



Leadership Academy

Graduate Management Training Scheme

PROBATIONARY POLICY

(This policy applies to all NHS Graduate Management Trainees from
September 2022 Intake forwards)

Probationary Policy

Issue sheet

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1 Policy Statement

- 1.1 The initial period of the NHS Graduate Management Trainee Scheme (GMTS or The Scheme) is a time in which new Trainees settle into their posts by learning about the specific duties of the post and using their skills and competencies to learn to undertake those duties satisfactorily. This policy and procedure are designed to facilitate this process in order to enable new Trainees to meet the standards required for successful completion of their probationary period in terms of performance, conduct, attendance and behaviours.
- 1.2 The policy and procedure will be reviewed periodically by Human Resources (NHSBSA HRSS) giving due consideration to legislative changes.
- 1.3 In applying this policy, The Scheme 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, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or political affiliation.

2. Scope of the Policy

- 2.1 This Policy applies to all new entrants to The Scheme employed under a contract of employment with the Host Organisation NHSBSA. It is the responsibility of all Trainees to follow the probationary procedure.
- 2.2 The probationary period is to enable new Trainees to be given the encouragement and support required to adapt to The Scheme. It enables supportive action to be instigated at the earliest opportunity if the required standards of performance, attendance and conduct or behaviours are not being demonstrated. It also enables a process of encouragement and support and discussions with the Trainee regarding the reasons giving rise to these situations. By the end of the probationary period the Trainee must be able to demonstrate they have met the required standards to pass their probationary period and progress to Year 2 of the Scheme. If the end of the probationary period passes without a Final Probation Review Meeting taking place, then the Trainee is deemed as automatically having passed their probation.
- 2.2 We reserve the right to terminate the contract of a Trainee 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, poor conduct and/or poor behavior's however, this list is not exhaustive. Trainees whose contracts are terminated during the probationary period will be entitled to one months' notice unless otherwise stated. Notice will normally be paid in lieu.
- 2.3 The following policies will not apply during the probationary period; Disciplinary Policy and Procedure, Attendance Policy and Managing Work Performance Policy. Following successful completion of the probationary period, these policies will then apply. This does not affect any statutory rights. All other policies will apply during the probationary period.
- 2.4 Full attendance is expected from all Trainees all absence during probation should be reviewed as shown in Section 6 Managing Attendance During Probation.

- 2.5 The length of the probationary period for The Scheme will be 6 months. The probationary period may be extended on one occasion for a maximum period of 3 months. The decision to extend or fail a trainee's probation will be discussed prior to any decision being communicated to the trainee with NHSBSA HR Advisory team and GMTS Senior Manager for Education and Experience. Details of the probationary period will be outlined in both the offer letter and Contract of Employment.

3. Procedure

- 3.1 During the probationary period and throughout the Scheme, adequate training, support, feedback and reasonable adjustments (as identified by the trainee and/or occupational health), will be provided to the Trainee. This will entail regular review meetings between the Trainee and their Placement Managers.
- 3.2 The Trainee is responsible for performing to the best of their abilities and bringing to attention any factors impacting their ability to perform at their best as soon as it is known. The Trainee is required to attend both informal and formal meetings to discuss their performance on the Scheme.
- 3.3 All Probationary Forms are held electronically on GENI.

4. Duties and Responsibilities

Placement Manager

- 4.1 It is the responsibility of the Placement manager to follow the probationary procedure for probationary Trainee and work in partnership with the Trainee Support Manager (TSM) highlighting any concerns to the TSM without any delay.
- 4.2 Placement Managers are responsible for arranging dates and times of all probationary meetings which will be agreed at the initial Probationary Review Meeting.
- 4.3 Placement managers will also be responsible for ensuring that any adjustments that are considered reasonable for any Trainees who have an underlying health condition should be implemented without undue delay.
- 4.4 Placement managers will be responsible for keeping a written record of the probationary period on the electronic Probationary Review Form held on GENI following every meeting. The probationary review meeting must be held with the trainee as a joint meeting with the trainee given opportunity to add comments and signature.
- 4.5 Placement managers will be responsible for ensuring that all training, induction, coaching and equipment required to undertake the post is provided to all new Trainees.

Probationary Trainee

- 4.6 Probationary Trainee will be responsible for performing to the best of their abilities; following instructions; completing all training and coaching during their probationary period and raising any issues they feel impact their ability to perform at their best as soon as possible.

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- 4.7 Probationary Trainees will be required to attend both formal and informal meetings to discuss their performance on the Scheme and to complete and sign the electronic Probationary Review Form held on GENI.
- 4.8 Full attendance is expected of Trainees during their probationary period and any absence in the probationary period will be reviewed by the Placement Manager in line with Section 6.

Trainee Support Managers

- 4.9 The Trainee Support Manager will work in partnership with the trainee and the placement manager to make sure that the trainee is on track to pass probation and provide advice in relation to OH referrals and support plans.
- 4.10 The TSM will provide support to the Trainee as appropriate and monitor progress throughout probation on GENI.

NHSBSA HRSS Human Resources

- 4.11 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.
- 4.12 Human Resources must also be contacted prior to any decision being taken on extending a probationary period and potential dismissal during the probationary period.

5. Probationary Review Meetings

- 5.1 The Placement Manager will hold the first Probationary Review Meeting in the trainee's second month and continue monthly until the Final Probation Review Meeting which will be held in month six.
- 5.2 The Trainee Support Manager will work in partnership with the trainee and the placement manager to ensure the trainee is on track to pass probation. If at the third probation meeting there are concerns that the trainee may not pass probation a probation support plan must be put in place.
- 5.3 The probation support plan must be agreed by the trainee, the Trainee Support Manager and the Placement Manager at the third probation review meeting. It will be explained to the trainee that failure to meet the requirements set out in the probation support plan may mean dismissal from the Scheme. Where a trainee has a probation support plan in place the GMTS Senior Manager for Education and Experience must be in attendance for the Final Probation Review Meeting.
- 5.4 The Probationary Review meeting should cover the standards and requirements of the Trainee on The Scheme and the expected behavior's, values and commitment required of Trainees. 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 Probationary Review meetings. This will be recorded on the Probationary Review Form.
- 5.5 The Placement Manager will establish the Trainee is making satisfactory progress on The Scheme and make the Trainee aware of progress made, of any discrepancy between actual and expected performance and what improvement is expected. Standards, target and review

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dates and areas of improvement will be defined and where necessary a support plan will be introduced and the training plan amended. The Trainee should be advised failure to improve performance within the required timescale may result in dismissal.

- 5.6 If there are issues of concern with regard to performance, attendance, conduct or behavior's the Final Probationary Review Meeting may be brought forward at the discretion of the Placement manager in consultation with the Trainee Support Manager and NHSBSA HR Advisor.
- 5.7 All Probationary Review Meetings should be recorded electronically on the Probationary Review form. This record should be updated at each meeting and signed and dated by the trainee. The Probationary Review Form should be retained as a live document during the whole probationary period. The Probationary Form is accessed electronically from GENI.
- 5.8 Probationary Review Meetings will take place with the Placement Manager and the Trainee. The Placement Manager may be accompanied at this meeting by the Trainee Support Manager (TSM) .
- 5.9 If it becomes apparent that the Trainee, even with all reasonable support, will not achieve the required standards of the Scheme then at any stage during the probationary period the process may progress to the Final Probation Review Meeting.

6. Managing attendance during probation

- 6.1 After every absence during the probationary period the Placement Manager should hold an interim review meeting with the trainee to discuss the absence using the Probationary Absence Review Form.
- 6.2 If necessary, the Trainee may be referred to Occupational Health (OH) 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 the Trainee has an underlying health condition, reasonable adjustments should be considered, and these should be discussed with an NHSBSA HR Advisor. If necessary, the probationary period may be extended to assess the impact of the adjustments on the Trainee's ability to undertake the role.
- 6.3 Should the Trainee 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 Trainee. Probation may be paused in these instances; further guidance can be sought from NHSBSA HR Advisor.
- 6.4 Should the Trainee 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.

7. Final Probation Review Meeting

- 7.1 Final Probation Review Meetings will be chaired by the Placement Manager and the Trainee Support Manager in attendance.

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- 7.2 It is the Placement Manager's responsibility to ensure that the trainee is given 5 working days' notice of a Final Probationary Review Meeting in writing. The letter will also include information about the content of the meeting and the trainee 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
- 7.3 Trainees may be accompanied by a trade union representative or work colleague not acting in a legal capacity at the Final Probationary Review Meeting
- 7.4 The Final Probation Review Meeting must be held within month 6 and no later than the second week of month 6 unless the probationary period has been extended due to absence.
- 7.5 The Final Probation Review Meeting will discuss performance, attendance and behaviours against agreed objectives. If the Trainee's performance is satisfactory in all respects, the Placement 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. A Final Probation Review Meeting form should be completed and is accessed on GENI.
- 7.6 The Final Probationary Review Meeting will have one of three outcomes:
- Probationary period successfully completed.
 - Extension of the probationary period.
 - Termination of contract; (this must be authorised by a GMTS manager authorised to dismiss and discussed with an NHSBSA HR Advisor before the decision to terminate is taken)

8. Confirm Trainee has Passed Probation

- 8.1 If, at the Final Probationary Review Meeting the Trainee's performance is satisfactory the placement manager will complete the Final Probationary Review form and confirm the Trainee has successfully completed their probationary period, they will progress to Year 2 of the Scheme and receive the pay uplift in month 13. A copy of the Final Probationary Review form will be uploaded through DTS for inclusion on the Trainee's personnel file.
- 8.2 For a trainee to pass probation they must:
- Complete a minimum of 15% of their Scheme competencies to the required level. These must be signed and agreed to be at the required level by the trainee's Placement Manager.
 - Complete and record all Probation Review meetings on Geni which must be signed and dated by the placement manager and trainee.
 - The Trainee should not have any conduct, performance or capability issues that either the Trainee Support Manager or the Placement Manager identifies.

9. Extend the Probationary Period

- 9.1 The probationary period may be extended on one occasion only up to a maximum of 3 months dependent upon the circumstances. NHSBSA HR Advisor should be contacted to discuss the rationale behind the decision to extend the probationary period.

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- 9.2 The Trainee must receive written confirmation of the decision to extend the probationary period along with the reasons for the extension by letter.
- 9.3 Circumstances include, but are not limited to:
- Where it has not been possible to make a fair assessment of the Trainee's performance e.g., due to a period of extended absence
 - To allow sufficient time to assess any reasonable adjustment(s) that have been implemented for underlying health conditions (where applicable)
 - The Trainee has demonstrated a degree of performance which indicates the required standards could be achieved by an extension to the probationary period
- 9.4 A Support Plan may be implemented during the extension.
- 9.5 A further Final Probation Review Meeting will be held at the end of the extension period, a separate form is provided for this meeting on GENI. The outcome of this meeting will be:
- Probationary period successfully completed. Arrangements will be made for the trainee to receive the pay uplift in Month 13 following successful completion of probation.
 - Termination of contract.
- 9.6 There should only be one extension to the probationary period of no more than 3 months, this extension should be of sufficient length to enable the Trainee to satisfactorily demonstrate their ability to undertake the role. A change form should be submitted via DTS to record the extension on the electronic staff record (ESR).

10. Terminate the Contract of Employment

- 10.1 Where termination of contract is a possible outcome, the Placement manager will invite the Trainee to the Final Probationary Review Meeting to consider potential termination of employment. The invite letter should include reference to the fact that the Trainees contract may be terminated at this meeting.
- 10.2 Where the Trainee 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 Trainee will be paid in lieu of notice and for any untaken accrued annual leave entitlement. The Trainee will receive written confirmation of the decision, along with the reasons for it. The Trainee will also be informed of their right to appeal against the decision.
- 10.3 GMTS Senior Manager for Education and Experience has authority to dismiss the decision to dismiss will be made following discussion with NHSBSA HR Advisor.
- 10.4 Dismissal can occur before the end of the probationary period. Reasons to consider termination include, but are not limited to:
- Unsatisfactory performance
 - Unsatisfactory attendance
 - Poor/inaccurate timekeeping
 - Failure to follow rules, policies and procedures and codes of conduct

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- Unacceptable/inappropriate behaviour
- Any activity that could damage the reputation of The Scheme or wider NHS
- Gross misconduct

- 10.5 Other events, which may be outside of the control of the Scheme and/or the individual Trainee during the probationary period, may make continuing employment impractical or impossible. Examples include but are not limited to failure to meet contractual training requirements or loss of other essential requirements (e.g., loss of professional/ statutory registration/ loss of legal right to work in the UK)
- 10.6 If a Trainee 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 Placement manager can deal with the Trainees concerns in the course of the probationary process. Where a grievance relates to the Placement manager conducting the probationary process, any feedback or review meetings should be attended by an HR Advisor 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

Voluntary Resignations During/At the End of Probation

- 10.7 The probationary period also serves as a period of time for the Trainee to determine if the Scheme is right for them. Trainees have the right to leave the Scheme at any time including during the probation period if they feel they do not want to continue the Scheme for any reason. We request that the Trainee give one month's notice of resignation, however pay in lieu of notice can be considered depending on the individual situation

11. Appeals

- 11.1 Appeals against termination must be lodged in writing, to the Head of NHS General Management Training Scheme, within 5 working days of receipt of the written notice of dismissal. Leadership Academy will inform NHSBSA HRSS HR Advisor of any Appeals received.
- 11.2 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.
- 11.3 The trainee must be given at least 5 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.
- 11.4 The appeals procedure at appendix A must be followed.
- 11.5 The next manager in seniority to the manager who dismissed will normally hear appeals and will be accompanied by a member of the NHSBSA HR Advisory team.
- 11.6 The decision of the appeal panel is final.

12 Probation Review form/Probation Guidance document /Performance Review timeline

- 12.1 This policy should be read in conjunction with the Probation Review form, the Probation Guidance document and the Probation and Performance Review timeline

Appendix A

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 NHSBSA HRSS Human Resources, in an advisory capacity, wherever possible.

The procedure for an appeal hearing is as follows:

1. The Trainee 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 Trainee 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.