



Leadership Academy

Graduate Management Training Scheme

PROBATIONARY POLICY

(This policy applies to all NHS Graduate Management Trainees from September 2019 Intake forwards)

Probationary Policy Review

Issue sheet

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1. Introduction

- 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. 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, academic performance, conduct and attendance.
- 1.2 The policy and procedure will be reviewed periodically by Human Resources (NHS BSA) 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.
- 1.4 In accordance with our Equality Analysis Procedure, an equality analysis has been undertaken on this policy.

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 NHSBSA.
- 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 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 has passed without a final probation review meeting, then the Trainee is deemed as automatically having passed probation.
- 2.3 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, academic failure; however, this list is not exhaustive.
- 2.4 The following policies will not apply during the probationary period; Disciplinary Policy and Procedure, Attendance Policy, Managing Work Performance Policy and the Academic and Scheme Failure 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.

Length of Probationary Period

- 2.5 The length of the probationary period for a new Trainee is Year 1 of The Scheme. This may be extended once by up to 3 months further on the discretion of the GMTS National Office where circumstances are deemed to be exceptional. 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 (if required), 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.

Regular reviews

- 3.3 The Placement Manager will hold the introductory probationary review meeting at the earliest opportunity ideally within the first 4 weeks of the first placement (as sometimes orientation makes it difficult for Placement Managers to spend time with Trainees). The meeting should cover the standards and requirements of the Trainee on the Scheme and the expected values, commitment and behaviours. 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 formal probationary review meetings (refer to the Probation Guidance document for details). This will be recorded on the Probation Review form on GENI.
- 3.4 The Placement Manager should hold probation review meetings every 2 months (refer to the Probation Guidance document for details). These meetings should also include discussion of any declared disability or underlying medical condition and any support or adjustments that are required.

- 3.5 If there are issues of concern with regard to performance, attendance or behaviours the final probation review meeting may be brought forward at the discretion of the Placement Manager in consultation with the Trainee Support Manager.
- 3.6 All probation review meetings should be recorded on the Probation Review form on GENI. These records should be completed at each meeting. All forms should be retained as live documents during the whole probationary period and are accessible on GENI.
- 3.7 The Placement Manager will seek to establish whether the Trainee is making satisfactory progress in assuming the responsibilities required of them on The Scheme. The Trainee will be made aware of progress made, of any discrepancy between actual and expected performance and what improvement is expected. Standards, target/review dates and areas for improvement will be defined, and where necessary the training plan will be amended. If necessary, the Trainee should be advised that failure to improve performance within the required timescale may result in dismissal.
- 3.8 Please see the Probation Review form on Geni and the Probation Guidance document for advice and procedure on conducting review meetings during probation.
- 3.9 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.

Final probation review meeting

- 3.10 This meeting will cover job 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 separate form is provided for this meeting on GENI.
- 3.11 This meeting will have one of three outcomes:
- Probationary period successfully completed.
 - Extension of the probationary period.
 - Termination of contract.
- 3.12 If a Trainee has successfully completed their probationary period, they will progress to Year 2 of the Scheme and receive the pay uplift in month 13.
- 3.13 Final probation review meetings will take place with the Placement Manager who may be accompanied at this meeting by another manager or Trainee Support Manager. A notetaker (the Trainee Support Manager should be present if there is a chance that the Trainee's contract could be terminated, or the probationary period

extended.

- 3.14 The Trainee must be given 2 working days' notice of a final probation review meeting in writing via a letter (5 working days' notice should ideally be given for this meeting if possible). The letter will also include information about the content of the meeting, if appropriate. 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. The GMTS National Office must be informed if there is a chance the Trainee may be dismissed, or their probation period extended. No termination of employment or probation extension can be actioned without consulting with the GMTS National Office. In these cases, the GMTS National Office will issue both the meeting invite letter and the meeting outcome letter.
- 3.15 Trainees may be accompanied by a trade union representative or work colleague not acting in a legal capacity at final probation review meetings.
- 3.16 Final probation review meetings can be re-arranged once, if the Trainee or their representative is unable to attend. At the third attempt, a decision will be made in their absence unless there are extenuating circumstances. Additional information or issues from the Trainee that they wish to present at the final probation review meeting, must be made available to management at least 2 working days prior to the final probation review meeting. If a final probation review meeting is not held or rearranged and the meeting does not take place by the official end of probation dates, technically the Trainee progressing onto Year 2 of the Scheme may be confirmed by default.
- 3.17 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 Trainee's 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 a neutral manager to ensure they are carried out appropriately. In extreme cases where the Trainee has made a particularly serious allegation, it may be necessary to extend the probationary period to allow a full investigation.

Extension of the probationary period

- 3.18 In exceptional circumstances the probationary period may be extended once by a maximum of 3 months. 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 e.g. exam resits/assignment resubmissions.

3.19 A Performance Improvement Plan (PIP) may be implemented during the extension.

3.20 A further final probation 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. If this is the case, then the pay uplift will be applied from the month following the date of successful completion of probation.
- Termination of contract.

Termination of contract

3.21 If the Trainee is deemed unsuitable or has not met the requirements of the Scheme and all reasonable and practical remedial action including consideration of any protected characteristics or disability related conditions have been exhausted the Trainee may be dismissed from the Scheme with 1 months' notice.

3.22 If the reason for termination is gross misconduct the Trainee will be summarily dismissed and will not be entitled to notice or pay in lieu of notice.

3.23 The Placement Manager must follow the process stated in **Sections 3.13-3.16 (please also refer to the Probation Guidance document)**.

3.24 Dismissal can occur before the end of the probationary period. Reasons to consider termination include, but are not limited to:

- Unsatisfactory performance and/or academic performance
- Unsatisfactory attendance
- Poor/inaccurate timekeeping
- Failure to follow rules, policies and procedures and codes of conduct
- Unacceptable/inappropriate behaviour
- Any activity that could damage the reputation of The Scheme or wider NHS
- Gross misconduct

3.25 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).

- 3.26 In the case of dismissal, the authorisation for dismissal will be made by the GMTS National Office. The Trainee must receive written confirmation of the decision by letter, along with the reasons for dismissal. The Trainee must also be informed of their right to appeal this decision.

Outcome Letter

- 3.27 If the Trainee has successfully passed their probationary period an outcome letter is not needed. The RTSM should be informed of the pass so that they can update the GMTS National Office (for records and processing the pay uplift
- 3.28 In the cases of the outcome being dismissal or extension of the probationary period, The Trainee must receive written confirmation of the decision by letter, along with the reasons for dismissal or extension of the probationary period. The Trainee must also be informed of their right to appeal this decision.

Appeals

- 3.29 The Trainee has the right to appeal against the decision to terminate the contract. The Right of Appeal Section 7 of the Disciplinary Policy should be referred to for the instructions on lodging an appeal and the appeal process.

Voluntary resignations during/at the end of probation

- 3.30 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.

Managing attendance during probation

- 3.31 After every absence during the probationary period the Placement Manager should hold a Return to Work interview with the Trainee to discuss the absence.
- 3.32 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 HR (the NHSBSA). If necessary, the probationary period may be extended to assess the impact of the adjustments on the Trainee's ability to undertake the role.

- 3.33 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 the GMTS National Office.
- 3.34 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.
- 4 Probation Review form/Probation Guidance document/Performance Review timeline**
- 4.1 This policy should be read in conjunction with the Probation Review form, the Probation Guidance document and the Probation and Performance Review timeline.