



## **PROBATION POLICY AND PROCEDURE**

### **1.0 Introduction**

- 1.1. The school is committed to recruiting and appointing candidates with the necessary skills, knowledge and experience to be able to carry out, and be successful in, the posts it advertises.
- 1.2. Key to this process is effective planning in relation to defining the role and its requirements via a job description and identifying and selecting appropriate candidates through interviews and other selection techniques.
- 1.3. However it is also important to monitor and review the progress of appointees after starting to ensure that they receive the necessary training and support to be able to achieve their potential and to address issues of poor performance and/or conduct at the earliest stage

### **2.0 Scope**

- 2.1. This procedure will apply to all newly appointed or promoted staff, including long-term temporary staff (i.e. those on fixed term contracts exceeding 6 months duration).
- 2.2. This policy applies to all members of staff, both holders of senior posts and other staff. The procedures contained in this policy apply only to staff other than holders of senior posts. The procedure applying to holders of senior posts will follow the same stages contained in this procedure but will be managed by a member or members of the Governing Body.

### **3.0 Principles**

- 3.1. New and newly promoted members of staff can seek, and expect, additional help in developing the skills and knowledge required to undertake their role, if this is required. It is intended to be a supportive and developmental process and the school is committed to providing whatever assistance is reasonable to ensure that the probation period is successfully completed. However, should an acceptable standard of performance and/or conduct not be achieved the school reserves the right not to confirm the appointee in post and take whatever further action is required.
- 3.2. During the probationary period there is a responsibility: -
  - on the Line Manager, on behalf of the school, to train and guide the employee appropriately in order to fulfil the role they have been appointed to. This is an on-going responsibility but is specifically monitored during the probationary period.
  - on the newly appointed member of staff to demonstrate their capability to work to acceptable standards without requiring an unduly high level of supervision or interventions.

### **4.0 Timescales**

- 4.1. Guide to time scales for completion of probation reports

	Teaching Staff	All other staff
Probation period	6 -12 months (except ECT)	6 months
Reviews	3, 6 and 9 months	2 and 4 months

4.2 The duration of the probationary periods may be varied by in consultation with the Headteacher taking account of the level and responsibilities of the post. Full details regarding the duration of probation periods are contained in individual employees' contracts of employment.

4.3 Nothing in this procedure shall preclude the confirmation or non-confirmation in post of a probationer at any stage during the probation period. Should this be the case, the school's HR Adviser should be consulted, prior to any action being taken.

## **5.0 Continuous Assessment**

5.1 Assessment of performance and active support and development and feedback should be an ongoing process throughout the probationary period (and beyond) and not just undertaken at the formal review stages. Informal probationary meetings may take place at any time to discuss any aspect of performance both below and above the standards expected.

## **6.0 Criteria for Assessment**

6.1 The employee's work record as a whole should be considered. Particular attention should be given to the patterns of improvement or deterioration that may give an indication for the future.

6.2 Three key areas of review should be: -

- **Performance** - the ability of the employee to carry out the tasks and responsibilities of the post to a satisfactory standard, their contribution to the service or team.
- **Conduct** - how the employee conducts themselves, for example their behaviour, work relationships with colleagues, students or any external bodies or individuals, general attitude to work and commitment to the role.
- **Attendance Record** - timekeeping, levels of sickness absence etc.

Note: Where an individual has a poor attendance record directly related to sickness absence, the reasons for this should be carefully considered. Any such issue should be dealt with immediately in accordance with advice from the HR Adviser, who will have sought guidance in line with relevant school procedures, good practice and within legislation e.g. the Employment Rights Act 1996 and the Equality Act 2010.

6.3 These key areas are dealt with in the Probation Report Form (see Appendix 1) and should be specific, measurable, and realistic assessment criteria/targets.

## **7.0 First formal review**

7.1 The Finance Office Officer/Headteacher's P.A. will forward a reminder to the Line Manager and employee not later than 2 weeks prior to the probation review due date. This will refer the Line Manager and employee to the probation review form and policy. For further advice and guidance contact the Headteacher.

7.2 The Line Manager will be responsible for arranging the probation review meeting. It is advisable to do this on or around the employee's start date to ensure that the review is carried out in good time.

7.3 Following the meeting, a probation report should be completed by the Line Manager. At the end of the report the Line Manager will need to make one of three recommendations:-

- i. That the performance/conduct of the employee is satisfactory, and that the probation period should be continued to the final review.

- ii. That the performance of the employee is satisfactory, but some areas of performance/conduct may have been highlighted with targets for improvement and additional training and guidance should be given and an action plan drawn up. The probation period should continue to a final review at which time the areas of concern should be reviewed.
- iii. That the performance/conduct of the employee is unsatisfactory and there is no action that could be taken to improve performance. The probation period should be ended and the employee not confirmed in post.

7.4 In 7.3.1 and 7.3.2 a copy of the report must be given to the employee for them to sign and return to the Line Manager. The employee may, if they wish, keep a copy of the report for their own records. The original must then be forwarded to the Deputy Headteacher for review. Where there are no issues of concern the Deputy Headteacher will endorse the recommendation and retain the completed report on the employee's personal file.

7.5 Managers must only recommend 7.3.3 having discussed the issues of concern with the Deputy Headteacher and with the advice of the HR Adviser if appropriate. A copy of the report must then be sent to the Deputy Headteacher and they will inform the employee that a Probationary Hearing will be held.

## **8.0 Final formal review**

8.1 The final review meeting will be held, between the line manager and the employee, no later than 1 month prior to the end of the probationary period.

8.2 Following the meeting, a probation report must be completed by the Line Manager. The Line Manager will be required to make one of three recommendations:-

8.2.1 If the performance/conduct of the employee is satisfactory they will be confirmed in post. A letter will be sent to the employee on receipt of the completed and signed probation form confirming the employee in post.

8.2.2 If the line manager considers that the probationer may be unsuitable for permanent employment or there has been insufficient improvement in performance following additional training and support, the case must be referred to the Deputy Headteacher for consideration. The Deputy Headteacher, with advice from HR Adviser must decide whether: -

- Additional time is required to be able to fully assess the suitability of the employee. In these circumstances an extension to the probationary period may be agreed (see below).
- A further review is unlikely to lead to any substantial improvement and the decision should be taken that a Probationary Hearing must be arranged (see Probationary Hearing Section 11) to consider whether the employment should be confirmed.

## **9.0 Extensions to Probationary Periods**

9.1 Extensions of probation periods must not be used as a means of putting off a difficult decision and are only justified in exceptional circumstances, for example: -

- Where an employee has not yet been given enough training and/or support to carry out the role to the required standard.
- Where a one-off bout of sickness has led to a long period of absence that may need to be taken into consideration.
- Reasonable adjustments to be made where there are mitigating circumstances.

9.2 The decision to extend a probationary period must be made after advice has been sought from the Headteacher and with advice from the HR Adviser if appropriate. In the case of an extension, the

employee must be informed, in writing, of the reasons for and terms of the extension. A period of three months should be sufficient time for a decision to be made. The employee has a right of appeal against extension of a probationary period as set out in Section 12.

## **10.0 Action at the end of an extended Probationary Period**

10.1 If, at the end of an extended probationary period, the employee has achieved an acceptable standard of performance, they will be confirmed in post. (See 8.2.1)

10.2 If, at the end of an extended probationary period, the member of staff has failed to achieve an acceptable standard of performance then a formal Probationary Hearing must be held. (See section 10)

## **11.0 Probationary Hearing**

11.1 Probationary Hearings will be conducted where it has been identified that:

- the employee's work performance is unsatisfactory or
- that there has been no improvement in poor performance or
- where there is a record of poor attendance

11.2 The decision to hold a Probationary Hearing will be taken by the Deputy Headteacher with advice from the HR Adviser and can be taken at any time during the probationary period. One potential outcome of a Probationary Hearing is that the employment may be ended.

11.3 The Probationary Hearing will be chaired by the Deputy Headteacher and the HR Adviser or a Governor will also be present.

11.4 The employee must be informed in writing informing them of the reason for the Probationary Hearing and where and when the hearing will be held. The letter will include details about the issues that are to be discussed, any relevant documents and policies and procedures.

11.5 Either side may delay the hearing once for reasons of the non-availability of representation, sickness, or other substantive reason, but after this the Hearing may be held in the absence of any party unable to attend. Those unable to attend must be allowed to have written submissions presented.

11.6 The employee will have the right to be accompanied to the Hearing by a workplace colleague or Trade Union representative.

11.7 The procedure for the Hearing will be as outlined in the Appendix 1.

## **12.0 Probationary Hearing Outcome**

12.1 In most circumstances the outcome of a Probationary Hearing will be to highlight the areas where improvement is required and to suggest methods and time scales for achieving them. The employee will be informed that failure to reach the expected standards by the specified date may mean they will not be confirmed in post.

12.2 In certain circumstances, e.g. ongoing incapability/inability? to achieve an acceptable standard of performance, a decision may be taken not to confirm the employee in post without a notice of improvement.

12.3 A decision not to confirm in post will be taken by the Deputy Headteacher with advice from the Personnel Adviser. If a decision to terminate the employee's employment within their probation period, they will be deemed to be "non-confirmed in post".

- 12.4 The employee must receive confirmation of the decision in writing within 48 hours of the Hearing, setting out summary reasons and the right of appeal against non-confirmation in post as set out in section 12.
- 12.5 An extension to the probationary period is given.

### **13.0 Appeals**

- 13.1 Where the decision is to extend the probationary period or that the employee cannot be confirmed in post, the employee will have the right of appeal to the Headteacher.
- 13.2 Appeals must be made, in writing, to the Headteacher's PA. The appeal must be made within 10 days of the original hearing and should state the grounds on which the appeal is based.
- 13.3 The appeal process will not normally be an opportunity to repeat the Probationary Hearing. A repeat of a Hearing will only be allowed where an appellant can show that significant new evidence has come to light which could have had an impact on the decision of the probationary panel.
- 13.4 The procedure will be as outlined in the Appendix 2.
- 13.5 The decision of the Appeal Panel will be final.
- 13.6 At the Appeal Hearing, the employee will have the right to be accompanied by a representative of a recognised Trade Union or work colleague. Until the outcome of the appeal has been decided the dismissal will remain in force. Where an appeal is against a dismissal decision, that decision will have immediate effect so that, if the dismissal is by notice, the period of notice will have begun at the date given in the decision. Any appeal will normally be held prior to the expiry of the notice period. However, if notice has expired there will be no liability to pay the member of staff for the period between that decision and the hearing of his or her appeal. If however the appeal is successful the contract of employment will be re-instated and pay and service will be backdated to the date of the dismissal.
- 13.7 The decision of the Appeal Hearing should be communicated to the employee in writing without unreasonable delay, normally within 48 hours/two working days of the Hearing.

### **14.0 Notice Periods**

- 14.1 During the probationary period all staff will be subject to an employers' one months, notice period for termination of employment.
- 14.2 After confirmation of satisfactory probation in post the employers' and employee's notice period will be as per the employee's statement of terms and conditions of employment.
- 14.3 During the probationary period, newly promoted employees with more than one year's continuous service will be subject to notice of dismissal in accordance with the employee's statement of terms and conditions of employment or statutory provisions, whichever is the greater.

## APPENDIX 1

### Teaching Staff

Overview: Performance Review during Probationary period

Employee Name			
Post Title			
Department			
Post start date			
Line Manager			
	Date Due	Action, by whom, and achievement dates	Please initial when completed
Initial meeting			
3 – month review			
6 – month review			
9 – month review			
12 – month FINAL review			

A copy of this document should be shared with the employee following each meeting.

**APPENDIX 2**

**All other Appointed Staff**

Overview: Performance Review during Probationary period

Employee Name			
Post Title			
Department			
Post start date			
Line Manager			
	Date Due	Action, by whom, & achievement dates	Please initial when completed
Initial meeting			
2 – month review			
4 – month review			
6 – month FINAL review			

A copy of this document should be shared with the employee following each meeting.

**Guide to timescales for completion of probation reports**

	<b>Teaching Staff</b>	<b>All Appointed staff</b>
Probation Period	6 – 12 months (ex ECT)	6 months
Reviews	3, 6 and 9 months	2 and 4 months

**SECTION A:**  
*Expectations AND Objectives: the line manager must identify expectations and objectives to be achieved during the probationary period.*

Extract from the Trust Personnel Manual

**SECTION B:**  
*Development Plan: to support the employee in achieving these objectives, the line manager must identify any training and development needs and specify how and when these needs will be addressed during the probationary period.*

Extract from the Trust Personnel Manual

Employee's signature	
Manager's signature	
Date:	

### APPENDIX 3

#### Performance Review during Probationary Period

Please complete Sections A, B, C and D for each review and Section E if the final review only.

Name		Department	
Post		Start date for this post	
Probationary Period		From	To
Period of this Review		From	To
Date Probation Review Meeting Held:			
<i>A) Please comment on performance during the review period in each of the following areas taking into account progress made in achieving objectives / balance of duties previously identified.</i>			
Work Area	Comments	Action, by whom, and achievement dates	
Quality of Work <i>Including lesson observation for teaching staff (See note at foot of next page)</i>			
Output of Work			
Knowledge and Skills			
Communications			
Working Relationships (teamwork and interpersonal)			
Attendance and Punctuality			

No. of days sick absence		
No. of occasions		
Induction Completed		
<b>B) Overall Conclusion</b> <i>(If performance is felt to be above requirements or alternatively unsatisfactory, this should be discussed with the employee. A note should be made below of action taken, date of discussion and steps taken to improve performance as appropriate).</i>		
<b>C) Immediate Training / Development Needs</b> <i>Please detail any essential training &amp; development needs, including relationship to job description and current school / departmental targets, which has arisen since completion of the process.</i>		
<b>D) Employee comment/reflection</b> <i>Here the employee may provide any comment about their experience of the probation review to date or final probationary process.</i>		
<b>Signed Line Manager</b>		
<b>Signed Employee</b>		
<b>E) Recommendation of End of Probation Period (Only complete section E, if this is the Final review period)</b>		
*1. I confirm that the probationary period has been satisfactorily completed and recommend confirmation of appointment.		
<b>OR</b>		
*2. I confirm that the probationary period has not been satisfactorily completed for the following reasons:		
It is therefore recommended that:		
*(a) The probationary period should be extended by ..... Months		

**Or**

\*(b) The appointment should not be confirmed, and advice will be sought from the Deputy Headteacher with advice from the School's HR Adviser

*\* delete as appropriate*

**Authorised by Head of Department**

Note: Peer observations (if appropriate) should take place between 0 to 3 months employment and again between 6 to 9 months employment, using the agreed documentation from the teaching observation scheme.

**At the end of each review the Line Manager must hand a copy to Mrs V Woods (PA to Headteacher) for the employee's file. Thank you. (Please keep a copy for yourself and the employee).**

Extract from the Trust Personnel Manual

## **APPENDIX 2**

### **Format and Conduct of Hearings**

#### The Role of the Companion

The employee may be accompanied by a trade union representative or work colleague.

The chosen companion can:

- act as a witness,
- take notes,
- address the hearing
- confer with the employee

The chosen companion may not:

- answer questions on behalf of the employee
- address the hearing if the employee indicates he or she does not wish the companion to do so
- use the powers in a way that prevents the employer from explaining its case

It is the employee's responsibility to ensure that their chosen companion is willing to act and is available to attend the hearing.

#### Constitution of the Panel

The Appeal Hearing will be chaired by a Senior Manager and accompanied by the School's HR Adviser.

#### The Conduct of the Hearing

- i) The Chair will introduce all those present, their role, and ensure that everyone is aware of the background to and the purpose of the hearing. He or she will keep an open mind and listen carefully to what is said.
- ii) The Chair will ensure that all documents relevant to the hearing have been received and that each party has a set of relevant documents including a copy of the relevant procedure.
- iii) In the event that a document has been tabled, agreement by each party must be sought that the tabled document is acceptable.
- iv) The Line Manager will put forward the case in the presence of the employee and his/her representative and may call witnesses.
- v) The employee (or his/her representative) will have the opportunity to ask questions of the Line Manager and any of the witnesses.
- vi) The person(s) conducting the hearing shall have the opportunity to ask questions of the Line Manager and witnesses.
- vii) The school's witnesses will leave the hearing at this point, but may be recalled at a later point in the proceedings if required.
- viii) The employee (or his/her representative) will make a response in the presence of the School's representative and may call witnesses.
- ix) The school's representative will have the opportunity to ask questions of the employee and of any witnesses.

- x) The person(s) conducting the hearing will have the opportunity to ask questions of the employee and of any witnesses.
- xi) The school's representative, followed by the employee (or his/her representative) will have the opportunity to sum up their case(s) if they wish.

### Witnesses

Any witnesses called by either side will attend the hearing to give their account of the matter unless in exceptional circumstances sensitive issues have arisen and the Chair agrees that it would be inappropriate for any such witnesses to be present. The witness will be called at the appropriate time in the proceedings and will only be present during the time that they give their evidence and take questions.

### Adjournments

The Chair may adjourn the proceedings at any stage if this appears necessary or desirable or for reasons of a disability where a break is required. If adjourning to enable further information to be obtained, they will specify the nature of that information. Any adjournment will normally be for a stated period.

### The Decision

The Deputy Headteacher conducting the hearing will deliberate in private only calling the School's representative and the employee (or his/her representative) to clear points of uncertainty on facts already given. If recall is necessary both parties are to return notwithstanding only one is concerned with the point giving rise to doubt.

All parties must be informed of the decision, summary reasons and the action to be taken in writing normally within 48 hours where practicable. The employee must also be informed in writing of the right of appeal.

### **Conduct of an Appeal Hearing**

An Appeal Hearing will be conducted in the same way as a Hearing (see 3 above) except that the presentation of cases will be made in reverse order with the employee presenting their case first, followed by the Line Manager.

All parties will be informed of the decision, summary reasons and the action to be taken in writing normally within 48 hours where practicable, or within 2 working days.