

## Probation Policy and Procedure (HR-042)

|                                    |  |
|------------------------------------|--|
| Version Number:                    | 1.3  |
| Author (name & job title)          | Karen Phillips – Associate Director of People & OD |
| Executive Lead (name & job title): | Karen Phillips – Associate Director of People & OD |
| Name of approving body:            | EMT  |
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| Next Full Review date:             | January 2026                                       |

|   |                                       |
|---|---------------------------------------|
| <i>Date approved by Lead Director:</i>                      | <i>1 August 2024 - Karen Phillips</i> |
| <i>Date EMT as approving body notified for information:</i> | <i>August 2024</i>                    |

*Policies should be accessed via the Trust intranet to ensure the current version is used*

## Contents

|   |    |
|---|----|
| 1. INTRODUCTION .....   | 3  |
| 2. SCOPE .....  | 3  |
| 3. DUTIES AND RESPONSIBILITIES.....   | 4  |
| 4. GENERAL PRINCIPLES.....  | 4  |
| 5. PROCEDURES RELATING TO THE POLICY .....  | 5  |
| 5.1. Contract of Employment and Related Policies and Procedures.....                | 5  |
| 5.2. Notice Periods.....  | 5  |
| 5.3. Process.....   | 5  |
| 5.4. Initial Meeting.....   | 5  |
| 5.5. First Review Meeting.....  | 6  |
| 5.6. Final Review Meeting.....  | 6  |
| 5.7. Additional Meetings during Probation.....                                      | 6  |
| 5.8. Confirming Successful Completion of the Probationary Period.....               | 6  |
| 5.9. Extension of Probationary Periods .....  | 7  |
| 5.10. Extension up to Nine Months .....   | 7  |
| 5.11. Termination of Employment at the end of the Probationary Period.....          | 7  |
| 5.12. Terminating Employment before the Probationary Period has been Completed..... | 8  |
| 5.13. Right of Appeal .....   | 8  |
| 6. EQUALITY IMPACT ASSESSMENT.....  | 9  |
| 7. REVIEW AND REVISION .....  | 9  |
| 8. DISSEMINATION AND IMPLEMENTATION.....  | 9  |
| Appendix 1: Equality Impact Assessment (EIA) .....                                  | 10 |
| Appendix 2: Document Control Sheet .....  | 12 |

## 1. INTRODUCTION

The probationary period is acknowledged as the initial phase of employment where all new employees of the Trust are required to demonstrate suitability for their role. It allows both the manager and the employee to take into account the individual's overall capability, skills, performance and general conduct in relation to the role they have been appointed to and assess objectively if they meet the requirements.

The probationary period serves to act as a supportive framework to ensure a good quality experience for new employees entering the Trust. The probation aims to provide structure during the initial months of employment, ensuring dedicated time between the manager and new employee to define the role and ensure a platform for discussing support and development needs are in place.

The probationary period is part of the employee's contract of employment and it is considered a useful tool alongside induction to ensure an employee is equipped to carry out the roles and responsibilities required of them, ensuring adequate support, guidance and mentorship in the initial stages of employment.

During the probationary period the performance, conduct and attendance of the employee will be assessed by the line manager against the particular requirements of the role, as well as the Trust's values and behaviours and expected standards of attendance and punctuality.

In line with the national pay framework, (Agenda for Change NHS Terms and Conditions of Service), all terms and conditions of employment will be regarded continuous service from the first day of employment at the start of the probationary period, not from the end of the probationary period.

This policy may need to be reviewed from time to time to in order to accommodate changes in legislation in consultation with the Trust's recognised trade unions.

## 2. SCOPE

This policy and procedure applies to all new appointments to the Trust, on Agenda for Change terms and conditions, including returning employees of Humber Teaching NHS Foundation Trust (including those staff recruited from other NHS employers and those on part-time and fixed-term contracts).

This policy does not apply to:

- Existing (non-probationary) employees who take up new posts in the Trust
- Employees who join the Trust due to the application of the Transfer of Undertakings Protection of Employment (TUPE) regulations.
- Those joining the Trust in the Medical Workforce

During the probationary period Trust policies and procedures do not apply and any matters regarding conduct, attendance or performance will be managed through the provision of this policy. Following successful completion of a probationary period any concerns, unsatisfactory performance, misconduct or sickness or other absence will be dealt with under the Disciplinary, Capability, Grievance and Management of Sickness Absence Policy.

### 3. DUTIES AND RESPONSIBILITIES

#### Manager Responsibilities

- The line manager is responsible for making the employee aware of the Probationary Policy during the induction.
- The line manager is responsible for monitoring and managing the probationary period.
- In the first two weeks of employment the line manager will discuss the expectations of the new employee, explain required standards and set objectives for the probationary period. The expectations will be based on the job description and the organisational and departmental objectives.
- It is the responsibility of the line manager to ensure that the new employee receives regular supervisory support, feedback on their performance and the required standards.
- The line manager is responsible for ensuring that the new employee has an effective corporate induction as soon as possible after joining the organisation as well as ensuring the employee has access to a thorough localised induction.
- The line manager is responsible for ensuring that all required training is identified as part of the probationary review process as well as ensuring the new employee is able to complete the necessary statutory and mandatory training and is familiar with policies and procedures.
- The line manager is responsible for making sure relevant qualifications are initiated for new employees recruited as apprentices during the probationary period
- It is the line manager's responsibility to ensure that appropriate review dates are set and adhered to and appropriate records kept at every stage of the probationary period review.

#### Employee Responsibilities

- Employees must engage fully with the probationary process.
- Employees must ensure attendance on the Corporate Induction.
- Employees must ensure they complete all statutory and mandatory training. Completion of statutory and mandatory training is a requirement for successful completion of their probationary period.
- Employees recruited as an apprentice must complete their apprenticeship agreements in preparation to start their qualification
- Should a new employee wish to disclose a disability, impairment or other health condition, it is their responsibility to ensure they inform their line manager so that reasonable adjustments can be made.

#### People & OD Responsibilities

- To ensure that the probationary period is highlighted to new employees when issuing the employment contract.
- To assist managers and employees in the fair and consistent application of the policy.
- To provide advice to employees and managers concerning individual issues, including advice on the range of options or courses of action that may be taken.
- To provide coaching and training on the application of this policy.
- To provide professional (not administrative) support in formal meetings.
- To provide template letters/documents to managers.

### 4. GENERAL PRINCIPLES

A probationary period is commonly regarded as the initial phase of employment during which an employee is given support, mentorship, training and supervision to enable them to reach the required standards of performance and behaviour expected of all employees of the Trust.

This period of time is assumed to ensure that the employee is suitable for the post and can function effectively within the agreed time scale.

It is expected that all line managers will ensure each eligible employee enjoys dedicated time in

line with the procedure and receives the prescribed support as part of the process. Where necessary line managers should ensure that employees are granted access to the provision of training and development that will enable the employee to achieve the standards expected of their role.

All eligible employees should engage with their manager fully during the process and have joint responsibility to ensure that reviews take place as agreed.

## 5. PROCEDURES RELATING TO THE POLICY

### 5.1. Contract of Employment and Related Policies and Procedures

During the probationary period the employee will be employed on a contract of employment and subject to the Trust's policies and procedures. However, the procedures regarding the management of sickness absence, capability and discipline will not apply and any areas of concern will be dealt with under the provision of the probationary period process. This does not affect any statutory rights. Any sickness absence that occurs during the probationary period will be counted for the purpose of sickness monitoring once the probationary period has been completed.

The duration of the probationary period will be for an initial period of six months with the option to extend up to a maximum of nine months. However, reviews should take place regularly throughout this period and employment can be terminated at any point where it is identified that there is a conduct, attendance or performance issue that cannot be addressed with support. This will be clearly set out in the offer of employment and contract of employment and associated objectives will be agreed within the first two weeks of employment.

For employees with a fixed term contract end date shorter than that of the probationary period, the probationary process will be followed for the duration of employment. If employment is subsequently extended, the probationary period will be extended to usual six months and up to a maximum of nine months.

### 5.2. Notice Periods

During the agreed probationary period the notice period required from the employee and the organisation will be in line with the contract of employment.

### 5.3. Process

Aside from the formal reviews, managers will hold regular one-to-one meetings with all new employees to provide support and guidance.

In addition to one-to-one meetings, three probationary meetings are to be held at the following intervals:

|                      |  |
|----------------------|--|
| Initial meeting      | Within the first two weeks of employment.  |
| First Review Meeting | At the three months point of the probation period.<br>At this meeting a full review will take place and employment may be terminated if there are conduct, performance or attendance issues that cannot be addressed through additional support/development. |
| Final Review Meeting | At least four weeks before the date on which the probationary period ends.   |

### 5.4. Initial Meeting

During the first two weeks of employment a date will be arranged for the new employee to attend the initial probationary meeting. During this meeting the manager and employee will agree objectives that can be reasonably achieved during the six-month probationary period. These objectives can link with the employee's appraisal.

A further discussion will also address whether there are any developmental needs and whether there is any training that can be provided to support this. Statutory and mandatory training should also be covered during this conversation and in accordance with the Learning and Staff Development Policy and a realistic deadline for completion of this agreed.

The Initial Meeting Form within the Probation Review Progress Booklet (found within the Probationary Toolkit: [click here](#)) should be completed and retained by the line manager with a copy to the employee.

### **5.5. First Review Meeting**

The employee must complete the Probationary First Review Meeting Form (found within the Probationary Toolkit: [click here](#)) in advance of the review and submit to their manager 24 hours prior to the meeting giving an update on their progress against objectives set. This then forms a framework for the discussion at the meeting.

The first review is an opportunity for the line manager to review the employee's progress to date, discuss training/development opportunities undertaken, (or still required) and for both parties to raise any issues or concerns. During this meeting the employee and manager will agree any changes to the objectives that may be necessary.

Where the manager has identified any concerns in relation to attendance, conduct or capability, they must discuss this constructively with the employee and ensure details of the discussion are recorded on the First Review Meeting Form. The manager must ensure they reinforce the expected standards at this stage and explore any reasons for a shortfall in behaviour or standards.

The form should be updated and signed by all parties and copies retained for review at the final meeting.

### **5.6. Final Review Meeting**

This would normally be held at least four weeks before the date on which the probationary period ends. The employee's progress during the probationary period will be discussed and the employee will be informed of the outcome of their probationary period.

- a) They have successfully completed their probationary period
- b) Their probationary period is being extended
- c) They have not satisfactorily completed their probationary period and a further formal meeting will be held.

The Final Probationary Progress Review Form should be used to record this discussion, it can be found within the Probationary Toolkit: [click here](#).

### **5.7. Additional Meetings during Probation**

Informal probationary meetings may be held at any time outside of the formal meetings if a line manager has concerns that the employee's performance or conduct is not meeting the required standard (this might be as part of a one-to-one meeting).

Notes should be taken and any agreed targets or action should be recorded on the probationary review form. Managers are required to demonstrate that appropriate support had been put in place, and the employee was given sufficient opportunity to improve.

Line managers should seek advice from People & OD at the earliest indication that a new employee is not meeting performance requirements so that they can work together to improve the employee's performance.

### **5.8. Confirming Successful Completion of the Probationary Period**

Once an employee has successfully completed their probationary period, the line manager will send them a letter (found within the Probationary Toolkit: [click here](#)) confirming this. A copy of this

letter and a copy of the completed Final Probationary Progress Review form should be held on the employee's personal file.

Following successful completion of the probationary period, an employee will be managed through regular one to one review meetings and will be set new or continuing objectives in accordance with the Trust appraisal process.

Any future concerns about the employee's performance or conduct should be addressed using the Disciplinary, Capability, Grievance and Absence Management Policy.

### **5.9. Extension of Probationary Periods**

A probation period may be extended in the following circumstances:

- Where the performance, behaviour or conduct of the employee has not met the required standard, and it is believed that these can be addressed during the extended period.
- The employee has not completed all statutory and mandatory training.
- The employee has had a significant amount of time away from work, for example sickness, and this has resulted in an inability to conduct meetings.
- The employee has moved to a different role during their probationary period which is very different or in a different department.

### **5.10. Extension up to Nine Months**

Any extension to the probationary period will be for no longer than nine months in total after the employee commenced employment. Managers must use their discretion as to whether they extend for up to three months initially (up to nine months of employment) or whether they feel one or two months gives adequate opportunity for the employee to meet the required standard.

The line manager should confirm in writing to the employee that their probationary period is being extended communicating clearly the rationale for this decision, the length of the extension, any support/training to be provided and any improvements that are required. It will also advise that failure to meet these will result in non-completion of the probationary period and therefore termination (see letter within the Probationary Toolkit: [click here](#)).

The Final Probationary Progress Review Form should be completed to reflect the details and full rationale for your decision.

A copy of the letter along with the Final Probationary Progress Review should be held on the employee's file. A review meeting should be convened two weeks prior to the end of the extension period. This meeting should determine whether the probation has been successfully completed or whether despite the extension the employee has failed to achieve the necessary outcomes to successfully complete their probation. The Extension – Final Probationary Review Form (found within the Probationary Toolkit: [click here](#)) should be used to record this meeting. If the latter is the outcome then a formal probation hearing should be convened as detailed at section 5.11 of this policy.

### **5.11. Termination of Employment at the end of the Probationary Period**

Employees should have been made aware of any concerns regarding their performance, behaviour or conduct during the review process.

If after regular review meetings, provision of appropriate training and support it becomes evident that no further training or support would allow the employee to reach the required standards then employment may be terminated.

Employment may also be terminated where the employee has failed to complete any mandatory training, despite support being given to them to do so.

A formal meeting will be held in accordance with the probationary period policy. The employee will

be entitled to be accompanied by a workplace colleague or trade union representative if they wish.

Workforce & OD must be notified and will attend the formal meeting to give advice and ensure due process is followed.

When the decision is taken to terminate employment, the required period of notice will be given as per the employee's contract and this may be paid in lieu.

The line manager or dismissing manager will confirm in writing (with advice from People & OD) that the employee is to be dismissed for failing to satisfactorily complete their probationary period (see Termination of Employment – Outcome Letter within the Probationary Toolkit: [click here](#)). The decision to dismiss the employee will remain unchanged unless as the result of an appeal. A copy of this letter will be held on the employee's employment file with the completed probationary forms.

### **5.12. Terminating Employment before the Probationary Period has been Completed**

It will be usual for new employees to complete the full six months probationary period to allow for the employees to settle into the Trust, learn the new role and to receive any training required.

If during the course of an employee's probationary period, it is suspected or established that the individual provided inaccurate or misleading information during the recruitment process, this may be considered a sufficient reason to end their employment.

In some circumstances it may be evident that there are fundamental difficulties with the new employee being able to fulfil the role early on in the probationary period. After speaking with the employee, the line manager may feel that the difficulties cannot be resolved and regardless of any time frame, support and training the employee is not going to achieve the required standards.

In all cases where there is the possibility of terminating the probationary period early the line manager will contact People & OD. No decision to terminate employment should be discussed with the employee before this has been discussed with People & OD and the relevant director.

The line manager or appropriate dismissing manager should confirm in writing that the employee is to be dismissed for failing to satisfactorily complete their probation period. An employee termination form will be completed by the line manager and a copy of the letter should be held on the employee's personal file.

### **5.13. Right of Appeal**

An employee has the right to appeal against a decision made to terminate their employment during, or at the end of their probationary period.

Any appeal should be in writing and sent to the Associate Director of People and Organisational Development within seven calendar days of receipt of the outcome of the formal meeting.

The grounds of appeal should be set out in the appeal letter and the employee or their representative will use these grounds to establish their case. The grounds of appeal can only be made for one of the following reasons:

- If the probationary procedure was not followed correctly
- If additional information has come to light since the hearing which might have affected the outcome
- If the employee believes that the outcome was unjust
- Unfairness or bias among the decision makers on the panel

The appeal will focus on the parts of the decision the employee is not satisfied with and is not intended for the purpose of re-hearing the entire probationary process or raising any new issues.



If an employee seeks to raise matters which were not part of the grounds of appeal, the chair may determine that these should not be considered as part of the appeal process. If they do agree for them to be considered, this may result in a delay in concluding the appeal process.

A probationary appeal must be heard by a General Manager or Deputy Director or equivalent who has not previously been involved in the matter. The senior manager hearing the appeal does not need to be from the same service area as the employee raising the appeal.

In attendance at the appeal hearing will normally be the manager hearing the appeal, the employee, their representative, the manager who heard the matter at the formal stage and a People and OD representative. All of the manager's notes of the previous meeting, reports and outcome letters will be provided to the manager hearing the appeal prior to the meeting.

A decision will be made following an adjournment and this will be communicated both verbally and in writing. The decision at the appeal meeting is final and concludes all internal processes.

## **6. EQUALITY IMPACT ASSESSMENT**

An Equality and Diversity Impact Assessment has been carried out on this document using the Trust-approved EIA (Appendix 1).

This policy is regarded as equitable to all and as a result of its implementation no individual will suffer any form of discrimination, inequality, victimisation, harassment or bullying.

## **7. REVIEW AND REVISION**

This policy will be reviewed every three years, however there may be some review and revision as and when needed to accommodate changes to tribunal decisions and legislation. These reviews and revisions will be in consultation with the Trust's recognised trade unions.

## **8. DISSEMINATION AND IMPLEMENTATION**

This policy will be disseminated by the method described in the Document Control Policy.

The implementation of this policy requires no additional financial resource.

## Appendix 1: Equality Impact Assessment (EIA)

### For strategies, policies, procedures, processes, guidelines, protocols, tenders, services

1. Document or Process or Service Name: Probation Policy and Procedure
2. EIA Reviewer (name, job title, base and contact details): Karen Phillips – Deputy Director of Workforce & OD
3. Is it a Policy, Strategy, Procedure, Process, Tender, Service or Other? Policy

|   |
|---|
| <p><b>Main Aims of the Document, Process or Service</b></p> <p>This policy applies to new and returning employees of Humber Teaching NHS Foundation Trust (including those staff recruited from other NHS employers and those on part-time and fixed term contracts, excluding medical staff and those in VSM posts). The purpose is to engage and support new employees during the initial six months of employment to ensure they sufficiently meet the requirements of the role.</p> |
| <p>Please indicate in the table that follows whether the document or process has the potential to impact adversely, intentionally or unwittingly on the equality target groups contained in the pro forma</p>   |

|  |  |  |
|--|--|--|
| <p>Equality Target Group</p> <ol style="list-style-type: none"> <li>1. Age</li> <li>2. Disability</li> <li>3. Sex</li> <li>4. Marriage/Civil Partnership</li> <li>5. Pregnancy/Maternity</li> <li>6. Race</li> <li>7. Religion/Belief</li> <li>8. Sexual Orientation</li> <li>9. Gender re-assignment</li> </ol> | <p>Is the document or process likely to have a potential or actual differential impact with regards to the equality target groups listed?</p> <p>Equality Impact Score<br/> <b>Low = Little or No evidence or concern (Green)</b><br/> <b>Medium = some evidence or concern (Amber)</b><br/> <b>High = significant evidence or concern (Red)</b></p> | <p>How have you arrived at the equality impact score?</p> <ol style="list-style-type: none"> <li>a) who have you consulted with</li> <li>b) what have they said</li> <li>c) what information or data have you used</li> <li>d) where are the gaps in your analysis</li> <li>e) how will your document/process or service promote equality and diversity good practice</li> </ol> |
|--|--|--|

| Equality Target Group             | Definitions   | Equality Impact Score | Evidence to support Equality Impact Score  |
|-----------------------------------|---|-----------------------|--|
| <b>Age</b>                        | Including specific ages and age groups:<br><br>Older people<br>Young people<br>Children<br>Early years  | Low                   | There is no evidence that this equality group is negatively affected by the policy |
| <b>Disability</b>                 | Where the impairment has a substantial and long term adverse effect on the ability of the person to carry out their day to day activities:<br><br>Sensory<br>Physical<br>Learning<br>Mental health<br><br>(including cancer, HIV, multiple sclerosis) | Low                   | There is no evidence that this equality group is negatively affected by the policy |
| <b>Sex</b>                        | Men/Male<br>Women/Female  | Low                   | There is no evidence that this equality group is negatively affected by the policy |
| <b>Marriage/Civil Partnership</b> |   | Low                   | There is no evidence that this equality group is negatively affected by the policy |
| <b>Pregnancy/Maternity</b>        |   | Low                   | There is no evidence that this equality group is negatively affected by the policy |
| <b>Race</b>                       | Colour<br>Nationality<br>Ethnic/national origins  | Low                   | There is no evidence that this equality group is negatively affected by the policy |

|                            |   |     |  |
|----------------------------|---|-----|--|
| <b>Religion or Belief</b>  | All religions<br><br>Including lack of religion or belief and where belief includes any religious or philosophical belief   | Low | There is no evidence that this equality group is negatively affected by the policy |
| <b>Sexual Orientation</b>  | Lesbian<br>Gay men<br>Bisexual  | Low | There is no evidence that this equality group is negatively affected by the policy |
| <b>Gender Reassignment</b> | Where people are proposing to undergo, or have undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attribute of sex | Low | There is no evidence that this equality group is negatively affected by the policy |

## Summary

|   |                |           |            |
|---|----------------|-----------|------------|
| <b><i>Please describe the main points/actions arising from your assessment that supports your decision above</i></b>  |                |           |            |
| By implementing this policy we can ensure that all employees receive consistent advice and guidance and are able to follow the parts of the policy and procedure that are relevant to them. I can see no adverse impact on any protected characteristic by the implementation of this policy and procedure. |                |           |            |
| EIA Reviewer  | Karen Phillips |           |            |
| Date completed;   | 06/01/22       | Signature | K Phillips |

## Appendix 2: DOCUMENT CONTROL SHEET

|  |   |   |   |
|--|---|---|---|
| Document Type and Title:   | Policy – Probation  |   |   |
| Document Purpose:  | This policy applies to new and returning employees of Humber Teaching NHS Foundation Trust (including those staff recruited from other NHS employers and those on part-time and fixed term contracts). The purpose is to engage and support new employees during the initial six months of employment to ensure they sufficiently meet the requirements of the role |   |   |
| Consultation/ Peer Review  | Date  | Group / Individual  |   |
| <i>list in right hand columns<br/>consultation groups and dates</i>  | 05/03/2019  | HR Team   |   |
|  | 17/04/2019  | TCNC  |   |
|  | 01/10/2019  | ODG   |   |
|  | 04/11/2019  | Executive Management Team   |   |
| Approving Body:  | EMT   | Date of Approval:   | 4 November 2019                                 |
| <b>NB All new policies and policies subject to significant amendments require approval at EMT and Board ratification.</b>  |   | <i>(see document change history below for minor amendments and dates)</i>   |   |
| Ratified at:   | Trust Board   | Date of Ratification:   | 27 November 2019                                |
| Training Needs Analysis:<br><i>(please indicate training required and the timescale for providing assurance to EMT as the approving body that this has been delivered)</i> | Ongoing training sessions on updated policy to be rolled out Trust-wide.  | Financial Resource Impact:  | There are no financial resource impacts         |
| Equality Impact Assessment undertaken?   | Yes <input checked="" type="checkbox"/>   | No <input type="checkbox"/>   | N/A <input type="checkbox"/>                    |
|  | If N/A, state rationale:  |   |   |
| Publication and Dissemination  | Intranet <input checked="" type="checkbox"/>  | Internet <input type="checkbox"/>   | Staff Email <input checked="" type="checkbox"/> |
| Master version held by:  | Policy Management Team <input checked="" type="checkbox"/>  | Author to send final document to <a href="mailto:HNF-TR.PolicyManagement@nhs.net">HNF-TR.PolicyManagement@nhs.net</a> |   |
| Implementation:  | <i>Describe implementation plans below - to be delivered by the author:</i><br>Implementation will consist of: <ul style="list-style-type: none"> <li>▪ Dissemination to staff via Global email</li> <li>▪ Teams responsible for ensuring email is read and understood</li> </ul>   |   |   |
| Monitoring and Compliance:   |   |   |   |

### Document Change History:

| Version Number / Name of procedural document this supersedes | Type of Change i.e. Review / Legislation | Date          | Details of Change and approving group or Executive Lead (if done outside of the formal revision process)  |
|--|--|---------------|---|
| 1.0  | New Policy                               | November 2019 | New policy  |
| 1.1  | Minor amends                             | November 2022 | Minor change - form amended to align to the Being Humber campaign. Approved by director sign-off (Steve McGowan – 17/11/22)   |
| 1.2  | Review                                   | January 2023  | Full review. Minor amends made. Approved by director sign-off. (Steve McGowan – 6 January 2023).  |
| 1.3  | Minor amends                             | August 2024   | Minor Change- removal of Appendix 1: Probation Review Progress Booklet due to a newer Toolkit been available on the Intranet. Signposting to this Toolkit now added within the Policy. Change of name from Workforce and OD to People and OD to reflect the directorate changes. Approved by Exec Lead sign-off (Karen Phillips – 1 August 2024). |