



POLICY DOCUMENT

NIMDTA Management of Probationary Periods

Policy Review Schedule

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Amendment Overview

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| 2024 – 1 | | | | Roisin Campbell |

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INTRODUCTION

NIMDTA recognises that taking up a new post can present challenges to our staff. The guidelines aim to support our staff to excel in their role and ensure they fulfil their potential in their new post through mechanisms such as training, development opportunities and supervision.

These guidelines have been devised to assist managers in the management of employees subject to Agenda for Change Terms & Conditions who are new to post and are subject to a probationary period. The guidelines clearly outline a manager's responsibility during this time.

It is expected that the majority of issues can be addressed by line managers in accordance with these guidelines. However where there are serious concerns of a gross misconduct nature as set out in the Disciplinary Procedure e.g. fraud, theft, under the influence or misuse of alcohol in the workplace etc managers should ensure they seek immediate advice from the BSO HR regarding how the matter(s) should be managed.

2.0 PROBATIONARY PERIOD

All staff new to a post (this also includes existing staff moving to a new post) must complete a 6-month probationary period during which time their progress in the post is monitored. The probationary period represents the best opportunity for managers to identify any capability, conduct or attendance issues that exist and manage these appropriately before confirming an employee in post. Management of the probationary period can lead, in some cases, to a decision not to confirm an employee in post because the necessary standard required has not been achieved.

Managers must therefore ensure that from the first day of the employee's employment in the new post and throughout the probationary period, they give clear guidance to the employee on the expectations, standards, and the behaviours that are required. A manager needs to

ensure employee receives appropriate support, learning and development to assist them in meeting this standard.

Many serious disciplinary issues that subsequently need to be managed involve staff whom there have been concerns about since their early days in employment. It is therefore in everyone's interests – that of the employee and the NIMDTA – that any issues of concern are addressed as they occur.

If adhered to, these guidelines will ensure appropriate management of staff during their probationary period and will ensure that in cases where termination of contract is required, that this has been done following due process and with regards to the rights and responsibilities of the employee, the manager and the NIMDTA as a whole.

It should be noted that staff redeployed to a new post within the NIMDTA as a result of organisational change or ill health will not be managed in accordance with these guidelines.

3.0 MANAGER'S RESPONSIBILITIES DURING THE EMPLOYEE'S PROBATIONARY PERIOD

The following section identifies the responsibility of all line managers when managing an employee's probationary period.

3.1 INDUCTION

An Induction Programme for an employee in a new job should be mapped out in advance of commencement of employment. This will provide clear and regular feedback the manager and new employee.

Decisions should also be made in relation to the following:

- What tasks the employee will be initially trained in including all mandatory training
- Who is responsible for implementing the training
- Who is responsible for assessing the employee following the training period

3.2 MONITORING & FEEDBACK

The Manager should observe the employee's progress. Performance, attitude, behaviour and attendance should all be monitored.

If the Manager is not directly responsible for the implementation of training, supervision and performance reviews, he/she should ensure that regular reviews are held with the person responsible and seek feedback on progress. Only in this way can the Manager ensure that appropriate learning and development is being provided to the employee and any issues of concern are being identified and addressed as they arise.

Frequent reviews and constructive feedback throughout the probationary period ensure the employee is kept informed about his/her progress. It also ensures the Manager is aware of specific examples of the probationer's performance / behaviour / attendance. Only then can an appropriate decision be made regarding the employee's future employment with NIMDTA. Any concerns should be discussed with the member of staff and a record kept of same.

If a systematic approach to training, learning and development is not followed, it becomes difficult to decide whether the employee or the training is responsible for under performance. The probationer must be given adequate training and opportunity for learning and development, to be able to meet the required standard of performance to be confirmed in post.

3.3 PROBATIONARY REVIEWS

A formal review is required when the new employee has completed 3 months in post and again when they have completed 6 months in post.

A diary system for the timing of probationary reviews is recommended to ensure these are not overlooked. During the reviews the Manager should give encouragement and guidance to the employee to enable them to meet and sustain the required standard of performance and behaviour by the end of their probationary period. Where there are concerns, the

employee should be made aware at the earliest possible stage, of the consequences on their employment i.e. could ultimately lead to termination of contract of employment.

3.4 PROBATIONARY REVIEW DOCUMENTATION

Copies of the 3 and 6 month Probationary Report Forms are in Appendix 1 and 2 and available on NIMDTA intranet site. Managers must complete as appropriate and issue the employee with the relevant documentation, as detailed in the following sections of these Guidelines.

4.0 SATISFACTORY COMPLETION OF PROBATIONARY PERIOD

It should be noted that for probationary periods, the employee has to be in work for 6 months for progress to be monitored. Therefore periods of leave of 4 weeks or more will affect the length of service that must take place before confirmation of probationary is able to take place.

If an employee is absent for significant extended periods of leave i.e. sick leave or maternity leave, the manager should contact the BSO HR Department for advice on their return as to whether the Probationary Period should be extended or remain in place.

Should an employee be off on long term sickness absence the manager should ensure that the employee is notified that their probationary period may be extended at the earliest opportunity which may be when they commence their period of absence.

4.1 PROBATIONARY REVIEWS – 3 MONTHS

Managers should undertake a formal review with the employee when they have completed 3 months in post. This review will highlight at an early stage any concerns and enables the manager to put in place any support or training for the employee.

Managers should complete the 3 month Probationary Report form (**see Appendix 1**) along with the employee and this should be retained by the manager. A copy of the completed form

should be provided to the employee. Advice should be sought from the BSO Human Resources Department, if significant concern is highlighted at this stage.

4.2 PROBATIONARY REVIEWS – 6 MONTHS

A further formal review with the employee should be completed when the employee has completed 6 months in post. If confirmation of appointment (following probationary) is recommended, the manager should verbally notify the employee of this. The manager should then complete the form at **Appendix 2**, with the employee, and provide a copy of the completed form to the employee as confirmation of their post. This should be done as close to the 6-month stage as possible.

Advice should be sought from the BSO HR Department. if significant concern is highlighted at this stage.

5.0 DEALING WITH CONCERNS WITHIN THE PROBATIONARY PERIOD

Please note that the process below refers to the management of all staff during probationary period.

When issues of concern arise during the probationary period managers should follow the steps below:

- 5.1 It is expected that in the first instance issues are dealt with between the line manager and the individual.
- 5.2 As soon as a concern of any nature becomes apparent, this should be discussed with the employee. This will give the employee an opportunity to put forward his/her explanation.
- 5.3 The Manager must point out the expected standards of performance/behaviour/attendance and set a reasonable but specific period for the

employee to improve. This can be monitored as part of the review process during the probationary period.

- 5.4 Any discussions should be documented and shared with the employee so that they are clear on required improvements, the timescales within and the consequences of no improvement to the standard required.
- 5.5 If it is clear that the necessary standard is still not being met, the manager will have to give consideration to the following:-
- Extension of the probationary period; or
 - Non-confirmation of appointment leading to termination of contract

6.0 EXTENSION OF PROBATIONARY PERIOD

- 6.1 The manager should give consideration to extension of the probationary period as an option only where it is felt that this will result in an improvement to the required standard. An extension should normally be granted for an additional period of 1 to 3 months and under no circumstances should this be longer than 6 months. Where extensions exceed 3 months advice should be sought from the BSO HR Department.
- 6.2 The manager should meet with the employee to advise that there continues to be concerns regarding their performance / behaviour / attendance (give specific examples). The employee should be advised that because of this, their probationary period is to be extended for an additional period of time to allow an improvement to be made. The employee should be advised by their manager that failure to reach the required standard may result in them not being confirmed in post. Please note that the decision not to confirm can be taken at any stage during the extension, if it is apparent that the necessary improvement will not occur.

Details of this discussion should be documented and a letter should be sent to the employee confirming extension of their probationary period (see template letter – Appendix 3). A copy should be sent to BSO.HumanResources@hscni.net.

- 6.3. Reviews should continue throughout the extended period to ascertain if the necessary standard is being achieved. Appropriate support, learning and development should continue to be provided to the employee during this time. An action plan should be developed and agreed with the employee. Appendix 4 contains a sample action plan – please note this is an example and should be tailored for individual requirements. Managers should enquire if the employee at this stage wishes to be accompanied by their Trade Union representative or work colleague at any future review meetings for support.
- 6.4 If the manager is satisfied that the employee has made the required improvements within the extended timeframe, then action can be taken to confirm in post. The details of this should be followed up in writing (template letter – Appendix 5) and again copy sent to BSO HR Department.
- 6.5 If it is clear that improvement is not going to occur, then the manager should contact the BSO HR Department for advice on the next steps.

7.0 NON CONFIRMATION OF APPOINTMENT

Although the employee's appointment cannot normally be confirmed until the employee has been in post for a minimum of 6 months, there may be occasions where management have to consider termination at a much earlier stage e.g. where serious concerns have been identified and no improvements can be foreseen. However, specific evidence of the reasons why an employee has not met the required standard must be given before dismissal is considered. Managers should seek advice from BSO HR Department when a problem first becomes apparent.

The common reasons for not confirming appointments are:

1. Capability

Where work performance is unsatisfactory, it is important to be specific in defining what task or part of a task(s) is/are not being carried out satisfactorily. The cause of the problem should then be identified e.g. is it due to poor training, a lack of knowledge or a lack of ability.

2. Conduct / Behavioural Concerns

Where there are concerns about misconduct or other behavioural concerns such as poor attitude towards work, the Manager must again identify to the member of staff specific examples of unsatisfactory behaviour and seek response from member of staff to ascertain if there are any underlying issues.

3. Attendance

Where the employee's attendance at work is giving cause for concern, the manager should clearly communicate this to the employee and try to ascertain whether there are any underlying issues contributing to this (advice from Occupational Health may be sought in these cases). Please refer to NIMDTA Attendance at work procedure for further information.

The general rule is that:-

- 2 absences during probationary period – verbally advise cause for concern
- 3 absences during probationary period – cause for concern letter and extension of probationary
- 4 absences during initial or extended probationary period – consideration given to not confirming in post.

Managers should, however be mindful of exceptional circumstances for absence e.g. disability or pregnancy-related absences, where the above course of action may not be appropriate. Managers should contact BSO HR Department for advice.

8.0 TERMINATION OF CONTRACT

8.1 Where it has been decided that the member of staff is not to be confirmed in their post, the Manager should meet again with the employee, reiterate previous concerns, discuss continuing/further issues of concern and advise that a meeting will now be set up to consider termination of their contract of employment. Following the meeting a letter (template letter - Appendix 5) advising the employee that a meeting to consider the termination of their employment has been arranged. The manager will in conjunction BSO HR Department will agree the wording of the letter. The employee

should be advised that they have the right to be accompanied at the future meeting by a Trade Union Representative or a work colleague.

- 8.2 A meeting will then take place with the employee at which the next line manager (Band 7 or above) and a Senior Manager will give consideration to terminating the contract of employment. The member of staff will be given the opportunity to put their case forward. Having taken this into account, in conjunction with the steps taken to try and bring the employee's standards to an acceptable standard, a decision will be made on whether termination is appropriate. The details of this discussion should be followed up in writing to the member of staff (template letter – Appendix 6) by their line manager.
- 8.3 It may be appropriate in some cases for consideration to be given to redeployment where suitable vacancies exist. This may only occur in cases where the employee has a previous good record of service in prior jobs within the Northern Ireland Medical and Dental Training Agency. Advice should be sought from BSO HR Department.
- 8.4 If it has been determined that the employee cannot be confirmed in post and therefore termination of their employment contract will be affected, the employee should be advised at this meeting that termination of their contract will be with immediate effect. This should be followed up in writing within 7 working days of the decision being taken giving the employee the right of appeal. (Template letter – Appendix 6)
- 8.5 If termination has been decided upon, the line manager must complete a leaver form on HRTPS stating the reason for leaving as "Termination" as soon as possible in order not to cause any overpayment.
- 8.6 If a member of staff appeals termination of their contract, BSO HR Department will organise an Appeal Hearing and contact the relevant persons in this regard.
- 8.7 The Appeal panel will consist of a Senior Manager from NIMDTA and a BSO HR Senior Human Resources Manager.

8.8 The Appeal will be a full re-hearing of the case and the Appeal Panel will have the authority to confirm or overturn the decision to not confirm in post. If reinstatement occurs following an appeal, pay will be reinstated and the appropriate back payment will be made. The decision of the Appeal Panel is final.

NOTE: There may be occasions where, a panel having heard an Appeal, it is considered that termination is not appropriate. Other available options to the panel in this instance will include a further period of extension or redeployment/downgrading. In these cases, appropriate review periods should be adhered to, to monitor and assess whether member of staff is then meeting the required standard.

Commenced:

PROBATIONARY REPORT (3 MONTHS)

| | | | |
|---|---------------------------------|--|--------------------|
| NAME: | | POST: | |
| DEPT: | | STAFF No: | |
| DATE OF APPOINTMENT | PERIOD COVERED BY REVIEW | ABSENCES DURING REVIEW PERIOD AND REASONS | |
| | | | |
| TRAINING UNDERTAKEN DURING REVIEW PERIOD | | | |
| RESPONSE TO TRAINING | | | |
| PERFORMANCE DURING REVIEW PERIOD | | | |
| MAIN TASKS UNDERTAKEN | | ACHIEVEMENTS/COMMENTS RE: PERFORMANCE | |
| | | | |
| ARE YOU SATISFIED WITH EMPLOYEE'S PROGRESS TO DATE: | | YES/NO | |
| ADDITIONAL COMMENTS/ACTION TO BE TAKEN TO IMPROVE PERFORMANCE (3 MONTHS) | | | |
| | | | |
| Signed: _____ | | (Manager) | Date: _____ |
| Signed: _____ | | (Employee)* | Date: _____ |
| * Signature confirms that the above review has been discussed with you. | | | |

Copy to: Employee

Commenced:

PROBATIONARY REPORT (6 MONTHS)

| | | | |
|--|---------------------------------|--|--|
| NAME: | | POST: | |
| DEPT: | | STAFF No: | |
| DATE OF APPOINTMENT | PERIOD COVERED BY REVIEW | ABSENCES DURING REVIEW PERIOD AND REASONS | |
| | | | |
| TRAINING UNDERTAKEN DURING REVIEW PERIOD | | | |
| | | | |
| RESPONSE TO TRAINING | | | |
| | | | |
| PERFORMANCE DURING REVIEW PERIOD | | | |
| MAIN TASKS UNDERTAKEN | | ACHIEVEMENTS/COMMENTS RE: PERFORMANCE | |
| | | | |
| ARE YOU SATISFIED WITH EMPLOYEE'S PROGRESS TO DATE: YES/NO | | | |
| | | | |
| RECOMMENDATION REGARDING CONFIRMATION OF APPOINTMENT (6 MONTHS) | | | |
| | | | |
| Signed: _____ (Manager) | | Date: _____ | |
| Signed: _____ (*) | | Date: _____ | |
| * Signature confirms that the above review has been discussed with you. | | | |

Copy to: Employee

TEMPLATE LETTER – EXTENSION OF PROBATIONARY PERIOD

***to be deleted**

Staff No:

«Date»

PRIVATE AND CONFIDENTIAL

«Title» «FirstName» «LastName»

«JobTitle»

«Address1»

«Address2»

Dear «Title» «LastName»

I refer to your Contract of Employment with NIMDTA as <JOB TITLE> and wish to confirm the information given to you that due to your unsatisfactory performance / attendance / conduct [delete as appropriate - give specific examples e.g. you have been absent on 4 occasions giving dates] since you took up this post on <DATE>, your confirmation of appointment is to be withheld. Your probationary period is therefore extended for a further <NUMBER> months, until <DATE>. During this period, your performance / attendance / conduct [delete as appropriate] will continue to be monitored and reviewed in accordance with the attached action plan.

If the necessary improvements are made, then you will be confirmed in post. If however, there continue to be issues during your extended probationary period, a decision may be taken not to confirm you in post and your employment with the BSO may be terminated. Please note that termination can occur before the end date of the extended probationary period. If this is the case, I will arrange to meet with you at which you can be accompanied by a trade union representative or work colleague.

It is hoped that this action will not be necessary and that you will be able to make the necessary improvements in order to be confirmed in post. I will continue to provide appropriate support and guidance to you during this time.

If you have any queries regarding the content of this letter, please do not hesitate to speak to me.

Yours sincerely

MANAGER'S NAME

TITLE

Copy to: BSO HR Department

TEMPLATE LETTER - CONFIRM IN POST AFTER EXTENSION
*to be deleted

Staff No:

«Date»

PRIVATE AND CONFIDENTIAL

«Title» «FirstName» «LastName»

«JobTitle»

«Address1»

«Address2»

Dear «Title» «LastName»

I refer to my letter of <DATE> advising that your probationary period had been extended, and to the ongoing review in relation to your performance / attitude / attendance [delete as appropriate].

I am pleased to inform you that as you have now reached the required standard, your Contract of Employment NIMDTA in the capacity of <JOB TITLE> based at <ADDRESS> has been confirmed.

Yours sincerely

MANAGER'S NAME
TITLE

Copy to: BSO HR Department

TEMPLATE LETTER - CONSIDERATION OF TERMINATION

**to be deleted*

Staff No:

«Date»

PRIVATE AND CONFIDENTIAL

«Title» «FirstName» «LastName»

«JobTitle»

«Address1»

«Address2»

Dear «Title» «LastName»

I refer to your Contract of Employment with NIMDTA as <JOB TITLE> in <DEPARTMENT>, <LOCATION>.

As advised at our meeting on <DATE>, due to serious concerns regarding your work performance / behaviour / attendance [delete as appropriate] during your probationary period, consideration is to be given to the termination of this Contract.

During our meeting I referred you to your Probationary Reports / Action Plans / Training Records / Policy and Procedures / Absence Record etc [add and delete as appropriate] [Manager should contact BSO HR Department for advice around wording]

In this regard, a meeting has been arranged with the purpose of considering your continued employment with the BSO. At this meeting you will have an opportunity to put forward your case to <NAME>, <JOB TITLE>. A final decision in this regard will be provided to you at this meeting which will be held on <DATE> at <TIME> in <VENUE>.

You may wish to be accompanied at this meeting by a Work Colleague or Trade Union Representative.

Yours sincerely

Managers Name

Title

Copy to: Employee Relations Section

Appendix 6

TEMPLATE LETTER - TERMINATION LETTER
*to be deleted

Staff No:

«Date»

PRIVATE AND CONFIDENTIAL

«Title» «FirstName» «LastName»

«JobTitle»

«Address1»

«Address2»

Dear «Title» «LastName»

I am writing further to our meeting on <DATE> with <NAME> from BSO Human Resources (if applicable) and <UNION REP> regarding your probationary period, and would wish to confirm in writing the issues that were discussed, for your information.

The ongoing concerns are: [insert details]

<LINE MANAGER NAME> presented the previous communications with you in relation to the consequences of there being no improvement in this matter i.e. that your contract may be terminated. You were given an opportunity to put your case forward in relation to the concerns detailed above, and your response was taken into consideration before a decision was made in relation to your continued employment with NIMDTA.

Following a short adjournment of the meeting, you were advised that I could not foresee there being the necessary improvement required in the near future. In light of this, you were advised that I have no alternative but to terminate your contract of employment with NIMDTA effective from <TODAY'S DATE>.

Arrangements have been made with the Payroll Shared Services Centre to forward you payment of <NUMBER> hours annual leave owing. Your last day of service with NIMDTA will be recorded as <DATE>.

I would advise that you have the right to appeal against this decision. In order to do so you must write to the Director of Human Resources and Corporate Services, Business Services Organisation Headquarters, 2 Franklin Street, BELFAST, BT2 8DQ within seven working days of receipt of this letter, clearly outlining the grounds for your appeal.

Yours sincerely

Manager's Name

Title

Cc BSO HR Department

SAMPLE ACTION PLAN**EMPLOYEE NAME: MARY BROWN JOB TITLE: ADMIN OFFICER DATE OF COMMENCEMENT: 01 JULY 2019****3 MONTH REVIEW DATE: 30 SEPTEMBER 2019 6 MONTH REVIEW DATE: 31 DECEMBER 2019**

| ISSUE OF CONCERN | STANDARD REQUIRED | SUPPORT MECHANISMS IMPLEMENTED | LEARNING / DEVELOPMENT PROVIDED | REVIEW DATE | TIMESCALE FOR IMPROVEMENTS | CONTACT / MENTOR / Supervisor |
|--|---|--|--|--------------------|-----------------------------------|--------------------------------------|
| Unacceptable levels of errors when undertaking report typing. | No errors identified within reports on completion. | Mentor identified to review reports before completion and issue. | Templates provided for M Brown to follow. | 30 March 2020 | 1 to 3 months | June White |
| Complaints from service users regarding telephone manner | Professional and courteous manner displayed to all service users. | Issue of transcript to be used when answering the telephone. | Customer Services Training provided 1 st September 2009. On the job training from line manager. | 31 January 2020 | 1 month | June White |
| Unacceptable levels of sickness absence during initial 6 month probationary period | No casual absence. | Discuss with employee if a Referral to Occupational Health may be of benefit to determine if any underlying medical condition. | Attention drawn to employee's responsibilities as part of Attendance at policy. | 30 March 2020 | 1 to 3 months | June White |
| Attending for work late on 5 occasions since commencement. | No late attendances at work. Contact to be made directly with line manager if problems may arise. | Advise and support staff member to ensure they present regular and reliable service. | Fully explained the impact on service if telephones not operational at 9am. | 30 March 2020 | 1 to 3 months | June White |

SIGNATURE (LINE MANAGER) _____**SIGNATURE (EMPLOYEE)** _____