



**Coventry and  
Warwickshire**  
Integrated Care Board

# Probationary Policy

<b>Reference Number:</b>	<i>This will be applied to all new ICB-wide policies by the Governance Team and will be retained throughout its life span.</i>
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<b>Department:</b>	Human Resources

#### VERSION HISTORY

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March 2023	1	N/A	Social Partnership Forum Staff Forum PAG REMCOM

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## 1.0 Statement

- 1.1 It is Coventry and Warwickshire Integrated Care Board's (CWICB) policy that all new starters with the organisation will undertake a probationary period. During an employee's probationary period they will be expected to demonstrate their suitability for the job. It is also an opportunity for the employee to establish whether they are suited to the organisation. This policy and procedure should be applied taking into account all relevant circumstances including the requirement to make reasonable adjustments in order to comply with our legal requirements.
- 1.2 This policy is designed to facilitate this process in order to enable new employees to meet the standards required for successful completion of the probationary period in terms of performance, conduct, behaviours and attendance.

## 2.0 Principles

- 2.1 This policy applies to all new entrants to the CWICB but will not apply to internal appointments. It is the responsibility of all staff to follow the probationary policy.
- 2.2 The objective of the probationary period is to enable new entrants to be given the encouragement and support required to adapt to their new role. It enables supportive action to be instigated at the earliest opportunity if the required standards of performance, attendance, conduct, or behaviours are not being demonstrated. By the end of the probationary period the employee must be able to demonstrate that they have met the required standards of their role.
- 2.3 The CWICB has the right to terminate the contract of an employee at any time during the probationary period. Termination of employment may be considered in instances of gross misconduct, absence without leave (AWOL), unacceptable levels of absence, continued poor performance; however, this list is not exhaustive. Staff whose contracts are terminated during the probationary period will be entitled to one month's notice unless otherwise stated. Notice will normally be paid in lieu. On successful completion of the probationary period the notice periods as outlined in the individual's contract of employment will apply.
- 2.4 The following policies will not apply during the probationary period: Attendance Management and Managing Work Performance. This does not affect any statutory rights. All other CWICB policies will apply during the probationary period.
- 2.5 Full attendance is expected from all staff and particularly so for new entrants to the CWICB. All absence during probation should be reviewed following section 4 of this Policy document
- 2.6 The length of the probationary period for a permanent position will be dependent on the Band the individual is on. Details of the probationary period will be outlined in the Contract of Employment.

<b>Band/Grade</b>	<b>Length of probationary period</b>
Band 1 – 4	1 month
Band 5 - 7	3 months
Band 8 +	6 months

- 2.7** Where an employee is appointed on a fixed-term basis, the probationary period will mirror substantive employment and will be based on individuals' banding, as above.
- 2.8** Where an employee is employed through an agency, the agency remains their main employer, however the ICB will conduct regular reviews and provide feedback to the employing agency.

### **3.0 Procedure**

This procedure is detailed in PART 2.

### **4.0 Managing Attendance during Probation**

- 4.1** After every absence during the probationary period the line manager will hold an interim review meeting with the employee to discuss the absence using the absence during probation form.
- 4.2** If necessary, an employee may be referred to Occupational Health for an assessment of their ability to undertake their role and advice on how best they can be supported in the workplace. Should OH confirm that the employee has an underlying health condition, reasonable adjustments will be considered, and these discussed with your HR Representative. If necessary, the probationary period may be extended to assess the impact of the adjustments on the employee's ability to undertake the role.
- 4.3** Should an employee have any pregnancy related absences or absences related to gender transitioning during the probationary period these should not be taken into account when considering any formal action against the employee.
- 4.4** Should an employee fail to follow the absence reporting procedure and be AWOL during their probationary period this should, save in exceptional circumstances, lead to consideration of termination of employment.

### **5.0 Scheme of Delegation**

Initial Probation Meeting	Line Manager or equivalent level manager from elsewhere within the organisation
Formal Probation Review Meetings	Line manager or may accompanied by equivalent level manager from elsewhere within the organisation, HR or more senior manager.
Final Probation Review Meeting	Line manager or may accompanied by equivalent level manager from elsewhere within the organisation, HR or more senior manager. (Authority to dismiss will need to be given in writing to line manager).
Appeal against dismissal	Line manager's manager, or more senior manager than dismissal manager, HR.

## **6.0 Equality Statement**

- 6.1** In applying this policy, the CWICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, genderreassignment, marriage, pregnancy and maternity, race, religion or belief, and sexual orientation and civil partnership, in addition to offending background, trade union membership, or any other personal characteristic.

## **7.0 Monitoring and Reviewing**

- 7.1** The policy will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where necessary due to legislative change, this will happen immediately.
- 7.2** The implementation of this policy will be reviewed on an annual basis by CWICB Leadership Team.

## **Part 2 - Probationary Procedure**

### **1. Procedure**

- 1.1 If an employee fails to meet the required standards of performance, conduct or attendance, they may be subject to this probationary procedure. At all stages the employee will be fully informed of the reason for using the procedure. Management will ensure that the changes in performance, conduct, behaviour or attendance required and the timescales involved are reasonable, achievable and where possible agreed by all parties. Further misconduct, or expiry of the review period without improvement, may lead to a Final Probation Review Meeting which may ultimately result in dismissal. This procedure may also apply where cases of unacceptable conduct takes place outside the working environment.

### **2.0 Duties and Responsibilities**

#### **Line Manager**

- 2.1 It is the responsibility of the line manager to follow the probationary procedure for new probationary employees.
- 2.2 Line managers will also be responsible for ensuring that reasonable adjustments are considered for any employees who have an underlying health condition. Should adjustments be required these should be implemented without undue delay.
- 2.3 Line managers will be responsible for keeping a written record of the probationary period which should be updated, and a copy provided to the employee following every meeting.
- 2.4 Line managers will be responsible for ensuring that all training, induction, coaching and equipment required to undertake the role is provided to all new starters.

#### **Employee**

- 2.5 New employees will be responsible for performing to the best of their abilities; following instructions; completing all training and coaching during their probationary period.
- 2.6 Probationary employees will be required to attend both formal and informal meetings to discuss their performance in their role.
- 2.7 Full attendance is expected of employees during their probationary period and any absence in the probationary period will be reviewed by their line manager

#### **Human Resources**

- 2.8 Human Resources will be responsible for the overall application of the policy and must be consulted where there are cases of pregnancy, disability or gender transitioning.
- 2.9 Human Resources must also be contacted prior to any decision being taken on potential dismissal during the probationary period.

### 3.0 Regular Reviews

- 3.1** Following appointment line managers should hold an initial meeting with the new employee. This meeting should be held ideally within the first week of employment. If this is not possible then the meeting should be held as near to the start date as is practicable. This initial probationary review should cover the standards and requirements of the role and the expected behaviours, values and commitment required of employees of CWICB. This meeting should also include discussion of any declared disability or underlying medical condition and any support or adjustments that are required. This meeting will detail the dates of the regular reviews and formal probationary review meetings. This will be recorded on the Probationary Review Form (please see Appendix A).
- 3.2** With the exception of a 1 month probationary period where there will only be a final formal probationary review meeting, regular review and final review meetings should be held within the timescales outlined below. Managers have discretion and are encouraged to arrange further informal progress meetings throughout the probationary period.

<b>Length of probationary period</b>	<b>Formal probationary review dates</b>
1 month	Week 4
3 months	Week 6 and week 12
6 months	Month 3 and month 5

- 3.3** If there are issues of concern with regard to performance, attendance or behaviours the formal probationary review meetings may be brought forward at the discretion of the line manager.

### 4.0 Formal Probation Review Meetings

- 4.1** All formal probationary review meetings should be recorded on the Probationary Review Form (please see Appendix A). This record should be updated at each meeting and a copy given to the employee and held on employee's personnel file.
- 4.2** Formal probationary review meetings will take place with the line manager who may be accompanied at this meeting by another manager, Human Resources representative or more senior manager.
- 4.3** It is the manager's responsibility to ensure that the employee is given at least 5 working days' notice of a formal probationary review meeting in writing. The letter will also include information about the content of the meeting, if appropriate, and the employee will be invited to bring to that meeting any issues that they wish to raise. If termination of employment is a possibility, then this should be clearly referenced in the invite letter.
- 4.4** If an employee raises a grievance in relation to the probationary process, it will generally be appropriate to deal with the grievance concurrently with the probationary process i.e. the line manager can deal with the employee's concerns in the course of the probationary process. Where a grievance relates to the line



manager conducting the probationary process, any feedback or review meetings should be attended by an HR Representative or a neutral manager to ensure they are carried out appropriately. In extreme cases where the employee has made a particularly serious allegation, it may be necessary to extend the probationary period to allow a full investigation.

**4.5** Employees may be accompanied by a trade union representative or work colleague at formal probationary review meetings.

**4.6** The manager will seek to establish whether the employee is making satisfactory progress in assuming the responsibilities of the job. The employee will be made aware of progress made, and any shortfalls between actual and expected performance and what improvement is required. Standards, target/review dates and areas for improvement will be agreed, and where necessary the training plan will be amended. If necessary, employees should be advised that failure to improve performance within the required timescale will result in dismissal.

**4.7** If it becomes apparent that the employee, even with all reasonable support, will not achieve the required standards of the post then the line manager may at any stage during the probationary period progress to the final probationary review meeting.

## **5.0 Final Probation Review Meeting**

**5.1** This meeting will discuss job performance, attendance and behaviours, if the employee's performance is satisfactory in all respects, the manager should communicate this fact. Any shortfalls in performance will have been highlighted before now and there should be no surprises at this review meeting.

**5.2** This meeting will have one of three outcomes:

- Make arrangements for employee to be confirmed in the established post;
- Extend the probationary period.
- Termination of the contract; (this must be authorised by a manager authorised to dismiss and discussed with an HR Advisor before the decision to terminate is taken).

## **6.0 Confirm employee in established post**

**6.1** If, at the final probationary review meeting the employee's performance is satisfactory the manager will complete the Probationary Review Form (please see Appendix A) and confirm the employee in post. A copy of the final Probationary Review Form should be emailed to [icb.cwhr@nhs.net](mailto:icb.cwhr@nhs.net) for inclusion on the employee's personnel file.

## **7.0 Extend the Probation Period**

**7.1** The probationary period may be extended by a maximum of 6 months dependent upon the circumstances. HR should be contacted to discuss the rationale behind the decision to extend the probationary period. No written confirmation is required but the extension should be discussed with the employee and documented on the Probationary Review Form (please see Appendix A).

- 7.2 There should only be one extension to the probationary period, this extension should be of sufficient length to enable the employee to satisfactorily demonstrate their ability to undertake the role. An HR1 employee change form should be submitted to [Payroll](#) to record the extension on the electronic staff record (ESR).

## 8.0 Terminate the contract

- 8.1 Where termination of contract is a possible outcome, a manager who is authorised to dismiss (usually the line manager's manager) should be sent a copy of the Probationary Review Form (please see Appendix A) highlighting the concerns raised during the probationary period). The authorised manager will consider the evidence in the form and confirm in writing that authorisation to dismiss has been granted. The line manager will then invite the employee to the final probationary review meeting to consider potential termination of employment. The invite letter should include reference to the fact that the employee's contract may be terminated at this meeting.
- 8.2 Where the employee has failed to meet the required performance standards, and management have exhausted all reasonable and practical remedial action including consideration of any protected characteristics or disability related conditions, the contract of employment will be terminated. The employee will be paid in lieu of notice and for any untaken accrued annual leave entitlement. The employee will receive written confirmation of the decision, along with the reasons for it. The employee will also be informed of their right to appeal against the decision.

## 9.0 Training

HR will provide training sessions on this policy upon implementation and wherever necessary.

## 10.0 Appeals

Appeals against termination must be lodged in writing, to Human Resources, within 5 working days of receipt of the written notice of dismissal.

Appeals will be heard within 10 working days of receipt of the appeal but either party may, with the consent of the other, and in exceptional circumstances, request that this period is extended.

The employee must be given at least 8 working days' notice of the date of the appeal hearing and has the right to be accompanied by a trade union representative, certified to act on their behalf, or work colleague. This is inline with the CWICB'S disciplinary policy.

The appeals procedure at appendix B must be followed.

The next manager in seniority to the manager who dismissed will normally hear appeals and will be accompanied by a member of the Corporate HR team. The decision of the appeal panel is final.

## 11.0 Staff Compliance Statement

All staff must comply with this ICB-wide policy and failure to do so may be considered a disciplinary matter leading to action being taken under the ICB's Disciplinary Policy. Actions

which constitute breach of confidence, fraud, misuse of NHS resources or illegal activity will be treated as serious misconduct and may result in dismissal from employment and may in addition lead to other legal action against the individual/s concerned.

A copy of the ICB's Disciplinary Policy is available on the Intranet and ICB websites.

### **13.0 Ethical Considerations**

The ICBs recognise their obligations to maintain high ethical standards across the organisations and seek to achieve this by raising awareness of potential or actual ethical issues through the Policy consultation and approval process.

# Appendix A

## Probationary Period Review Form

<b>Employee Name</b>			
<b>Job Title</b>			
<b>Service Line/Department</b>			
<b>Date of Employment</b>			
<b>Manager:</b>		<b>Review Date:</b>	

### SECTION 1 – Initial Probation Review Meeting

<b>Objectives Set</b>	<b>Discussion Points/Action Agreed</b>	<b>Completed By:</b>
1.		
2.		
3.		
4.		
5.		

### SECTION 2 – Formal Probation Review Meetings

<b>Performance Feedback - Outline of areas where employee is performing well against objectives and standards set:</b>			
<b>Where any areas require improvement give details below:</b>			
<b>Outline any plans to improve performance:</b>			
<b>Objectives Set</b>	<b>Discussion Points/Action Agreed</b>	<b>Action by whom Employee/Manager:</b>	
1.			
2.			
3.			
4.			
5.			
<b>Formal Review</b> (sign & date below)		<b>Final Review</b> (move onto next section)	
<b>Employee's Signature:</b>			
<b>Manager's Signature:</b>			
<b>Date:</b>			

### SECTION 3 - Final Probation Review Meeting

<b>Is the employee's appointment to be confirmed?</b>	Yes	No
If Yes, confirmation of successful Probation Period letter to be sent to employee		

If No, give details of the concerns and schedule a Probation Period Hearing date below:	
<b>Date of Probation Period Hearing:</b>	
Where an extension of the probation period is determined as part of the Probationary Period Hearing, Section 2 Formal Probation Review of this form must be completed to review progress.	

Employee's signature:	
Manager's signature:	
Date:	

Once completed, please return to: [icb.cwhr@nhs.net](mailto:icb.cwhr@nhs.net)

## Appendix B Appeals procedure

Appeals will normally be heard by a more senior manager to the person who terminated the contract. Appeals will include a representative of Human Resources, in an advisory capacity, wherever possible.

The procedure for an appeal hearing is as follows:

1. The employee side will be asked to present their case, stating the reasons for the appeal.
2. The management side may then wish to ask the appellant any questions about their case.
3. The manager hearing the appeal will also have the opportunity to ask any questions.
4. The management side will then be asked to present their case, explaining the reasons for the action they have taken.
5. The employee side will then be able to ask any questions about the case management side have presented.
6. The manager hearing the appeal will also have an opportunity to ask any questions.
7. There will then be an adjournment when both sides will be asked to leave the room while the manager hearing the appeal considers the information they have heard and reaches their decision.
8. The decision of the manager will be communicated to both sides verbally, following the adjournment, wherever possible, and in any case will be confirmed later in writing no later than five working days after the appeal hearing.

## Appendix C - Equality Impact Assessment

Department	Corporate Affairs	Name of person completing EIA	Shriya Patel
Date of EIA	March 2023	Accountable ICB Lead	Theresa Nelson
		ICB Sign off and date	

Piece of work being assessed	Probationary Policy
Aims of this piece of work	To facilitate the probationary process to enable new employees to meet standards for required successful completion of the probationary period.
Other partners/stakeholders involved	None
Who will be affected by this piece of work?	All employees

Single Equality Scheme Strand	Baseline data and research on the population that this piece of work will affect. What is available? E.g. population data, service user data. What does it show? Are there any gaps? Use both quantitative data and qualitative data where possible. <b>Include consultation with service users wherever possible</b>	Is there likely to be a differential impact? Yes, no, unknown.
<b>Gender</b>	No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC terms and conditions, and makes all reasonable provision to ensure equity of access to all staff. It is acknowledged that the greater percentage of employees is female and therefore this staff group may inevitably be more impacted upon by the policy. However, there are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.	No
<b>Race</b>	No anticipated detrimental impact on this equality group	No
<b>Disability</b>	No anticipated detrimental impact on this equality group	No
<b>Religion/ belief</b>	No anticipated detrimental impact on this equality group	No
<b>Sexual orientation</b>	No anticipated detrimental impact on this equality group	No
<b>Age</b>	No anticipated detrimental impact on this equality group	No
<b>Social deprivation</b>	No anticipated detrimental impact on this equality group	No
<b>Carers</b>	No anticipated detrimental impact on this equality group	No
<b>Human rights</b>	No anticipated detrimental impact on this equality group	No