

 National Offender Management Service		
NOMS POLICY ON EMPLOYEE INDUCTION AND PROBATIONARY PERIODS		
This instruction applies to:		Reference
NOMS Headquarters Prisons		AI 09/2014 PSI 11/2014
Issue Date	Effective Date	Expiry Date
28 March 2014	1 April 2014	27 March 2017
Issued on the authority of	NOMS Agency Board	
For action by	<p>All staff responsible for the development and publication of policy and instructions (<i>Double click in box, as appropriate</i>)</p> <input checked="" type="checkbox"/> NOMS HQ <input checked="" type="checkbox"/> Public Sector Prisons <input type="checkbox"/> Contracted Prisons* <input type="checkbox"/> National Probation Service <input checked="" type="checkbox"/> Governors <input checked="" type="checkbox"/> Heads of Groups <input type="checkbox"/> NOMS Account Managers <input type="checkbox"/> Community Rehabilitation Companies <i>* If this box is marked, then in this document the term Governor also applies to Directors of Contracted Prisons</i>	
Instruction type	Delivery of HR function	
For information	All staff	
Provide a summary of the policy aim and the reason for its development / revision	<p>This policy aims to provide a clear overview of NOMS requirements for Managing Induction and Probation. It aligns with principles developed by Civil Service Employee Policy, ensuring that employees on their probationary period are i) assessed against the delivery of outcomes and behaviours, and ii) that where practicable objectives and assessments are reviewed for consistency. This instruction impacts on existing NOMS staff only. Separate arrangements are being introduced for NOMS staff joining from the National Probation Service.</p>	
Contact	<p>Queries to Shared Services HR Contact Centre  0845 010 3504 (VPN 7190 3504)</p>	
Associated documents	<p>PSI 12/2013 - AI 02/2013 - Managing Poor Performance Policy PSI 02/2014 - AI 08/2014 – NOMS Performance Management Policy for SPDRs opened from 1 April 2014 PSI 33/2011 - AI 11/2011 – Equality of Treatment for Employees</p>	
Audit/monitoring: Directors, Deputy Directors Custody, Governing Governors, and Heads of Group will ensure compliance with the mandatory actions set out in this instruction.		
Introduces amendments to the following documents: PSI 11/2013 is replaced by both this policy (for induction and probationary periods) and PSI 02/2014 - AI 08/2014 – NOMS Performance Management Policy, for SPDRs opened from 1 April 2014.		

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1. Executive Summary

Purpose and Context

- 1.1 Our employees play a critical role in NOMS delivering against its objectives and have an important role to play in preventing victims by changing lives. Helping employees who are new to the Service to understand what is expected of them, feel engaged and motivated, and give of their best, is now more important than ever. It is equally important that we provide prompt feedback and support to help staff develop.
- 1.2 The policy on Managing Employee Induction and Probationary Periods is there to provide guidance to managers and staff about:
 - the requirements for employee induction, and
 - the way in which performance during probationary periods should be assessed and agreed.
- 1.3 It reflects the principles which underpin the Staff Performance Management policy set out in PSI 02/2014 - AI 08/2014 – NOMS Performance Management Policy by assessing both the delivery of outcomes (the ‘What’) and behaviours (the ‘How’). Managers should ensure that performance expectations and assessments for peer groups of new starters who join their establishment or headquarters group at the same time are consistently applied. Advice is provided on [My Services](#).
- 1.4 Employees on their probationary period will be supported and developed to meet clearly defined levels of performance and will receive feedback on how they have performed.

Desired outcomes

- 1.5 The effective management of staff is a key means by which we deliver the work of the Service and clear guidance and support should be available to staff to help them undertake their performance management responsibilities effectively. This Instruction is intended to provide a simple and clear explanation of the mandatory requirements for managing induction and probationary periods in NOMS.

Application

- 1.6 *All employees in their induction and probationary period must be made aware of this policy on Managing Employee Induction and Probationary Periods.*
- 1.7 All managers with line management responsibility are required to read and follow all sections of this policy for staff in their induction or probationary period.
- 1.8 All managers are bound by a public sector equality duty to eliminate discrimination. Historically, people with some protected characteristics have experienced disproportionately negative outcomes in employee performance management processes. *Particular care must therefore be taken at all stages of the reporting cycle, whether the engagement, objective-setting or assessment stage, to ensure fairness and objectivity for all.* (For further guidance see [My Services](#); for learning tools see Civil Service Learning).

Mandatory actions

- 1.9 *All employees must follow the mandatory requirements in this Instruction.* Deputy Directors of Custody Governing Governors, Directors, Heads of Groups and other more senior managers are responsible for the delivery of these requirements in their areas.

Resource Impact

- 1.10 Managers are already required to support employees who are new to the service and to actively manage induction and probationary processes, meeting regularly with employees and assessing achievements. It is not anticipated that the application of this policy will have a resource impact.

(Approved for Publication)

Carol Carpenter
Director of Human Resources, NOMS

2. Operational Instructions

MANAGING STAFF INDUCTION

Purpose

- 2.1 The purpose of induction is to familiarise new employees - whether externally recruited or transferred from elsewhere in NOMS, the Ministry of Justice or the Civil Service - with the job, business unit and workplace. Induction processes provide line managers with an opportunity to explain the employee's role, communicate NOMS' expectations of staff, and to clarify how the new member of staff can access further information.

Scope

- 2.2 Induction is a process, not an event. Wherever possible, induction begins before taking up the post. For instance, a letter of welcome may provide useful information. Induction will vary in content and duration according to the prior experience of the new employee.
- 2.3 *Induction is the responsibility of the Manager who must draw up an induction programme for all new employees for whom they are responsible.*

Programme

- 2.4 *All induction programmes must include the following:*

- *For those new to the Service, access to the MOJ and NOMS induction websites and the NOMS Staff Handbook. These can be found on the MOJ and NOMS intranet sites*
- *Familiarisation with the establishment or Headquarters Group, including:*
 - site(s), facilities and daily and emergency routines, including fire escape routes;*
 - health and safety issues;*
 - directories, contact points, addresses and telephone numbers;*
 - personnel with whom the new employee will expect to work and need to know;*
 - aims, functions and business plans;*
 - key rules and procedures that apply nationally or locally;*
 - Information on how to access the Service's policy on Equality of Treatment for Employees, [My Services](#) guidance and learning tools on Civil Service Learning.*
 - where to get further information;*
 - a meeting with the Manager to agree and open a Staff Performance and Development Record (once these procedures have been explained to them);*
 - the name of and time to meet with the relevant Trade Union representative.*

- 2.5 Guidance on managing Induction can be found on the [My Services](#) website.

- 2.6 *All induction programmes for new externally recruited employees must include an explanation of probationary requirements and procedures (unless the probationary period does not apply).*
- 2.7 It is the responsibility of the Manager to ensure that this programme is delivered.
- 2.8 Details of who to consult regarding the mandatory induction requirements for psychologists, nurses and doctors, chaplains, and accountants are available on [My Services](#).

3. MANAGING STAFF PROBATIONARY PERIODS

Purpose

- 3.1 The purpose of a probationary period is to give newly recruited employees the opportunity to show their suitability - in terms of conduct, performance and attendance - for confirmation in the grade or post to which they have been appointed

Scope

- 3.2 *Employees appointed to permanent posts or fixed-term-appointments of a year or more must normally serve a probationary period.* Employees not required to serve a probationary period are:
- appointments of under a year;
 - re-appointed employees;
 - members of the Senior Civil Service;
 - Employees from the Diplomatic Service or a Non-Departmental Public Body;
 - serving established civil servants appointed through an open recruitment scheme for the same grade or to a grade which they have an avenue of promotion (established civil servants recruited to a grade to which they did not have an avenue of promotion or those entering a new specialism are required to serve a probationary period);
 - existing NOMS employees who have successfully been accepted as a Prison Officer and have completed a previous probationary period.

Consistency Checking

- 3.3 Where a group of new starters join a NOMS business unit at the same time, and form a peer group for performance management purposes, line managers should ensure there is an agreed understanding of performance expectations at the start of the probationary period. See [My Services](#) for guidance on peer groups and consistency checking processes.
- 3.4 Managers should conduct a light touch consistency check for these staff at the mid-point of their probationary period to ensure that objectives remain SMART and relevant.
- 3.5 A simple end-of-probation consistency check should consider performance using the Performance Wave (Annex A) and the distribution of final probation ratings. There is no requirement to meet the expected marking distribution agreed by NOMS for the relevant reporting year, providing this is justified on the basis of performance evidence contained in the probationary Staff Performance and Development Records (SPDRs). For further information on consistency checking see [My Services](#) and the Staff Performance Management policy set out in PSI 02/2014 - AI 08/2014 – NOMS Performance Management Policy.

Standard for Staff in their Probationary Period

- 3.6 *Managers must assess employees in their probationary year by considering performance against probationary objectives - see [My Services](#).*

Length of probationary period

- 3.7 For prison officers and some specialist employees, e.g. Psychologists, the minimum probationary period is 12 months, unless, exceptionally, it is extended. (See paragraph 3.32). For most other grades the minimum period is six months. Employees who are Fast Streamers on programmes run by the Ministry of Justice are subject to probationary periods and oversight by the Ministry of Justice. Please contact HR Services at the Ministry of Justice for advice on managing fast streamers who are on probation. Please see [My Services](#) for information on who to contact for advice on managing employees on Prison Service Fast Track schemes during their probationary period.

Principles

- 3.8 The primary emphasis of the probationary period is on the positive development, guidance and encouragement of new employees. *Probation procedures must comply with the Service's commitment to provide equality of treatment for employees. Particular attention must be given to any special facilities or other reasonable adjustments required by staff with disabilities.* (For further guidance see [My Services](#); for learning tools see Civil Service Learning).
- 3.9 The Manager has the primary responsibility for managing the probationary period.
- 3.10 *All staff on a probationary period must have an induction programme, a Performance Plan and a Development Plan.*
- 3.11 The standard used for assessing employees in their probationary period is based on performance against probationary objectives. Objectives will be set using the "What" (outcomes) and the "How" (behaviour). The three possible performance ratings are Outstanding, good and Must Improve.
- 3.12 Employees who;
- have not yet passed their probationary period, or
 - who have passed less than 3 months before the end of the annual reporting year
- should not be included in peer groups for consistency checking/validation purposes with staff who have passed their probationary period. See PSI 02/2014 - AI 08/2014 - NOMS Performance Management Policy and [My Services](#).
- 3.13 Where staff pass their probationary period within 3 months of the end of the annual reporting year the period of 3 (or less) months as a substantive member of staff should be assessed with the next reporting year.

Procedures

At the Start of the Probationary Period

Letter of appointment

- 3.14 *Newly recruited employees, who are subject to a probationary period, must be informed in the schedule attached to their appointment letter that they are subject to a probationary period. See the [Staff Resourcing](#) policy.*
- 3.15 *The requirements set out in chapter 2 of this Instruction on induction must be followed.*
- 3.16 *All staff must be given access to the guidance on staff performance management processes which can be found on the [My Services](#) website.*

- 3.17 *As soon as practicable, all employees in their probationary period must meet with their Manager to open a Staff Performance and Development Record (SPDR), the “type of report box” must be entered to indicate that it is a probation report.*
- 3.18 *SMART objectives appropriate to the new employee’s level of knowledge and experience, clarifying the “What” (delivery of objectives) and the “How” (demonstration of behaviours, competencies and Civil Service values) must be set at the beginning of the probationary period and regularly reviewed. The employee must be made aware that achievement of a Good performance level is required to pass probation. For further information on SMART objectives see the section on Objective Setting in the NOMS Performance Management Policy - PSI 02/2014 - AI 08/2014, and [My Services](#) guidance.*

Monitoring Progress during the Probationary Period

- 3.19 *The Manager must monitor the employee throughout their probationary period and must provide opportunities for the employee to discuss progress and any difficulties. Performance against objectives must be evaluated against both the “What” and the “How” with equal weighting (see [My Services](#)). The Wave diagram (attached at Annex A) should be used as a tool to help the employee in their probationary period understand their performance.*
- 3.20 *An interim Staff Performance and Development Record for employees in their probationary period must be completed within six months from the date of taking up the appointment. Where employees receive a Must Improve rating at the interim stage, probation must be extended. Employees in their probationary period (except officer grades and some specialist employees), who receive an Outstanding or Good performance level in this report will have their appointment confirmed at this stage if the Governor or Head of Group accepts the assessments in the report as meeting the requirements for the grade or post and the employee is not subject to ongoing conduct or attendance procedures. Officer grades and some specialist employees will continue on their probationary period for a further 6 months.*
- 3.21 *If employees receive a Must Improve rating, **and** the line manager states in the report that performance is unacceptable, they must be given a poor performance warning. The Governor or Head of Group in Headquarters will also consider whether their appointment should be terminated. Please see paragraphs 3.28 to 3.29 and 3.33 regarding termination of appointment.*
- 3.22 *For those employees whose appointment is not confirmed or terminated at 6 months, a final Probationary Report must be completed within twelve months from the date of taking up the appointment. A recommendation must be made to the Governor/Head of Headquarters group on whether the appointment should be confirmed, extended or terminated (see paragraphs 3.27 to 3.32 below).*

Unsatisfactory Performance, Attendance or Conduct during the Probationary Period

- 3.23 *Action must be prompt. It must not wait until a report is due.*
- 3.24 *The poor performance policy and procedures (See [PSI 12/2013 Poor Performance Policy](#) and [My Services](#)), attendance (see [Management of Attendance policy](#)) or conduct procedures (see [Conduct and Discipline policy](#)) must be followed. In attendance and conduct cases, following a formal warning employees in their probationary period should be given 3 months to improve before a decision is taken to terminate their appointment. However in cases of attendance difficulties these procedures may be shortened for employees in their probationary period as long as it can be shown that the employee has been treated fairly and reasonably. In poor performance cases employees in their probationary period will normally be given 1 month to improve in line with the Service’s Poor Performance Policy.*

- 3.25 *If informal action is ineffective or if a problem recurs, a formal written warning must be given. The warning must contain the following:*
- *length of trial period and reasons for it;*
 - *areas in need of improvement;*
 - *reference to Trade Unions and Employee Support;*
 - *a warning that appointment may be terminated if improvement is not made.*
- 3.26 Model letters for this purpose can be found on the [My Services](#) website. *Two copies of the letter should be given to the employee, one of which must be signed and returned to the Manager.*
- 3.27 *A formal performance warning may be given at any point during the reporting year but must be given when an interim probationary report records a Must Improve rating **and** states that the performance level is unacceptable. The expectation is that where employees are assessed as Must Improve at the end of the year, **and** the line manager states that the performance level is unacceptable this will lead to dismissal. See also [PSI 12/2013 Poor Performance Policy](#) and [My Services](#). In exceptional circumstances, where an employee is marked as “Must Improve” but the line manager does not state that performance is unacceptable an extension may be given. See paragraph 3.32.*
- 3.28 Following a formal warning, if the performance, attendance or conduct has not sufficiently improved the Governor/Head of Headquarters group may terminate the appointment. (See paragraph 3.29 below).
- 3.29 *A formal warning is not appropriate where there is continuous sick absence. The OHS must be consulted regarding the possibility of Medical Retirement. If the Medical Adviser does not recommend Medical Retirement, the Job Holder must be consulted about the likely date of return to work. The Governor or Head of Group/Unit must decide whether this is satisfactory and, if not, may terminate the appointment, after consulting the Job Holder. Where ill health is an issue the procedures set out in the [Management of Attendance policy](#) must be followed.*
- 3.30 Employees can seek the advice and support of their Trade Union at any stage of this procedure.

Confirmation of Appointment

- 3.31 The Governor/Head of Headquarters group decides whether an appointment should be confirmed upon recommendations from the Manager, see paragraph 3.22. *They must satisfy themselves that the performance, attendance and conduct are satisfactory. For performance purposes a Good marking is required to pass probation. The Governor/Head of Headquarters group must write to the employee confirming their appointment. (A model letter for this purpose can be found on the [My Services](#) website.) For employees who are on incremental pay, Shared Services must be notified of the date the probationary period was successfully completed. Advice and guidance on the process is available from Shared Services.*

Extension of Probationary Period

- 3.32 The Governor/Head of Headquarters group may decide, in exceptional circumstances, that a probationary period should be extended beyond 12 months. This should be for no longer than 6 months. *If the Governor/Head of Headquarters group so decides they must write to the employee setting out the reasons for the extension and length of extension. They should again inform the employee that failure to improve could lead to termination. A model letter for this purpose can be found on the [My Services](#) website.*

Termination of Appointment

3.33 *Before making a decision, the Governor or Head of Group must write to the employee inviting them to a meeting. The Governor or Head of Group must give reasonable notice of such a meeting. The letter must contain:*

- *summary of reports, warning etc;*
- *an invitation to meet with Governor/Head of Group to discuss the issues raised in the letter, accompanied by a Trade Union representative or work colleague.*

A model letter for this purpose can be found on the [My Services](#) website.

3.34 *If no representations are received, or representations are received but the Governor/Head of Headquarters Group still decides to terminate the appointment, they must write confirming the dismissal and the last day of service and informing them of their right of appeal.*

3.35 The effective date of dismissal will be either:

- the date of expiry of the time allowed to notify an intention to appeal if no appeal is notified; or
- the date of notification of confirmation of dismissal by the person conducting the appeal/the date of the Governor's letter informing them of this decision

A model letter for this purpose can be found on the [My Services](#) website.

3.36 *Shared Services must be informed of the dismissal and the last day of service.*

Appeals against Dismissal

3.37 *Appeals against dismissal for poor performance will follow the timescales and process set out in the Poor Performance Policy and must be heard by the Deputy Director Custody (for staff in public sector prisons) or Head of Group's line manager for headquarters staff.*

3.38 *For appeals against dismissal on conduct or attendance grounds the employee must notify their intention to appeal within 1 week and submit any grounds of appeal within 2 weeks. (Model letters for this purpose can be found on the [My Services](#) website.) Appeals must be considered by the Deputy Director Custody or Head of Group's line manager. The person hearing the appeal must do so within 3 weeks of receipt unless there are acceptable reasons for delay.*

3.39 The person hearing the appeal can decide to confirm or terminate the appointment or to extend the probationary period for a specified period. *The Governor or Head of Group must write to advise the employee of the decision.* (Model letters for this purpose can be found on [My Services](#).)

3.40 An employee in their probationary period may have the right to appeal to an Employment Tribunal about the decision to terminate their appointment. Please see the guidance on [My Services](#) for further details.

4. MONITORING AND QUALITY ASSURANCE

- 4.1 This section describes the mandatory monitoring and quality assurance actions that are required as part of the staff performance management arrangements.

Induction

- 4.2 *An evaluation of each induction programme must be undertaken and recorded. A record must be kept of the numbers of staff new to the establishment/headquarters group and when induction was completed for them. Using these records as a starting point, the governor/head of group must ensure that the operation of induction processes at their establishment/headquarters group are reviewed annually and that action is taken to address any deficiencies identified.*

Probation

- 4.3 *The governor/head of headquarters group must ensure that at least 10% of SPDRs are quality assured at three stages during the performance management cycle:*

- *when performance and development plans have been opened.*
- *when the mandatory interim reviews have taken place.*
- *when performance levels have been awarded.*

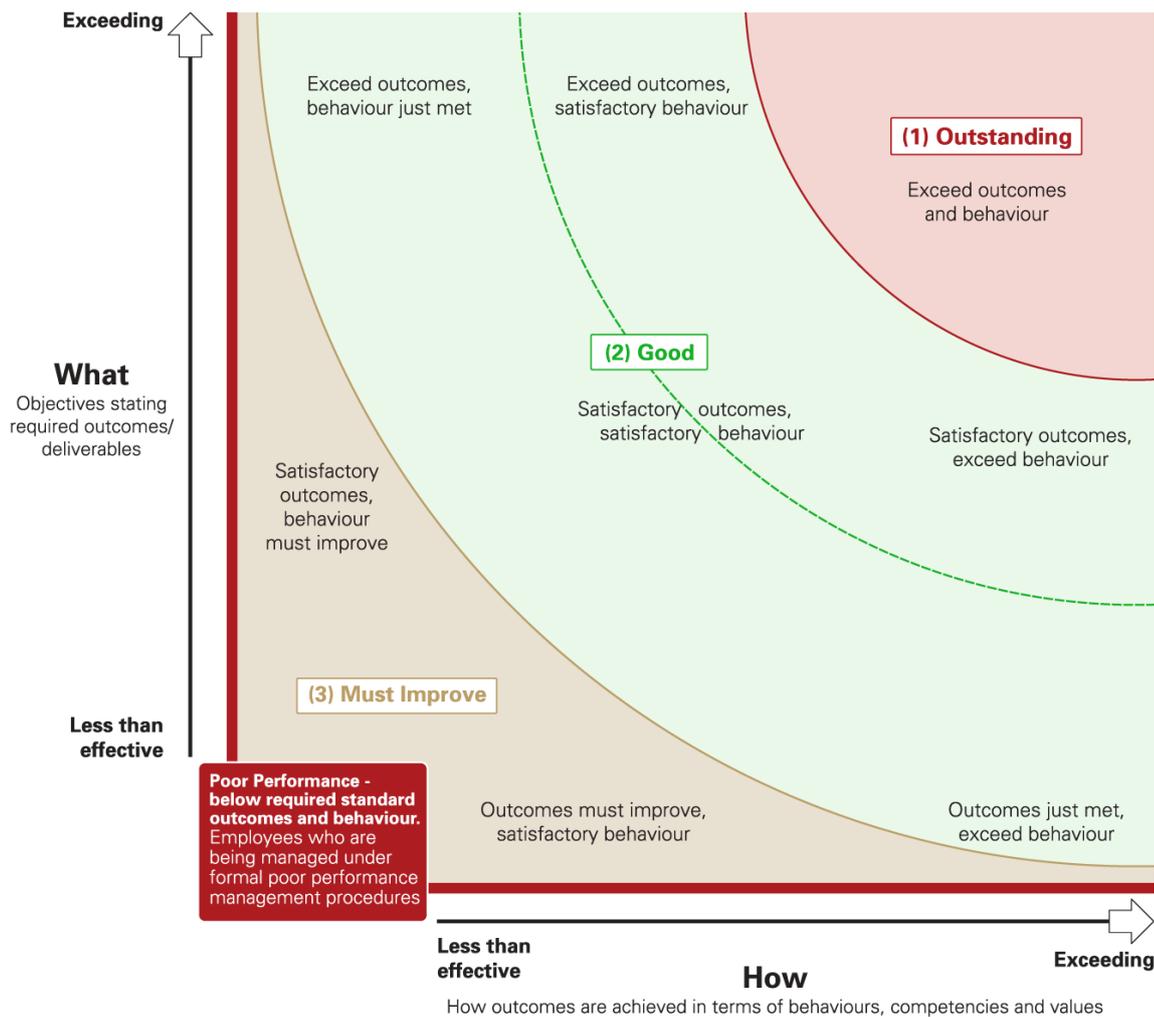
They must ensure that action is taken to address any deficiencies that are identified as a result of these reviews.

- 4.4 *Records must be kept of all staff who are subject to poor performance procedures. This must include the number and grades of staff, those who have been given an unacceptable marking, a formal warning and who have been dismissed, who appeal against dismissal and the results of that appeal. The governor/head of group must ensure that the operation of these procedures are reviewed annually including the information referred to above and that action is taken to address any deficiencies identified.*

5. FURTHER INFORMATION

- 5.1 For NOMS Policy on Performance Management from 1 April 2014, see PSI 02/2014 - AI 08/2014. For policy on [Managing Poor Performance please see - PSI 12/2013 - AI 02/2013](#).
- 5.2 Guidance on undertaking all the requirements contained in this Instruction, and the policies referred to above, can be found on the [My Services](#) website.
- 5.3 The initial point of contact for queries about this Instruction is your line manager. However if they are unable to deal with your query you should contact the Shared Service Centre:

Shared Service Centre - 0845 010 3504

Performance Wave

Employees in their Probationary Period must be assessed against the standard for staff who are new to the role. Example descriptors of performance ratings:

Outstanding

- Exceeded outcomes, exceeded behaviour standards.

Good

- Exceeded outcomes; behaviour of satisfactory standards.
- Satisfactory outcomes; exceeded behaviour standards.
- Satisfactory outcomes; behaviour of satisfactory standards.
- Exceeded outcomes; behaviours just met.
- Outcomes just met; exceeded behaviour standards.

Must Improve

- Satisfactory outcomes; behaviour must improve.
- Outcomes must improve; behaviours of satisfactory standard.
- Outcomes and behaviours below required standards.