



Probationary Period Policy

Inmind Reference:	HR19
Category:	Human Resources
Version Number:	1
Reviewed on:	February 2018
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Lead Officer:	HR Manager
Equality Impact Assessment completed:	Yes

Applicable Legislation/Regulations:
The Equality Act 2010 The Employment Rights Act 1996 The Care Act 2014
Codes of Practice:
Purpose:
To ensure that new employees starting employment with Inmind Healthcare Group and their managers are clear around the probationary period process, and the available support that may be required within this.

Version Control Table		
Date Ratified	Version Number	Status

Date	Key Revision
15/02/2018	Probationary and Appraisal Policy separated, this is now just Probationary Policy

Please check to ensure this is the most current electronic copy of this document as it is updated and published in electronic format only (hard copies may become out of date).

1.0 The Policy

- a) Inmind Healthcare Group requires all employees who are new to Inmind to be subject to a six month probationary period. This probationary period will take place alongside their induction into Inmind and their role.
- b) To ensure the best interests of the employee, Inmind and service delivery all any probationary matters will be dealt with and concluded without undue delay, effectively and fairly.
- c) By the end of the probationary period, the employee must demonstrate they have the required standards.
- d) Through an effective probationary period policy and procedure, Inmind will:
 - Help and encourage all employees to achieve and maintain satisfactory standards of attendance, performance and conduct.
 - Ensure that the performance of new employees is monitored on a regular basis
 - Resolve any problems at an early stage
 - Recognise any inability to meet job requirements and take necessary supportive action
 - Identify employees who do not meet the required standards after managers have exhausted all reasonable and practicable support, and take appropriate action by applying fair and consistent procedures.
- e) Inmind has the right to terminate the contract of an employee at any time during the probationary period should they fail to meet the required standards.
- f) Employees whose contracts are terminated during the probationary period will be entitled to one week's notice.
- g) The following policies will not apply during the probationary period:
 - Disciplinary Policy
 - Management of Attendance Policy
 - Performance Management Policy

This does not affect any statutory rights.

2.0 The Procedure

2.1 Support during the probationary period

- a) Throughout the probationary period, the new employee should receive support from a number of people involved in their development.
- b) Whilst this may differ dependent on the employee's role, it is expected that throughout the six month period, the employee will benefit from regular supervision and on-going informal contact with their line manager/an appropriate senior colleague (e.g. if the new employee was a Support Worker, it would be expected that a qualified nurse with whom the individual regularly works, take responsibility for conducting these informal reviews).
- c) These discussions should take place at least once per month throughout the probationary period. The Registered Manager must identify and nominate an appropriate individual (or multiple individuals) to diarise and undertake these reviews with the probationary employee. It is then the responsibility of those identified to ensure these discussions occur and are supportive and focused.
- d) During these informal sessions, it is expected that the following areas be covered:
 - Review of performance
 - Methods of improving performance (e.g. training, coaching, mentoring)
 - Any problem areas including corrective action
 - Any issues regarding attendance and/or conduct
 - The individual's progression in their induction
- e) If an employee is concerned that such reviews are not taking place, or are not being conducted appropriately, they should speak to their line manager or Registered Manager as a matter of priority.

2.2 Conduct or performance concerns during the probationary period

- a) If the line manager (or any other manager/senior colleague) has immediate concerns over an employee's conduct or performance during their probationary period, they should not wait until the next scheduled meeting (informal or formal) to address these concerns with the employee. It is important that the issue be dealt with in a timely manner for both the employee, to give them time to improve, and the service.
- b) The line manager needs to make a judgment relating to the severity of the issue and take the appropriate course of action. Potential courses of action in this situation could include:
 - A recorded discussion with the employee
 - Due to the severity of the issue refer immediately to the Registered Manager for possible termination of the probationary period. The Registered Manager may need to discuss this with the Group Operations Manager before any formal action, including any arrangements for a dismissal meeting, was taken)

2.3 Formal Probationary Review Meetings

- a) Formal probationary review meetings should take place three times during the employee's six month probationary period and should be held by two appropriate managers, including the Line Manager, and where possible, the Registered Manager.
- b) It is the responsibility of the line manager to ensure that the employee is given at least two working days' notice of the meeting in writing. The letter will also include information about the content of the meeting and the employee will be invited to bring to that meeting any issues they wish to raise.
- c) At these meetings, employees are entitled to be accompanied, if they wish, by a work colleague or trade union representative.
- d) Employees should be aware that any of the Formal Probationary Review Meetings can be brought forward by a manager if necessary.

2.4 1st Formal Probationary Review Meeting (between weeks 4-6)

- a) At this meeting, all the informal review documentation (and discussions if these have been required) to-date should be reviewed with the individual, including performance, conduct and attendance issues, and progress in their development plan closely reviewed.
- b) The managers should seek to establish whether the employee is making satisfactory progress and should make the employee aware of any discrepancy between actual and expected performance/conduct and what improvement is required. If necessary, employees should be advised that failure to improve performance/conduct within the required timescale will result in dismissal.
- c) Line managers should give praise for areas that are positive and employees should be given the opportunity to discuss openly any difficulties they are experiencing, either on a work or personal level. Line managers will offer advice and support where appropriate.
- d) The meeting should be documented.

2.5 2nd Formal Probationary Review Meeting (generally between weeks 10-12)

- a) During the meeting, all informal review documentation (and any discussions) since the last formal meeting should be reviewed, along with any actions identified from the previous formal meeting.
- b) Again, the line managers should seek to establish whether the employee is making satisfactory progress and should make the employee aware of any discrepancy between actual and expected performance/conduct and what improvement is required. If improvement is still required, or there has not been the expected progress since the first formal review, the employee should be advised that failure

to improve performance/conduct within the required timescale will result in dismissal. The employee should also be informed that the decision may be taken to bring forward the third formal review as a result of this.

- c) The meeting should be documented.

2.6 3rd Formal Probationary Review Meeting (generally between weeks 18-20, or earlier if required)

- a) This meeting will again involve discussion regarding performance. If the employee's performance is satisfactory in all respects, the line manager should confirm this. The meeting should again be documented. Any shortfalls in performance will have been highlighted before now and there should be no surprises at this review meeting.
- b) This meeting will have one of three outcomes:
- Confirm successful completion and continuing employment (the manager must then confirm this in writing to the employee)
 - Terminate the contract (this should be discussed with the Group Operations Director before the decision is taken to terminate). Refer to section 2.7 of this policy
 - In exceptional circumstances, extend the probationary period (see section 2.8)

2.7 Termination of employment

- a) Where the employee has failed to meet the required performance standards and Inmind has exhausted all reasonable and practical remedial action, the contract of employment will be terminated. The employee will be paid in lieu of notice and for any untaken accrued annual leave entitlement.
- b) The employee will receive written confirmation of the decision along with the reasons. The employee will also be informed of the right to appeal against the decision. The appeal will be heard subsequent to the dismissal taking effect.
- c) The letter from the employee should outline the reason for the appeal and should be received by Inmind within seven normal office working days of the employee receiving written notification of the dismissal decision.
- d) The Appeal Panel will comprise of a minimum of two senior managers within Inmind who have not been previously involved in the case. The Appeal Meeting Chair will write to the employee inviting them to attend an appeal meeting and inform them of their right to be accompanied.
- e) This appeal should normally be held within twenty working days of receipt of the Appeal Form. The procedure for conducting Appeal Hearings can be found in Appendix 2.

- g) The Chair of the Appeal Panel must confirm in writing with the employee the outcome of the Appeal Hearing within five working days of the meeting. The decision of the Appeal Panel is the final part of the process.

2.8 The extension of a probationary period

- a) In exceptional circumstances, it may be appropriate to consider an extension to the probationary period to allow every opportunity for the employee to reach the required level of performance. If this option is to be considered, the Registered Manager should discuss this with the Group Operations Director prior to the meeting. Any extension should be for no longer than an additional 3 months.
- b) This extension, and the reasons for it must then be confirmed in writing to the employee by the Registered Manager.
- c) During this extension, informal meetings should continue as set out in section 2.1 of this policy. At the end of the extension period, the employee should be invited to a fourth Formal Probationary Review Meeting, using the same procedure as the third meeting (section 2.6 of this policy).
- e) The outcome of this formal meeting must be either:
- Confirm successful completion and continuing employment (the manager must then confirm this in writing to the employee)
 - Terminate the contract (this must be discussed with an Registered Manager and Group Operations Director before the decision is taken to terminate). Refer to section 2.7 of this policy.

Appendix 1

Equality Impact Assessment for this policy

Protected Characteristic (domain)	Area of conflict	Resolution
Age	Nil	N/A
Disability	Nil	N/A
Gender Reassignment	Nil	N/A
Pregnancy & Maternity	Nil	N/A
Race	Nil	N/A
Religion or Belief	Nil	N/A
Sex	Nil	N/A
Sexual Orientation	Nil	N/A
Marriage and Civil Partnership	Nil	N/A

All relevant persons are required to comply with this policy and must demonstrate sensitivity and competence in relation to diversity in race, faith, age, gender, disability and sexual orientation. If you feel you are disadvantaged by this policy, please contact the Registered Manager and the service will actively respond to the enquiry.

Appendix 2

Probationary Appeal Hearing Procedure

- 1) The Appeal Panel Chair makes introductions and opens the meeting.
- 2) The individual presents their case and calls witnesses. New evidence not able to have been considered at the Formal Probationary Review Meeting may be introduced at this stage.
- 3) The manager who conducted the Formal Probationary Review Meeting has the opportunity to question the individual and, where appropriate, any witnesses.
- 4) The Appeal Panel Members have the opportunity to ask questions of the individual and any witnesses.
- 5) The manager who conducted the Formal Probationary Review Meeting presents their case.
- 6) The individual has the opportunity to question the manager who conducted the Formal Probationary Review Meeting.
- 7) The Appeal Panel Members have the opportunity to question the manager who conducted the Formal Probationary Review Meeting.
- 8) The individual may sum up their case. No new evidence can be introduced at this point.
- 9) The manager who conducted the Formal Probationary Review Meeting may sum up their case. No new evidence can be introduced at this point.
- 10) The Appeal Panel will adjourn to make their decision in private.
- 11) The Appeal Panel seek clarity on any points if necessary.
- 12) The Appeal Panel reconvenes the meeting and informs the employee of their decision.

The panel may at their discretion adjourn an appeal at any time in order that further evidence may be produced by either party.