

[Academy Name]

PROBATION PROCEDURE FOR ALL STAFF

Policy Type:	Trust Core Policy
Approved By:	Trust Board (Finance, Audit and Resources Committee)
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Review Date:	December 2023
Person Responsible:	Chief Executive Officer

Summary of Changes

The model policy has been revised to reflect these changes to the statutory guidance as outlined below.

Page Ref.	Section	Amendment	Date of Change
4	1.1	Clarified procedure when dealing with substantiated gross misconduct	Dec 19
4	1.3	Clarified responsibility of line manager to communicate the policy	Dec 19
4	New 1.5	Identifier for longer probationary period	Dec 19
5	1.8	Clarification of arrangements for Newly Qualified Teachers	Dec 19

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Introduction

- 1.1 This procedure is non contractual and for guidance only, although reduced notice of termination provisions by the employer are covered in the contract of employment. The exception to this is substantiated allegations of gross misconduct, as outlined in paragraph 3.2 below, which normally warrants summary dismissal without notice.
- 1.2 It applies to all new staff employed by the Trust regardless of their permanent, fixed-term, full- or part-time status.
- 1.3 The procedure applies to teaching staff and support staff and will be the responsibility of their line manager to implement and to ensure that the procedure is communicated to Probationers and that it is applied consistently.
- 1.4 The probation period is for six months from the start date of employment and may be extended by an additional three months (see section 3.5).
- 1.5 It may also be agreed at the outset of the employment that the probation period will be longer than six months where the Probationer is employed on a term time only contract and the probation period span the school summer holidays.
- 1.6 The purpose of the probation period is to enable an assessment to be made regarding a probationer's suitability for the job for which they have been employed. The probationer must, during the probation period, demonstrate their suitability for the post.
- 1.7 The probation procedure provides a consistent and fair framework for:
 - 1.7.1 Monitoring and reviewing the performance of new staff in relation to:
 - Quality of work and understanding of role
 - Attitudes and motivation
 - Conduct and Attendance
 - Compliance with all policies and procedures particularly those relating to safeguarding and promoting the welfare of children and young people
 - Health and safety
 - 1.7.2 Providing formal feedback and opportunity for discussion
 - 1.7.3 Dealing with inadequate performance, and misconduct issues
- 1.8 Probationers who are within their probation period are not subject to the formal capability and disciplinary procedures and sickness absence procedures. If issues of conduct, poor performance or sickness arise during

the probation period, the probation procedure will normally be used to address such matters.

1.9 Probationers have the right to be accompanied by a representative of their trade union or a workplace colleague in formal meetings.

1.8 The following employees are excluded from a probationary period:

- When transferring between the Trust's Academies
- Following a promotion within the Trust
- Following any variations to the Trust's terms and conditions
- Newly Qualified Teachers

(The NQT induction arrangements and the appraisal policy for teachers will run concurrently with the probation period. The Line Manager will normally be the induction tutor/appraiser. Where deemed necessary the probation procedure will take precedence over the appraisal policy.)

2. Diversity and Equalities Considerations

2.1 The Probation Procedure will be operated in accordance with the Trust's Equality and Diversity Policy. The impact of the procedure will be monitored in accordance with the Equality Act 2010.

3. The Procedure

3.1 Line Managers are responsible for ensuring that all new employees are properly monitored during their probationary period and the required meetings and paperwork are completed in a timely manner. It is important that the line manager clearly sets expectations within the first week to their new employees. In the event that an employee's standards fall below expectations, Line Managers are responsible for initiating and taking action in accordance with the principles and steps set out in this policy

3.2 The line manager should, in normal circumstances conduct a total of three formal reviews with the probationer. Reviews should take the form of a confidential meeting between the line manager and probationer, in which there is opportunity for two-way discussion.

In exceptional circumstances, where there are serious concerns over the suitability of a probationer, it is possible to progress straight to a final review or to reduce the time in between stages. Such concerns may include substantiated safeguarding or health and safety concerns or substantiated allegations that may constitute gross misconduct or during an extended probation period.

3.3 **The First Review:** To be completed within weeks four to six from the start date.

The purpose of this meeting is for the line manager to evaluate the probationer's performance and discuss any key issues with the probationer. If improvements in performance are required, there should be a discussion about how to make the necessary improvements, including appropriate management support/training.

Upon completion of this review meeting, the line manager should complete Form A (Appendix 1). This should then be signed by the line manager and the probationer. A copy should be given to the individual and a copy saved on the probationer's personnel file.

3.4 **The Second Review:** On completion of three months service.

The purpose of this meeting is to review the probationer's performance over the first three months. Where the previous review indicated that improvements in performance were required, the second review meeting should be used to consider the extent of any improvement that may have taken place.

Where the probationer has not met the required standards, they will be informed that continued failure to meet those standards could result in dismissal.

Upon completion of this meeting, the line manager should complete Form B (Appendix 2). This should be signed by the line manager and the probationer,

and a copy should be given to the individual and a copy saved on the probationer's personnel file.

3.5 The Final Review: On completion of five months service.

Prior to the final review meeting, which normally takes place after the probationer has completed five months service, the line manager should consider whether:

- 3.5.1 The probationer's appointment should be confirmed.
- 3.5.2 The probationary period should be extended because there are exceptional circumstances.
- 3.5.3 Recommendation is to be made to progress to a meeting that could result in dismissal; there will be a formal meeting with the Headteacher / Staff Dismissal Committee.

3.6 Where the decision is to extend the probationary period, this will be limited to one extension and the extension will be no longer than three months.

An extension may be implemented in circumstances where the employee's performance or conduct during probation has not been entirely satisfactory but it is thought likely that an extension to the probationary period may lead to an improvement, or where the employee has been absent from the workplace for an extended period or has frequent occasions of sickness absence. Consideration may also be given to an extension where there is a disability related illness

Before extending an employee's probationary period, the line manager should seek advice from the Trust's HR provider. The line manager, with help from their HR Adviser, will confirm the terms of the extension in writing to the employee, including:

- The length of the extension and the date on which the extended period of probation will end.
- The reason for the extension and, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards.
- The performance standards or objectives that the employee is required to achieve by the end of the extended period of probation
- Any support, for example further training, that will be provided during the extended period of probation and a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, their employment will be terminated.

At the beginning of the extended probationary period, the employee will receive a support plan which clearly documents what is required to successfully pass the probationary period. The line manager will meet with the employee regularly throughout this period to review the employee's performance against the support plan and ensure adequate support is provided.

There is no right of appeal to the extension of a probationary period.

3.7 Where a dismissal is a possible outcome of the review meeting, the following preparation will be undertaken by the line manager:

3.7.1 The probationer will be written to with details of the date, time and purpose of the review meeting

3.7.2 The letter will state reasons why the performance has been unsatisfactory to date

3.7.3 The probationer will be notified in writing of their right to be accompanied at the meeting by a workplace colleague

3.7.4 Where a dismissal may result, the probationer will be notified of this in writing and arrangements made for the Headteacher to conduct the meeting.

3.8 Upon completion of the final review meeting, if the probationer has passed the probationary period then the line manager will complete Form C (Appendix 3). This will be signed by the line manager and the probationer. The form should be placed on the probationer's personnel file with a copy provided to the individual.

3.9 If a recommendation is made by the line manager to progress to a meeting that could result in dismissal, there will be a formal meeting with the Headteacher / Staff Dismissal Committee (as appropriate). Advice will be sought from the Trust's HR provider.

The probationer, who may be accompanied by a trade union representative or a work place colleague, will have the opportunity to state his/her case, before any decision is made. The Headteacher/Chair of Staff Dismissal Committee will write to the individual confirming the decision. There is right of appeal against a decision to terminate employment.

Any appeal will be heard by at least two governors. No member of the formal hearing will be on the appeal panel. The probationer will have the right to be accompanied by a trade union representative or workplace colleague.

4. Disciplinary Issues Arising During the Probation Period

- 4.1 The academy's Disciplinary Policy does not apply to probationers. Instead, the following procedure will apply where issues of alleged misconduct arise during the probation period.
- 4.2 Where allegations have been made against a probationer, a management investigation will be conducted into the matter. In cases of alleged serious misconduct the Headteacher (or person with delegated responsibility for suspension) will normally suspend the probationer pending an investigation and any subsequent hearing. If, as a result of this investigation, there is found to be a case to answer, the probationer will be invited to a meeting with the line manager or other nominated member of the management team. The purpose of this meeting is for the manager to consider the allegations, question the probationer (and any witnesses if relevant) and reach a decision based on the balance of probability. As a result of this meeting, the manager may:
 - 4.2.1 Find that the allegations are unsubstantiated and that no further action is necessary.
 - 4.2.2 Issue an oral, written or final written warning. There is no right of appeal against a warning issued during the probationary period
 - 4.2.3 Recommend to the Headteacher (or person with delegated responsibility for dismissal) that the probationer is invited to a meeting that could result in dismissal.
- 4.3 If a decision is made to convene a meeting then the following preparation will be undertaken by the manager:
 - 4.3.1 The probationer will be written to with details of the date, time and purpose of the disciplinary hearing.
 - 4.3.2 A copy of the investigation report will be enclosed.
 - 4.3.3 The probationer will be notified in writing of their right to be accompanied at the hearing by a workplace colleague or a trade union representative.
- 4.4 If the Headteacher (or person with delegated responsibility for dismissal) decides to dismiss there will be right of appeal to a panel of at least two governors or Trustees (as appropriate) against the decision to terminate during the probationary period on the grounds of repeated misconduct or gross misconduct. Any appeal must be lodged within five working days of receipt of the decision letter and must state the reasons for the appeal. In cases where gross misconduct has been substantiated dismissal may be summary; i.e. dismissal without notice and pay in lieu of notice.
- 4.5 For some non-exhaustive examples of misconduct and gross misconduct, please refer to the Trust's Disciplinary Rules.

Appendix 1

PROBATION PERIOD - FORM A

This form should be completed by the probationer's line manager after the probationer has completed four weeks service. The original should be placed on the probationer's personal file, and a copy given to the probationer.

FIRST REVIEW

Probationer's name _____ Start date _____

Job title _____

Date of review meeting _____

Line Manager's Name and job title _____

Line Manager's comments; _____

How does the probationer feel s/he has performed against each element of the job description?

Are there any training or continuing development needs the probationer wishes to have met during the coming probation period?

Are there any other topics the probationer wanted to discuss during the meeting?

Further induction to be provided: _____

Progress required before next review: _____

Probationer's comments: _____

Signed (Line Manager) _____ Signed (Probationer) _____

Dated _____

Date of final review meeting _____

Appendix 2

PROBATION PERIOD - FORM B

This form should be completed by the probationer's line manager after the probationer has completed three months service. This should be signed by the line manager and the probationer, and the original placed on the personal file with a copy to the individual.

SECOND REVIEW

Probationer's name _____ Start date _____

Job title _____

Date of review meeting _____

Line Manager's Name and job title _____

Line Manager's comments; _____

How does the probationer feel they have performed against each element of the job description?

Are there any training or continuing development needs the probationer wishes to have met during the coming probation period?

Are there any other topics the probationer wanted to discuss during the meeting?

Further induction to be provided: _____

Progress required before next review: _____

Probationer's comments:

Signed (Line Manager) _____ Signed (Probationer) _____

Dated _____

Date of final review meeting _____

Appendix 3

PROBATION PERIOD - FORM C

This form should be completed by the probationer's line manager after the probationer has completed five months service. Where the probationer may be dismissed a further meeting, in addition to the final review, must be convened in accordance with paragraph 3.9 of the probation procedure.

FINAL REVIEW

Probationer's name Start date

Job title _____

Line Manager's Name and job title

Date of review meeting _____

Line Manager's comments; _____

Appointment confirmed

Probation is extended *if, exceptionally, probation is extended then an account of the concerns and a support plan for the extension period will be attached to this form.*

Recommendation to the Headteacher/ person with delegated dismissal rights that the probationer is invited to a formal hearing

(An account of the concerns and reasons for recommending a formal hearing is to be attached to this form).

Probationer's comments: _____

Signed (Line Manager) _____

Signed (Probationer) _____

**Appendix 4 - TEMPLATE LETTER CONFIRMATION OF SATISFACTORY
COMPLETION OF PROBATIONARY PERIOD**

[ON HEADED NOTEPAPER OF EMPLOYER]

[Private and confidential]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear

Confirmation of satisfactory completion of Probationary Period

As you will know, your appointment as a is subject to satisfactory completion of a six month probationary period.

I am pleased to confirm that, based on the recommendation of your line manager; you have now successfully completed your probationary period.

I would like to congratulate you and wish you every success in your future employment with us.

Yours sincerely

Headteacher

cc: Line Manager

Appendix 5 – TEMPLATE LETTER EXTENSION OF PROBATIONARY PERIOD

[ON HEADED NOTEPAPER OF EMPLOYER]

[Private and confidential]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear

Extension of Probationary Period for the post of

I am writing to confirm the outcome of our final review meeting held on

At the meeting I explained my concerns about satisfactory completion of your probationary period and I drew your attention to a number of specific issues which are summarised on your review form. The decision I have made is that your probationary period will be extended by xxxxx months to [date] to afford you an opportunity to reach the required standard of competence in your role as xxxxxxxxxxxx. The areas for improvement are identified on your Probation Period - Form C - Final Review and the accompanying report

A further meeting will be held on xxxxx to review your progress against the area(s) identified for improvement.

I hope that this period of extension will enable you to demonstrate your suitability for employment across all performance areas. You should be aware that failure to achieve a satisfactory improvement by the end of the extension period is likely to result in the termination of your employment.

I would urge you to make the most of this opportunity to address the concerns that have been raised. If you have any questions arising from this letter, please contact me as soon as possible.

Yours sincerely

Line Manager

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Appendix 6 - TEMPLATE LETTER – TERMINATION OF EMPLOYMENT

HEARING [EPM advice should be taken before adapting this letter and sending to an employee as this may not be appropriate in some circumstances].

[ON HEADED NOTEPAPER OF EMPLOYER]

[Private and confidential]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

[CONSIDER HOW TO BE SENT TO THE EMPLOYEE
BY HAND/RECORDED DELIVERY/SPECIAL DELIVERY AND COPY FIRST
CLASS POST]

Dear [EMPLOYEE'S NAME],

Probationary Period - Hearing to Consider Termination of Employment

Following your completion of x month's service at [SCHOOL], a hearing has been arranged on [DATE] at [TIME] in [PLACE] to discuss the outcome of your probationary period. As you are aware, as an employer we are concerned about your level of performance and the fact that you have failed to meet the required standard during your probationary period, which ends on(date).

I will recommend to the [Headteacher/Staff Dismissal Committee] that you are invited to a formal meeting. The purpose of the meeting is to discuss your poor performance and to enable you to explain your reasons for not meeting the required standard of performance. However, I must warn you that the outcome of the meeting may be dismissal.

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The summary of the reasons why your performance has been unsatisfactory is outlined in enclosed report.

In addition, copies of the following documents are enclosed and will be referred to at the hearing.

- 1 Induction Plan
- 2 Probation Period - Form A - First Review
- 3 Probation Period - Form B - Second Review
- 4 Probation Period - Form C - Third Review

You may be accompanied by a workplace colleague or a trade union representative at the hearing. If the decision is to terminate your employment then you will have the right to appeal the decision to the Governors.

Please confirm your attendance on receipt of this letter and do not hesitate to contact me should you have any questions in relation to its contents.

Yours sincerely,

[NAME of line manager]