



Eden Federation

PROBATION PROCEDURE FOR ALL STAFF

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Person Responsible:	Head of Human Resources

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	1.10	Clarification of arrangements for Newly Qualified Teachers	Dec 19
8	3.5	Third review meeting to be held at 6 months	April 23
9	3.6	HR to be consulted with before extension of probation periods	April 23
9	3.7.1	Five days' notice to be given of the final review meeting.	April 23
9	3.9	Dismissal due to failure of the probation will take place in the third review meeting or the final meeting of an extension period. Dismissal can take place outside these meetings depending upon the reason for the failure of the probation, for example gross misconduct.	April 23
3		Roles and Accountabilities inserted	April 23
5	1.10	Reference to 'Newly Qualified Teachers' updated to 'Early Career Teachers'	April 23

Our Christian Ethos and Values

All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as “the Trust”), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience. We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

Overall accountabilities and roles

The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Trust. All employees of the Trust are subject to the Trust’s policies.

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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.

1.10 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
- Early Career Teachers (ECTs)

(The ECT 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. Please speak to your designated HR Officer or Head of HR as soon as you identify issues with the probationer's workplace conduct/and or capabilities.

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. HR can be present at all three meetings if necessary.

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 six months service.

Prior to the final review meeting, which normally takes place after the probationer has completed six 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 The probationer has failed their probation and will be dismissed.

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 their HR Officer, or Head of HR. The line manager, with help from HR, 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 final meeting, the following preparation will be undertaken by the line manager or HR:
- 3.7.1 The probationer will be written to with details of the date, time and purpose of the final review meeting, giving notice of five days.
- 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 HR to conduct the meeting. The Headteacher can be present as well necessary.
- 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 dismissal due to failure of their probation, this will happen at the third review meeting, or

beforehand depending upon the reason behind dismissal. If a probation has been extended, dismissal can happen in the final review meeting of the extension period.

The third/final review meeting will be a formal meeting with the Headteacher and/or the HR Officer or Head of HR. The Headteacher does not need to be present, and HR can hold the third/final review meeting.

The probationer, who may be accompanied by a trade union representative or a workplace colleague, will have the opportunity to state his/her case, before any final decision is made. HR will write to the individual confirming the decision made after the meeting. If the individual is dismissed, full reasons why will be provided in writing.

If an individual is dismissed during their probation period, there is no right to appeal.

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, an HR 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. If, because of this investigation, there is found to be a case to answer, the probationer will be invited to a meeting with the Headteacher or line manager, supported by the Academy HR Officer or Head of HR. The purpose of this meeting is for the Headteacher/HR 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 outcome may be:
- 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 Decide the probationer will be dismissed. HR will confirm in writing after the meeting the reasons why the individual has failed their probation and been dismissed.
- There is no right to appeal for any individual dismissed during their probation period.
- 4.3 If a decision is made to convene a disciplinary meeting, then the following preparation will be undertaken by HR:
- 4.3.1 The probationer will be written to with details of the date, time and purpose of the disciplinary hearing.
 - 4.3.2 The probationer will be given five days' notice before the disciplinary meeting date.
 - 4.3.3 A copy of the investigation report will be enclosed.
 - 4.3.4 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.
- 4.5 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 six months service. Where the probationer may be dismissed, this will be confirmed at this meeting.

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.*

Probationer is dismissed *Probationer has failed their probation*

(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

[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 - Termination of Employment

At your three month probation review the following issues were identified:

Xxx

Xxx

Xxx

Xxx

You were given the remainder of your probation period to address these issues and demonstrate the necessary competencies for your role.

If appropriate – To allow more time for you to demonstrate that you could fulfil your role, your probation period was extended by three months.

Unfortunately, your performance has remained unsatisfactory.

As you have not been able to demonstrate you can fulfil the role for (state reasons), it has been decided that your probation cannot be passed. We are therefore terminating your contract with immediate effect. You will receive one week's notice, paid in lieu of notice.

There is no right to appeal your dismissal.

Yours sincerely,

Name of HR colleague