

8.4.3.2. A decision to extend probation can be made at any time during the probation period; any proposal to extend a probationary period should be discussed with the Employee Relations Team, prior to extending. A formal hearing is not required, but the discussion must be recorded in the New Starter Local Induction Handbook.

8.4.3.3. Extensions to probationary periods must not exceed 6 months (so 12 months in total), and must be confirmed in writing, stating the new end of probation date; and outlining the reasons, expectations and support that is available. Extended Probation - Performance Improvement Programme Form (Appendix B) should be completed and retained with the employees completed New Starter Local Induction Handbook.

8.4.3.4. If there are still concerns following an extended probation period, then consult with the Employee Relations team who will arrange a formal end of probation hearing and appoint a suitable manager within the Care Group to chair. The employee will be deemed to be still in their probation period until such times as a final formal review has taken place and this should be clearly documented.

8.4.3.5. If an employee voluntarily applies for and moves to another role within the Trust, then their probation period will continue in their new post. The length of the probationary period in the new post will be discussed; agreed and confirmed in writing with the individual.

8.4.3.6. The total period of probation will not be longer than 12 months.

8.5. Non-confirmation of probation

8.5.1. If an employee's performance (including attendance levels and performance against the We Care Values and Behaviours) whilst on probation has been unsatisfactory and it is thought unlikely that further training or support would lead to a satisfactory level of improvement the employment will be terminated at the end of the probation period.

8.5.2. Termination of a contract of employment may take place at any time within the employee's probationary period. However, a decision can only be made following a full review of the employee's probationary documentation, which will take place during a formal meeting chaired by a suitably senior manager from within the Care Group and with a member of the Employee Relations team present.

8.5.3. An employee is only entitled to the statutory notice period if the reason for termination of employment is because they were unsuccessful in their probation period. The notice period given by the Trust will be in line with the statutory timescales, which for employees with less than one years' service is one week.

8.5.3.1. Notice periods: The notice period that an employee is required to give the Trust will be outlined in their individual contract of employment.

8.5.3.2. If an employee has worked less than 4 weeks then neither the employee or the employer is required to give notice, the employment can be terminated with immediate effect.

8.6. Roles that require specific qualifications

8.6.1. There are certain roles that require the completion of a specified qualification during the probation period, this should be detailed in the employee's contract of employment, but could include:

8.6.1.1. NMC PIN

8.6.1.2. Probation will be for 6 months but can be extended to 12 months in the specific circumstance where attainment of the IELTS exam is a requirement of the post.

8.6.1.3. If the employee fails to obtain this within this 12 month period then their contract of employment may be terminated for failure to pass probation.

8.7. Falsification of qualifications

8.7.1. If it is suspected, or established, that an employee does not have the qualifications, experience or knowledge that they claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts.

8.7.2. If the evidence suggests that the employee misrepresented their abilities in anyway, the Trust will have grounds to terminate the employment (giving one weeks' pay in lieu of notice) a formal hearing will be required and will follow the guidance within the Trusts Disciplinary Procedure. Contact the Employee Relations team who will make the arrangements for the hearing.

9. Redeployment

9.1. There may be occasion where an employee is not suited to the role they were initially employed for; in such instances, this should be highlighted to the Employee Relations team as soon as it becomes apparent, as there may be the potential for redeployment to another, more suitable, role within the Trust.

9.2. The process for redeployment will follow the guidance contained in the Managers Guide to Redeployment, unless following this process extends employment beyond the 12-month point.

9.3. A further extension to the probation period may be required to allow the employee sufficient time to reach the required competencies for the new role (up to a maximum of 6 months). Any extension should not take the employee beyond the 12-month probation point as stated above. The new end of probation date must be clearly identified, in writing, at the time of a suitable post being identified and the employee being transferred to the post for the trial period.

9.4. There will only be one opportunity for a trial period during the probation period, unless sufficient time remains to successfully attempt and complete a second process.

9.5. Occupational Health guidance will be followed where redeployment is being considered as a reasonable adjustment due to an underlying health condition. If such guidance indicates that the employee will not be able to return to work in the foreseeable future, or not be able to maintain a sustained attendance then consideration will be given to termination of employment on the grounds of ill health. A formal hearing will be required.

10. Key Stakeholders, Consultation, Approval and Ratification Process

- 10.1. This policy applies to all workers engaged by the Trust, directly employed or otherwise. Employees will be consulted on its content through the Staff Committee.
- 10.2. This policy will be ratified by the Policy Authorisation Group.

11. Review and Revision Arrangements

- 11.1. This policy will be reviewed as scheduled in three years' time unless legislative or other changes necessitate an earlier review.

12. Dissemination and Implementation

- 12.1. Once agreed by the appropriate Trust ratification group/committee, this policy will replace the old version on the Trust intranet. A Trust-wide e-mail will be sent to managers advising them of the updated version with instructions on how they can access it.

13. Document Control including Archiving Arrangements

- 13.1. Copies of employment policies, and of archived out of date/superseded employment policies are held on the Trust intranet.
- 13.2. This policy will be uploaded to the Trust's policy management system.

14. Monitoring Compliance

- 14.1. Compliance with this policy will be monitored by Human Resources through an annual report on its use presented to the Trust Staff Committee and Strategic Workforce Committee including a breakdown of application by protected characteristics

15. References

ACAS Guidance - Starting staff: induction

16. Appendices

- A. Template Management Statement of Case (to be completed by the line manager only if the Local Induction Handbook has been misplaced)
- B. Extended Probation - Performance Improvement Programme Form

Appendix A - Management Statement of Case (template)

<Insert Care Group>

<Insert Department>

END OF PROBATION MANAGEMENT STATEMENT OF CASE PRIVATE & CONFIDENTIAL

<Insert Name>

<Insert role>

1) INTRODUCTION

EMPLOYEE was appointed to *POST TITLE* on *DATE*.

2) OBJECTIVE SETTING AND MANDATORY TRAINING

EMPLOYEE has completed the following mandatory training:

The following objective setting and performance review meetings have been held with "EMPLOYEE"

3) PERFORMANCE DURING PROBATION

a) Performance against objectives

Comment on any support measures that have been required – extension to probation, whether any additional training has been required

b) Attendance

Comment on sickness levels – have there been any warnings issued.

c) Conduct

Comment on whether there have been any conduct or behavioural issues

Comment on behaviours against the Trust Charter – We Care Values and Behaviours etc. (To include how the employee interacts and works with team members, do they ask for support, show respect to colleagues? etc)

4) SUMMARY

EMPLOYEE has been supported through their probation by the department, however, has failed despite the above mentioned additional measures, to reach the required level of competency required for the role; and I would recommend that an appropriate decision is made as to whether to confirm or terminate their probation.

Or

EMPLOYEE has been supported through their probation by the department, however, their performance/behaviours has/have not met with the required standards and I would

recommend that an appropriate decision is made as to whether to confirm or terminate their probation.

Name
Position

Appendices:

- 1
- 2
- 3

Appendix B - Extended Probation - Performance Improvement Programme Form

Include any actions that may help the employee to achieve objectives/ requirements

Objective/ Requirement <small>Define clearly and specifically what it is that you need to improve.</small>	Actions Required <small>Define clearly how this objective/ requirement will be achieved and by whom.</small>	Measures of Accomplishment <small>Define a scale, grading or benchmark against which success can be measured. What evidence is required to confirm this?</small>	Agreed Support <small>Named mentor, training and/or support agreed.</small>	Time Bound <small>Specify dates as milestones for completion / review</small>	Outcome: <small>Achieved/ Not Achieved</small>



The objectives of the meeting and the performance improvement programme are to support the individual to meet or exceed the agreed required standards of performance:

- Inform the employee if work performance is below standard;
- Give the employee an opportunity to explain and explore the issues jointly;
- Identify, with the help of the employee any possible reasons;
- Identify any further training if necessary;
- Inform the employee of the on-going support that will be made available i.e. advice, guidance and appropriate training;
- Agree with the employee a programme to improve performance to meet or exceed the agreed required standards of performance;
- Inform the employee that failure to reach and sustain the required standards of performance will lead to further action under the procedure.

Performance rating following Performance Improvement Programme intervention

Sufficient Improvement Achieved <input type="checkbox"/> Passed probation	Some Improvement Achieved <input type="checkbox"/> Referral to formal process for consideration of continuing employment	Insufficient or No Improvement Achieved <input type="checkbox"/> Referral to formal process for consideration of continuing employment
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Agreed timeframe to review progress (the timeframe should be within the extended probation period): _____

Reviewer Signature		Date	
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Employee Signature		Date	
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Appendix C - Equality Analysis (EA)

An Equality Analysis not just about addressing discrimination or adverse impact; the policy should also positively promote equal opportunities, improved access, participation in public life and good relations.

Person completing the Analysis		
Name	Maria Knight	
Job title	Employee Relations Advisor	
Division/Directorate	Corporate	
Date completed	11 th February 2020	
Who will be impacted by this policy	<input checked="" type="checkbox"/> Staff (EKHUFT) <input type="checkbox"/> Staff (Other) <input type="checkbox"/> Service Users	<input type="checkbox"/> Carers <input type="checkbox"/> Patients <input type="checkbox"/> Relatives

Assess the impact of the policy on people with different protected characteristics.

When assessing impact, make it clear who will be impacted within the protected characteristic category. For example, it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Characteristic Group	Impact of decision Positive/Neutral/Negative
e.g. Sex	Women Men	Positive Neutral
Age	None	Neutral
Disability	None	Neutral
Gender reassignment	None	Neutral
Marriage and civil partnership	None	Neutral
Pregnancy and maternity	None	Neutral
Race	None	Neutral
Religion or belief	None	Neutral
Sex	None	Neutral



Sexual orientation	None	Neutral
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If there is insufficient evidence to make a decision about the impact of the policy it may be necessary to consult with members of protected characteristic groups to establish how best to meet their needs or to overcome barriers.

Has there been specific consultation on this policy?	N/A
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Did the consultation analysis reveal any difference in views across the protected characteristics?	
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Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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Conclusion: Advise on the overall equality implications that should be taken into account by the policy approving committee.	
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Appendix D – Plan for Dissemination of Policy

To be completed and attached to any policy when submitted to the appropriate committee for consideration and approval.

Title of document:	New Starter Probation Policy		
Version Number:	3		
Approval Date:	28 January 2020	Dissemination lead:	Maria Knight – Employee Relations Advisor
Previous document already being used?	Y		
If yes, in what format (paper / electronic) and where (e.g. Directorate / Trust wide)?	Electronic format on 4Policies – Trustwide for all Agenda for Change staff		
Proposed instructions regarding previous document:	Archive on 4Policies		
To be disseminated to:	How will it be disseminated, who will do it and when?	Format (i.e. paper or electronic)	Comments:
All AfC staff	Via information on Trust intranet pages	Electronic	