



Trinity Multi Academy Trust

<b>Policy:</b>	Probation Policy
<b>Date or review:</b>	January 2018
<b>Date of next review:</b>	January 2021
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Non-Statutory

## **Purpose of policy and guiding principles**

- 1.1. This policy applies only to support staff.
- 1.2. The purpose of this policy is to provide line managers and leaders with clear and consistent policy and procedures for managing the probationary period for support staff. This is in the context of school improvement plans and individual professional needs.
- 1.3. This policy includes timelines, expected standards, training and monitoring and evaluation strategies.
- 1.4. The probationary period is normally six months and is an opportunity for employees to meet with their manager and review how they are settling into their new role.
- 1.5. The probationary period is a time for line managers to provide support, training and direction to develop the employee in their new role, and for the employee to demonstrate that they have the skills necessary to carry out the role for which they have been recruited.
- 1.6. The probationary period is a key time as the employee learns about their role and how they, as an individual, can contribute to the aims and ethos of the trust and its organisations. The probationary period would normally run concurrently with the individual's induction programme.
- 1.7. This probationary period applies to all support staff appointments (permanent and fixed term contracts) employed within the trust, with the exception of:
  - casual staff
  - TUPE transfers
  - fixed term contracts of less than six months.
- 1.8. If the probationary period is interrupted by maternity/paternity/adoption leave, it will be extended by an equivalent period to ensure completion of a full probationary period, to ensure that a fair assessment is carried out.
- 1.9. This guidance is in accordance with the 'National Agreement on Pay and Conditions of Service' for local authority staff (green book).
- 1.10. An employee only completes one probation period, should the employee move roles after successfully completing their probation period they would be set performance management objectives, in line with the relevant policy.
- 1.11. Each Principal is responsible for performance management in their academy and under this policy is authorised to terminate the employment contract of staff who fail to complete their probationary period. For non-academy based staff the CEO has this authority.

## **2. Links with other policies or legislation**

- 2.1. Trinity Multi Academy Trust will treat all employees equally and consistently in accordance with the trust's Equality Policy. This includes the use of equality impact assessments.
- 2.2. This policy links to the relevant employment legislation, codes of practice and other documents with regard to fair dismissal procedures and the Equality Act 2010.

## **3. Consultation**

- 3.1. This policy has been developed in consultation with recognised Trade Unions.
- 3.2. The policy was approved by Directors after consultation with the recognised Trade Unions.
- 3.3. Trade Union representatives have confirmed their agreement of this policy.

## **4. Purpose of the probation period**

- 4.1. Any offer of employment is made in the belief and expectation that the individual is capable of carrying out the duties of the post to the standards required, and that they are committed to fulfilling the duties and responsibilities of the role. During the probationary period (through performance reviews) performance, conduct, attendance, timekeeping, training and support are assessed fairly and consistently.

- 4.2. The probationary period provides the line manager with the opportunity to assess whether a probationer:
- has the capacity to fully meet the normal or, on occasions, any specific requirements of the post and;
  - is likely to have a satisfactory attendance, timekeeping, performance and conduct record, and;
  - displays appropriate values and attitudes towards children/young people.
- 4.3. It also provides the probationer with an opportunity to assess whether the job role is suitable for them. Through the probationary period both the line manager and the individual have an opportunity to raise any concerns as soon as they arise.

## 5. Setting and monitoring probation objectives

- 5.1. The Principal may delegate the monitoring of the probationary period to a senior or middle leader, or an appropriate line manager. **(The reviewer)**
- 5.2. Throughout the probationary period the reviewer will closely monitor performance, timekeeping, attendance and conduct, and provide the necessary levels of feedback and support. During regular reviews the reviewer will inform the employee of the expected standards required, initial work objectives and timescales as to when these should be achieved. Additionally, any further training or support may be offered and provided to the employee.

### 5.3. Initial Planning Meeting

5.3.1. A good induction programme can contribute to a successful probationary period. Within the first four weeks of employment the reviewer should meet with the new employee to discuss and agree the following:

- an induction programme that meets the needs of the role, the trust and its organisations (or workplace) and takes account of any training requirements.
- ensure that the employee understands the tasks and responsibilities of the job, as documented in the job description.
- the standards of performance, behaviour and conduct that is expected.
- where appropriate, establish targets or goals, and dates when these need to be achieved. It is also useful to agree how these will be monitored, and how success will be measured.
- any actions that need to be undertaken to assist the employee to support achieving success during the probationary period. This would include training, supervision or mentoring.
- is aware of the procedures that should be followed.
- dates during the probationary period when the reviewer and employee will meet formally to discuss the employee's progress.

5.3.2. In addition to the formal reviews outlined below reviews of the probationer's progress should form part of the normal supervisory processes. It is best practice to have informal meetings with the employee on a 4-6 weekly basis.

### 5.4. Formal reviews

5.4.1. Formal reviews should take place at the end of three calendar months and a final review during the final month of probation.

5.4.2. Employees may be accompanied by a colleague or Trade Union representative at these formal meetings. It is advisable to plan a date and time for each review to give the employee as much notice as possible. The formal meetings are a review of the employee's work performance and a summary of progress to date. The meeting should include discussion around:

- progress of induction.
- areas of progress in meeting performance objectives.
- standards required.

- conduct and working relationships.
  - attendance and timekeeping.
  - training needs.
- 5.4.3. The meeting should also include information on goals and objectives and should give an early indication of whether the targets set for the employee are likely to be obtained.
- 5.4.4. Examples of unsatisfactory performance should be drawn to the employee's attention as soon as possible. Issues should not be avoided.
- 5.4.5. Each formal review should be recorded on the Probationary Record (see Appendix 1). This should be signed by both the reviewer and the employee, to confirm the employee is aware of its contents. The Probationary Record gives the employee an opportunity to write a short statement, should they wish to do so, explaining any points of clarity or other notes the employee wishes to record.
- 5.4.6. In addition to the completed report form, any notes of significant discussions with the employee should be kept.
- 5.4.7. Reviewers should seek advice from Human Resources at the earliest opportunity where a probationer's performance, attendance or conduct is not satisfactory. In consultation with HR, issuing a formal written probationary warning may be considered. This would be issued at the earliest opportunity.
- 5.4.8. Any probationary warning will be confirmed in writing and will state clearly the unacceptable performance, attendance or conduct issue, and the standards/improvement required to reach an 'acceptable' assessment. A timeframe should be set in which the unacceptable issue should improve/reach the required standard.

## **6. Probationary period outcomes**

- 6.1. After the final six month review, three outcomes are possible:
- a. The employee's performance has reached or exceeded the standard expected and the employee will be confirmed in post. A formal confirmation letter will issued to the employee.
  - b. The employee's performance has been unsatisfactory, but there is a prospect of an improvement to an acceptable standard and the probationary period is extended. (See Section 6.3).
  - c. The employee's performance has been unsatisfactory and, despite additional guidance and training the employee has not improved, or has failed to improve sufficiently for there to be a prospect of the employee reaching the required standards in the near future. (See section 6.4).
- 6.2. The employee should be fully aware of the likely outcome of the six month review meeting and the outcome of this meeting should not unexpected, having had regular review meetings up to this point (at least fortnightly).
- 6.3. Extending the probationary period
- 6.3.1. If the probationer's performance has not reached an acceptable standard, consideration may be given to extending the probationary period. This may be appropriate if the employee has been affected by circumstances outside their control such as:
- significant change to the requirements of the role.
  - exceptional personal circumstances such as bereavement or pro-longed sickness absence.
- 6.3.2. The probation period can be extended, usually for 4-6 weeks in the first instance, and up to a maximum of three months. Further regular reviews (at least fortnightly) should take place during the extended period. These reviews should be recorded on the Probationary Record and made available to both parties.
- 6.3.3. Employees should be made aware of the areas where improvement is required, together with targets and objectives and agreed remedial action that should be achieved for the appointment to be confirmed.
- 6.3.4. The extension period must be confirmed in writing and this must make clear:

- the reasons for extension;
- the improvement required and how this will be monitored/reviewed;
- any training or support that will be given during the extension;
- the consequences (normally termination of employment) if the improvement is not made and the employee fails to meet the standards expected.

6.3.5. At least one formal review meeting must be held during the extended probationary period to review progress. It is also advisable for the line manager to hold more regular meetings (at least fortnightly) to ensure that progress is monitored and issues discussed in a reasonable timeframe.

6.3.6. If at the end of the extended period the employee's performance reaches an acceptable standard, employment should be confirmed. If the probationer fails to reach the required standards, refer to section 6.4.

#### 6.4. Failure to complete the probation period

6.4.1. If the probationer falls clearly below the required standards of probation, (performance, conduct, timekeeping or attendance) and insufficient improvement is demonstrated then the employee's appointment will normally be terminated. The employee's appointment can be terminated at the end of the probation period or at any time during probation.

6.4.2. If, despite the best efforts of all parties, the employee has failed to meet the required standards, a formal, final, probationary assessment meeting, chaired by the Principal, shall be held with the employee, and the probationary reviewer. At the meeting the employee will have the right to be accompanied by a work colleague or trade union representative.

6.4.3. Advice should be sought from HR prior to holding this meeting.

6.4.4. The employee will be given a minimum of ten working days' notice of the meeting, and the letter inviting the employee will contain:

- the purpose of the meeting;
- the time, date and location of the meeting;
- the names of those present;
- the right to be accompanied by a trade union representative or workplace colleague;
- a statement that dismissal may be an outcome;
- the right to produce information and the date by which this should be received (no later than three days in advance of the meeting);
- copies of any documents that will be produced at the meeting.

6.4.5. The meeting should consider submissions from both the reviewer and the employee, and will include the records from all formal reviews.

6.4.6. The usual process for the formal Final Probationary Assessment meeting should be:

- Reviewer talks through probationary period, referencing documents as appropriate
- Employee talks through their perspective
- Questions, e.g. points of clarification, may be asked by all parties present
- Principal confirms the outcome verbally and in writing

6.4.7. If dismissal is the outcome, the employee should be advised in writing of the reasons for termination and given the appropriate notice of termination of employment. This written confirmation of the outcome should be sent to the employee within five days of the meeting, and will also outline the employee's right to appeal.

## 7. Appeals

7.1. The probationer has the right to appeal against a decision to terminate their employment. Appeals must be made in writing to the HR Manager within five working days of receipt of the letter confirming termination of employment. Where no appeal is lodged in the timescale the matter will be closed. The submission of an appeal does not in itself extend the period of employment.

- 7.2. When an appeal is lodged, this will be heard by a Principal or the CEO, providing they have not been involved in the dismissal decision. Where a Principal or the CEO cannot hear the appeal a panel of three Governors, not involved in the original decision, will form the panel. The trust may use Governors or Directors from across the trust to form an appeal panel. This is in the interests of impartiality. The appeal panel will be supported by HR, as appropriate. The appeal will be conducted in a similar way to the formal Final Probationary Assessment meeting (reviewer speaks first, employee speaks, panel decide upon outcome) and should be arranged within ten working days of receipt of the notice to appeal, giving at least ten working days' notice of the date of the hearing.
- 7.3. The appeal hearing may decide:
- to uphold the appeal. In this case the employee will be re-instated. In this case it is expected clear advice will be provided to the reviewer and the employee to ensure that the required standards of probation are achieved.
  - to confirm the original decision.
  - to consider redeployment to another post within the trust.

## **8. Potential attendance or conduct issues during probation**

- 8.1. Poor attendance during the probationary period may constitute a failure to perform to the required standards and could prompt the calling of a formal review meeting earlier than the 6 month final review.
- 8.2. Poor attendance will be managed through this process and not the absence management process. However, this policy should be referred to for good advice on duty of care, including employer's responsibilities under the Equality Act. HR advice should also be sought at the earliest opportunity if it is likely that poor attendance may result in a failure to complete the probationary period.
- 8.3. Although probationers will not enter the formal stages of the managing attendance process, all absences should be discussed and documented.
- 8.4. Any minor issues relating to the probationer's conduct should be discussed with the employee as part of the monitoring period and raised at the appropriate formal review meeting.
- 8.5. Where conduct is considered to be beyond a minor issue and of an unacceptable standard an independent investigation must be undertaken into the alleged misconduct. This must be undertaken by someone other than the reviewer and the Principal. To ensure fairness, the academy's disciplinary process and procedures must be referred to for guidance and advice from HR must be sought at the earliest opportunity.
- 8.6. Following the investigation a formal meeting, chaired by the Principal or CEO must be held, as described in 6.4. An outcome of this meeting could be that the employment contract may be terminated, with or without notice. The employee will have a right of appeal to the outcome of this meeting, as described above.
- 8.7. A formal Final Assessment meeting can be called at any point during the probation, when conduct, performance and attendance issues are running concurrently.

## **9. Applying for other vacancies during probation**

- 9.1. During the probation period new entrants usually wish to focus on learning the new job and demonstrating an ability to perform at the required level in the substantive post.
- 9.2. However, it is recognised that many new employees offer a range of skills and experience, which suit vacancies available elsewhere in the trust or an academy. For this reason probationers are able to apply for internal vacancies, or offered temporary promotion during the probationary period.
- 9.3. Any appointment would be subject to an acceptable reference provided by their current line manager/reviewer.

## **10. Roles and responsibilities**

### **10.1. The role of the manager/reviewer**

- 10.1.1. It is the duty of the reviewer to take every reasonable action to ensure that the employee receives the training and support to enable them to reach the standards required of the role. If further supervision or training is identified, then it is the responsibility of the line manager to arrange this as soon as possible.
  - 10.1.2. To ensure that all staff are given an induction programme, and that regular probationary reviews take place and probation reports are completed during the probationary period.
  - 10.1.3. To maintain regular contact with their employees between reviews, and to keep brief notes of these meetings.
- 10.2. The role of the employee
- 10.2.1. To fully engage with the process and take advantage of the opportunity to meet with the reviewer, seeking feedback and support as appropriate.
  - 10.2.2. To successfully complete probation, the probationer must:
    - demonstrate a satisfactory attendance, timekeeping, performance and conduct record;
    - meet any specific requirements (e.g. the attainment of a qualification) of the appointment;
    - adhere to any academy-specific policies or procedures.
- 10.3. The role of HR
- 10.3.1. To provide HR advice on probationary matters, in line with this guidance and employment law.
  - 10.3.2. To attend final probationary assessment reviews, as requested or required.
  - 10.3.3. To act as adviser to the Panel during an appeals meeting, as requested or required.

## **11. Monitoring and Evaluation**

- 11.1. This policy will be monitored and evaluated in line with statutory changes.
- 11.2. This policy should be reviewed at least every three years to ensure compliance with legislation, trust and academy needs, national and local terms of employment and good practice.
- 11.3. This policy has undergone an equality impact assessment.

**Appendix 1**
**Probationary Record**

The Probationary Period is the first 6 months of an employee undertaking a new role. Formal review meetings should be scheduled as follows:-

- Meeting 1 (within first 4 weeks of beginning new role)
- Meeting 2 (within 3 calendar months of undertaking new role)
- Meeting 3 (within 6 calendar months undertaking new role)

The outcome of the probationary period is either, confirmation in post, or extension of probationary period, or ending the employment contract as the probationary period was not successfully completed.

Employee's name \_\_\_\_\_ Job Title \_\_\_\_\_

Reviewer's name \_\_\_\_\_ Job Title \_\_\_\_\_

Date of 3 month review \_\_\_\_\_ Date of final probationary review \_\_\_\_\_

Objectives	Performance Criteria - what will success look like at the end of the cycle?	Evidence to be collected	Support / CPD
1			
2			
3			



Objective	Review of progress at 3 months	Review of progress at 6 months
1		
2		
3		
	Employee comments	Employee comments

#### Outcome of Probationary Period

The employee's performance has reached or exceeded the standard expected and the employee will be confirmed in post. The trust/academy will issue a formal letter of confirmation. \*

The employee's performance has been unsatisfactory, but there is a prospect of an improvement to an acceptable standard and the probationary period is extended. \*

The employee's performance has been unsatisfactory and, despite additional guidance and training the employee has not improved, or has failed to improve sufficiently for there to be a prospect of the employee reaching the required standards in the near future. \*

\* Please delete as appropriate.

Signature of reviewer:	Signature of employee:
Date:	Date:

Please return to XXX