




# The LETTA Trust

## Probation Period Procedure

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<b>Reviewed by:</b>	TB Resources	<b>Signed:</b>	



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## 1. Definitions:

### **Headteacher**

Refers to any other title used to identify the Headteacher, where appropriate, or other senior leader delegated to deal with the matter by the Headteacher.

### **Companion**

Refers to a person chosen by the employee to accompany them at a Formal Hearing, who shall be a trade union representative or a workplace colleague.

### **Probationer**

Refers to the employee who is serving the probation period.

### **Line Manager**

Refers to the person delegated to manage the probation period. This may be a Senior Manager other than the direct Line Manager.

### **Governors Disciplinary Committee**

May be convened for a Formal Hearing where the Headteacher considers that they must act in the role of Line Manager. In this event substitute 'Headteacher' with 'Governors Disciplinary Committee' throughout the procedure.

### **Trustees Appeal Committee**

May be convened to hear an appeal against a decision to dismiss. Where possible the number of trustees on the committee will be equal to, or greater than, the decision maker(s) of the case being appealed.

### **Formal Hearing**

A meeting at which a recommendation to dismiss the Probationer is considered.

## 2. Introduction

The probation period is a trial period. Its purpose is to enable an assessment to be made regarding an employee's suitability for the job for which they have been employed. This procedure applies to support staff regardless of their permanent, fixed-term, full or part-time status. Nothing in this procedure removes or limits an employee's statutory rights. All decisions taken under this procedure will be fair and reasonable, based on evidence, complying with the Equality Act 2010 and taking into account ACAS guidance. Where issues may relate to a disability, the Trust will consider reasonable adjustments.

- 2.1. 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 4.3 below, which normally warrants summary dismissal without notice

- 2.2. It is the responsibility of the line manager or a more senior member of staff to implement the procedure and to ensure that the procedure is communicated to Probationers and that it is applied consistently
- 2.3. The probation period will normally be 16 weeks from the start date of employment and may be extended, where appropriate, up to a maximum of 22 weeks' continuous service. Extensions will only be applied where there is a reasonable expectation that required standards can be achieved.
- 2.4. It may also be agreed at the outset of the employment that the probation period will be longer than 16 weeks where the Probationer is employed on a term time only contract and the probation period spans the school summer holidays
- 2.5. 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
- 2.6. The probation procedure provides a consistent and fair framework for:
  - 2.6.1. Monitoring and reviewing the performance of new employees 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
  - 2.6.2. Providing feedback and opportunity for discussion
  - 2.6.3. A structured approach to address any concerns linked to 2.6.1.
- 2.7. The capability, disciplinary and sickness absence policies and procedures are applied under the terms of this procedure during the probation period. If issues of conduct, poor performance or sickness arise during the probation period, the probation procedure will normally be used to address such matters. 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.
- 2.8. The following employees are excluded from a probationary period:
  - When transferring between the Trust's Academies
  - Following an internal promotion
  - Following any variations to the terms and conditions of employment
  - Newly Qualified Teachers where separate arrangements exist



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 or appraiser. Where deemed necessary the probation procedure will take precedence over the appraisal policy.

### **3. Equality and diversity**

- 3.1. We are committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of the procedure will be monitored in accordance with the Equality Act 2010.

### **4. The procedure**

- 4.1. The Line Manager is responsible for ensuring that the Probationer is properly monitored during the probation period and meetings and paperwork are completed in a timely manner. The Probationer will be provided with a copy of the procedure and indicative dates for the probation meetings. In the event that the Probationer's standards fall below expectations, the Line Manager is responsible for initiating and taking action in accordance with this procedure.
- 4.2. The Line Manager should, in normal circumstances, conduct two reviews with the Probationer. Reviews should take the form of a confidential meeting between the Line Manager and the Probationer, in which there is opportunity for two-way discussion.
- 4.3. In exceptional circumstances, where there are serious concerns over the suitability of a Probationer, the Line Manager may decide to vary the time periods of the reviews to address concerns such as, substantiated safeguarding matters or health and safety concerns or substantiated allegations that may constitute gross misconduct.

#### **The first review**

To be completed within eight weeks of the Probationer's start date.

The purpose of this meeting is for the Line Manager to evaluate the Probationer's performance and discuss any key issues. If improvements in performance are required, full details should be given, including appropriate support and training.

Upon completion of this review meeting, the Line Manager should complete the Probation Period Review Form (Appendix 1). This should be signed by the Line Manager and the Probationer. A copy should be given to the Probationer and a copy saved on the personnel file.

#### **4.4. The second & final review**

To be completed after 16 weeks service.

Prior to the final review meeting, which normally takes place after the Probationer has completed 16 weeks service, the Line Manager should decide whether:



4.4.1. The Probationer has passed probation

4.4.2. The probation period is extended due to exceptional circumstances. Consideration to extend may include the following. This list is not exhaustive:

- Performance concerns have not been fully addressed but there is a reasonable expectation that performance standards may be met by the end of an extension of the probation period
- The Probationer has had an extended period of permitted absence and it has not been possible to assess performance
- Other exceptional circumstances

4.4.3. Recommendation to the Headteacher at a formal hearing that the Probationer is dismissed

#### **4.5. The probationer has passed probation**

Upon completion of the final review meeting, if the Probationer has passed probation the Line Manager will complete the Probation Period Review Form (Appendix 2). 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 employee.

#### **4.6. The probation period is extended**

Where the decision is to extend the probation period, this will normally be limited to one extension and the extension will be no longer than 4 weeks unless the extension period includes school holidays, in which case it may be longer, but not to exceed 23 weeks. There is no automatic right of appeal to the extension of a probation period.

Before extending the probation period, the Line Manager will seek HR advice. The Line Manager will write to the Probationer to confirm the terms of the extension:

- The length of the extension, the date on which the extension will end and dates of review meetings, adjusted according to the extension
- 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 fully meet the required standards by the end of the extended period of probation, the employment will be terminated

#### **4.7. Headteacher's formal hearing**



If the Line Manager decides to recommend to the Headteacher at a Formal Hearing that the Probationer is dismissed then they will write to the Probationer to inform them as soon as practicably possible, at least 5 working days in advance, setting out:

- The date, time and place of the formal hearing
- That the purpose of the formal hearing is to recommend dismissal and the reasons why
- The probationer's right to be accompanied by a companion (a trade union rep or workplace colleague)
- The titles of enclosed copies of any documents which may be considered
- The name and position of any other person present at the meeting e.g. note taker or HR adviser

The Probationer must advise the Line Manager of the following at least 3 working days in advance of the formal hearing:

- The name and designation of any Companion
- Any written documentation to be considered

The Probationer, who may be accompanied by a Companion, will have the opportunity to state their case, before a decision is made.

The Headteacher may decide:

- To terminate employment from the date of the formal meeting with probation period notice
- Extend the probation period and revert the process back to the Line Manager
- Consider deployment to a suitable available alternative post (in which case a new shortened probation period will be put in place and the schedule and number of review meetings adjusted accordingly)

The Headteacher will write to the Probationer confirming the decision within 5 working days of the hearing.

## **5. Right of appeal**

- 1.1. The Probationer has a right of appeal against a decision to dismiss
- 1.2. An appeal should be made in writing to the Executive PA, stating the grounds for appeal in full, within 10 working days of the date of the written decision
- 1.3. An appeal will be heard by a Trustees Appeal Committee, none of whom shall have any previous involvement in the case. The Appeal Committee may have an HR Adviser present



- 1.4. An appeal hearing will, in normal circumstances, be heard within 10 working days after receipt of the appeal. The Executive PA will usually undertake administrative arrangements for any appeal hearing. The outcome will be confirmed in writing as soon as possible and usually within 5 working days of the appeal hearing. There will be no further right of appeal



## Probation Period Review

	<b>First meeting</b>	<b>Final meeting</b>	<b>Extension</b>
<b>Dates</b>			

This form should be completed by the Probationer's Line Manager after each review meeting. This should be signed by the Line Manager and the Probationer, and the original placed on the personnel file with a copy to the Probationer.

Probationer's name:

Start date:

Job title:

Line manager's name:

Line manager's job title:

Review of:

	<b>Exceeds expectations</b>	<b>As expected</b>	<b>Below expectation</b>
<b>Quality and accuracy of work</b>			
<b>Efficiency or work rate</b>			
<b>Attendance and time keeping</b>			
<b>Attitude to work</b>			
<b>Work relationships, e.g. team work, interpersonal and communication skills</b>			
<b>Competency in the job</b>			
<b>Understanding of the job</b>			
<b>Willingness to learn</b>			



Line manager's comments:

Probationer's comments:

Objectives for next review:

Line manager's signature:

Date:

Probationer's signature:

Date:



## Probation Period Review - for completion following final review

**Probation passed** Yes No

Line manager's comments:

**Probation extended** Yes No

If the probation is extended then an account of the concerns and a support plan for the extension period will be attached to this form.

Line manager's reasons:

### Formal hearing

Recommendation to the Headteacher that the Probationer is dismissed

A statement of reasons will be attached to this form.

Line Manager's Signature:

Date:

Probationer's Signature:

Date: