

Probation Policy and Procedure

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1. Introduction

It is the Trust's policy to operate a probationary period for all new members of our teaching and support staff. Probationary periods will be used constructively to help new employees integrate effectively into the Trust by understanding the Trust, School and their own role. It will allow the employee to understand the expectations, standards, behaviours and job tasks required for their role and how to fulfil these. The probation period will allow Line Managers to assess whether the employee is suitable for the role.

The length of probation will depend on the role carried out by the employee. The period of probation will be set out in the employment contract provided to the employee.

This policy will be applied consistently and fairly to all employees based on their performance in their role. No one will be treated less favourably on the grounds on their contract type, work pattern, gender, disability, age, race, creed, colour, religion, nationality, ethnic or national origin, trade union membership or activity, sexual orientation, gender reassignment, medical condition or marital status. The Line Manager has a particular responsibility to ensure that they manage the processes fairly, equitably and objectively.

This policy is written in line with the following legislation:

- Equality Act 2010
- Employment Rights Act 1996
- Employment Act 2002
- Data Protection Act 2018 and GDPR Regulations 2016

All proceedings under this policy shall be held in private and shall be confidential.

A flow chart guiding through this process is provided in Appendix 1.

2. Scope of Policy

This policy applies to staff who are working within their probationary period.

This policy does not apply to employees who have changed role within the Trust and are not subject to further probation reviews, unless they are still within their initial probation period.

You will not be required to complete a probation period when joining the Trust as part of a TUPE transfer and so anyone joining the Trust in scenario is out of scope of this policy.

Performance issues relating to the new position should be addressed by following the appropriate policy, for example capability (LT2-SP-006-I) or disciplinary (LT2-SP-001-I), depending on the reason.

This policy does not apply to Newly Qualified Teachers (NQT) who fail to satisfactorily complete their NQT induction year and thereby become ineligible for employment as a teacher at the Trust. In these events, they will be entitled (after one month's employment) to one week's notice per year of employment up to a maximum of 12 weeks.

3. Responsibilities

The Trust recognises it has an obligation to adopt formal policies and establish workplace procedures for dealing with staff probation periods. The Trust recognises that probation rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The Headteacher has overall responsibility for promoting and maintaining standards of work within each school and the Trust CEO has overall responsibility for promoting this across the Trust.

The employee's Line Manager has overall responsibility for following this policy and process in a fair and consistent manner with their employee. Decisions relating to extending probation or terminating employment during probation will usually be made in agreement with the Headteacher or CEO, depending on the role.

The employee is expected to work with their Line Manager during their probation period to develop any necessary skills to undertake their role. They are expected to raise concerns to their manager as soon as possible within the probation period in relation to any of the duties they are expected to perform.

The Trust HR Team is responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

The appeals process will be managed by the Chair of Trustees and coordinated by the Clerk to Trustees. The appeal panel will be made up of three trustees.

4. Representation

Employees have a statutory right to be accompanied at final probation review meetings by their trade union representative or a workplace colleague. The employee is responsible for arranging their representation, including notifying the representative of the meeting date in good time and sending copies of all relevant documentation. The employee is responsible for notifying their line manager before the meeting that they would like representation present. The line manager should try to agree a mutually convenient date for the meeting with the employee and their union representative in order to ensure that meetings do not have to be delayed or rescheduled.

5. Length of Probation Periods

The appointment of new member of staff at Learning Today Leading Tomorrow will be subject to a formal probationary period of up to 6 months from date of commencement.

During this probation period the appointment will be terminable by either side giving the other notice as defined in their employment contract or the Trust may decide to approve payment in lieu of notice.

Employees engaged on a casual basis (zero-hour contract) will not be required to undertake a probation period.

6. Expectations During Probation

Probation is a trial period during which the Line Manager should ensure the new employee receives relevant opportunities to learn and develop in their new role. It provides the Line Manager with opportunities for appraising the new employee's aptitude, knowledge and conduct and assessing their suitability to undertake the new role.

It is essential that this condition of employment is explained to the newly appointed employee both at the time the verbal offer of employment is made and when the Trust issues its Offer of Employment Letter immediately following the interview. The probationary condition should also be contained within the Contract of Employment.

The Line Manager is responsible for holding regular one to one supervision sessions with the employee to set objectives and monitor performance standards, discussions will outline expectations with the employee.

The Line Manager should be prepared to provide reasonable support to give the employee a fair opportunity to meet the required standards and to become a fully integrated and productive employee of the School/Trust in the longer term.

It is important that all new employees are clearly informed that their employment may be terminated if they do not reach the required standards of performance within the stated probationary period.

Providing support for disabled employees

As legally required by the Equality Act 2010, Line Managers must provide additional support to disabled employees to ensure they are not subjected to unlawful or less favourable treatment during their probationary period. Reasonable adjustments must be made to remove any barriers the employee faces at work.

The Trust HR Team can support the Line Manager and employee on reasonable adjustments and it may be recommended to refer the employee to the Trust's Occupational Health provider.

Sickness Absence during the Probation Period

Sickness absence during the probationary period should be managed in line with the Trust's Managing Sickness and Absence Policy (LT2-NSP-008-I). If the employee is requested to attend a formal absence review meeting under that policy and declines to attend without good reason, the Trust may consider these grounds to move directly to a termination of employment meeting on the grounds of unsatisfactory conduct by the employee.

Where the employee is required to take an extended period of absence during the probationary period due to maternity, adoption or shared parental leave, the probation period should be paused.

In some circumstances, extended periods of absence due to ill-health (subject to management discretion), may result in the probationary period being paused. In such cases the appropriate Line Manager should seek advice from Trust HR Team.

During any period in which the probationary period is paused, the employee is subject to the appropriate maternity, adoption, shared parental leave or leave of absence policy.

On returning to work from the absence, the probationary period may be extended by the Trust to provide the employee time to meet their probation objectives by either:

- The corresponding period of the absence/pause or;
- The remaining period of probation, whichever is the shorter

7. Probation Review Periods

Probationary review meetings should be held by the Line Manager with the employee during their probationary period. These meetings will be used to assess how the employee is progressing and discuss whether any improvements are needed for the employee to successfully complete their probationary period.

Schedule of Probation Review Meetings	
Complete 1st formal review	By the end of month 1
Complete 2nd formal review	By the end of month 3
Complete final formal review	No later than 1 month prior to probation expiry

8. Probation Review Meetings

During the probationary period, the Line Manager will be continually assessing the suitability of the employee.

The Line Manager is responsible for dealing with unsatisfactory performance as it arises, dealing with problems at an early stage means that they are more likely to be dealt with successfully. It is important not to wait until the 1st, 3rd and last month reviews are undertaken to make the employee aware of any concerns.

The process for managing unsatisfactory performance during probation is contained within Appendix 3.

The meetings should be planned, prepared and scheduled at the commencement of the employee's employment. The Line Manager should notify the employee in writing, for example by email, when these meetings will take place, and as a minimum with 5 days' notice.

Additional assessment meetings will take place if either the Line Manager or the employee feel that additional support or guidance is needed to enable the employee to reach the required standard at any time during the probation period. Any such meeting should be planned and a documented on the Probation Review Form (LT2-I-CO-008).

It is important that the final (5th month) assessment meeting is held before the end of the agreed probation period and that the final Probation Review Form is completed. This provides an opportunity to bring any concerns to the employee's attention and for an action plan to be established.

Minutes of the meeting should be made and a record of any agreed actions should be in writing using the form. A guide to conducting a probation review meeting is contained within Appendix 2.

9. Extending Probation Periods

Should the employee not be performing at the required level, or required improvements have not yet been made, the probationary period may be extended. The intention of this action is to give the employee more time to demonstrate their suitability for the role and should be used in cases where their Line Manager thinks this is an achievable outcome.

The Trust may extend the probationary period up to a maximum of 3 months for members of staff and in accordance with the notice periods for Teachers.

If the extension is in relation to capability concerns and the formal process is started, then the line manager should follow the process defined in the Capability Policy.

10. Completing Probation Periods

If the Line Manager assesses that the new employee is suitable for the role, the Line Manager must confirm the employee has successfully completed their probation at the final formal probation review meeting. At the meeting, the Line Manager should congratulate the new employee on their success in proving themselves suitable for the role. The Line Manager should confirm the decision in writing, using the template Letter for Successful Completion of Probation (LT2-CO-008-I).

On confirmation of appointment, the employee becomes subject to appraisal, capability and disciplinary procedures. The appraisal process and objectives should be adjusted accordingly to reflect the proportion of the appraisal cycle remaining, depending on when the probationary period is signed-off.

Future performance objectives should be discussed and agreed with the employee.

The probation period has not been successfully completed until the employee has received notification of this in writing. Where the employee has not received notification approaching the end of their contracted probation period, they should speak to the Line Manager or Trust HR immediately.

11. Termination of Employee During Probation

The Trust reserves the right to terminate your employment at any time without recourse to the adopted disciplinary, performance or capability procedures. However, any decision taken to do so will be fair and consistent, supporting evidence will be required to demonstrate you have been made aware of the concerns and given every opportunity to address these.

During the final probation meeting, if performance is unsatisfactory and an extension is being considered, it may be possible to instead consider termination of employment. Following the completion of the extended probation period, if performance is still considered unsatisfactory then the expectation is that the employee does not complete their probation period and the employment is terminated.

To terminate employment, a final probation meeting must be arranged with the employee by the Line Manager and Headteacher. The employee has the right to representation in this meeting as outlined in this policy. Only the Headteacher or CEO can authorise the decision to

terminate employment during the probationary period, and this must be discussed in advance with the Trust HR team to ensure that staff are treated fairly and equally across the Trust.

The process for managing unsatisfactory performance during probation is contained within Appendix 3.

12.Appeals

Employees with under 2 years' service cannot bring an unfair dismissal claim against the Trust. However, employees can claim for wrongful dismissal. This could occur if the employee feels they were dismissed without going through a fair process. Should the employee wish to appeal on the grounds of wrongful dismissal, they should submit an appeal in writing to the Chair of Trustee through the Clerk to Trustees (lt2clerk@learningleading.org) within 10 working days of the outcome of the meeting.

13.Appeal Hearing

The appeal will be heard by an appeals panel constructed of three members of the Trust Board.

The purpose of an appeal is for the member of staff to request the overturning of a decision, which they deem as wrongful, for example because they believe the penalty was unduly severe, new evidence has come to light, or the proper procedure was not followed in the original hearing.

Employees may present any further evidence which was unavailable at the time of submission of the appeal documentation at least 3 working days prior to the appeal hearing so that the Trust has an opportunity to respond.

Appeal hearings will be convened as soon as is reasonably practicable and the employee will be given no less than 10 working days' notice of the time and place of the appeal hearing.

The appeal will concentrate on the area(s) of dispute only and will not be a re-run of the whole dismissal hearing. Accordingly, it is important that the employee is explicit about the grounds for appeal and must provide clear and specific reasons in writing. Such written notice of the appeal must include reference to any new facts the employee/appellant intends to raise at the appeal.

The result of the appeal and the reasons for the decision will be conveyed to the employee as soon as possible. Normally this will be on the same day as the appeal hearing, but in exceptional circumstances this may not be possible. In all cases the employee and their representative will be notified within 5 working days of the appeal meeting in writing by the Chair of the appeal hearing.

The decision of the appeals panel is final.

14.Record keeping

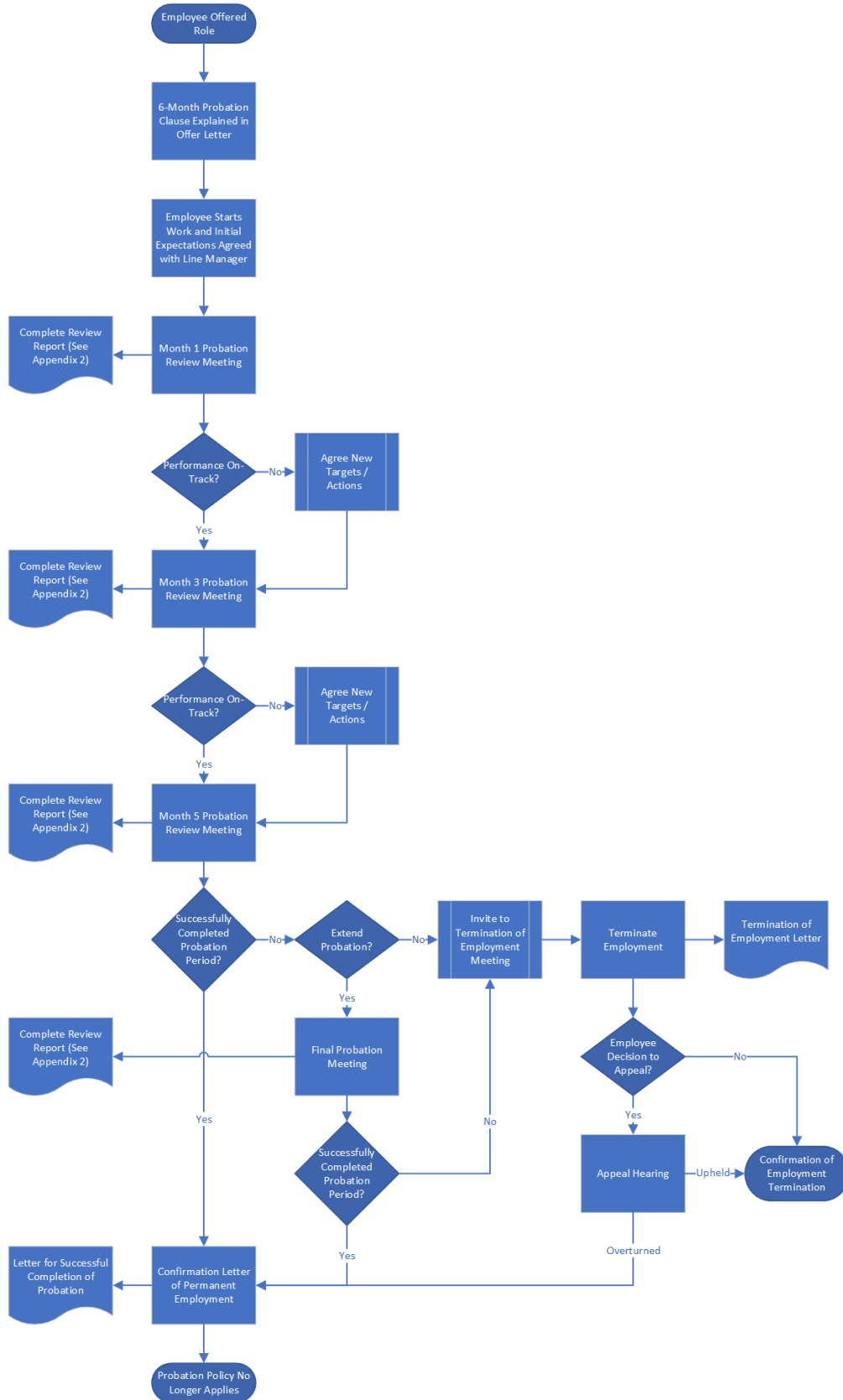
Managers and panels must keep written records of meetings and discussions relating to the probationary process. Copies of all final meeting records must be given to employees. Written

confirmation of the outcome of any meetings will be sent to the employee for their information and a copy kept on the employee's personnel file.

15. Appendices

Appendix 1	Flow Chart to Assist with the Probation Process
Appendix 2	Guide to Conducting a Probation Review Meeting
Appendix 3	Managing Concerns on suitability of a new employee within the probationary period

Appendix 1 - Flow Chart to Assist with the Probation Process



Appendix 2 – Guide to Conducting a Probation Review Meeting

At each review meeting the Line Manager should aim to:

- Allow the employee to comment on their progress
- Review the employee's capability, skills, performance and general conduct in relation to the job
- Focus on successes as well as areas in need of improvement
- Ensure the provision of any necessary training and coaching
- Made aware of the possible consequences of not meeting the required standards
- Agree development activities and ensure that training or instruction is swiftly put into effect.

If there are concerns, the Line Manager should:

- Explain clearly and in precise terms any areas in which the employee is falling below the required standard, providing specific examples where possible
- Establish any underlying reasons for any failure to meet the required standards
- Allow the employee to discuss/explain areas of concern
- Agree a timescale within which improvements should be achieved, and arrange a date to review the employee's progress
- Consider whether there are exceptional circumstances which may require an extension to the probation period
- Clearly explain the consequences of underperforming to the employee
- Ensure the employee understands that a continued failure to achieve the required standards could lead to their employment being terminated.

The review meetings should be a two-way process and provide both the Line Manager and the employee with the opportunity to discuss progress on a one-to-one confidential basis.

The job description and person specification are key documents and should be used during the probation programme.

For the probation period to be successful a comprehensive induction programme must support it prior to employment.

Confirming successful completion of the probationary period

During the final review meeting the Line Manager and the employee should:

- Review the progress
- Identify and discuss any areas in which the employee requires further training or development after completion of the probation period
- Check how the employee feels about their employment in general
- Explain how performance will be managed in the future, for example through the employer's formal appraisal system

Appendix 3 – Managing Concerns on suitability of a new employee within the probationary period

If the Line Manager has concerns about the new employee's consistent failure to meet the standards required and their suitability for the job, by the end of month 5 of the probationary period at the latest, they must have completed the following steps:

Step 1: The Line Manager must hold a meeting with the employee to advise them that they are not meeting the standards required of them and that failure to improve may lead to termination of employment. The outcome of the discussion will be confirmed in writing to the employee.

The Line Manager should:

- Set targets / objectives for improvement to be achieved by the date of the next review meeting.
- Ensure the employee receives any identified support required to enable the employee to meet the targets/objectives within the agreed timescale.
- Confirm the meeting in writing and complete a second review form which must be retained on the employee's personal file.
- hold regular formal review meetings to monitor progress and give feedback.
- keep written records of the meetings held.

Step 2A: Require Standard Achieved

If there has been sufficient improvement during the agreed timescale, which the Line Manager considers demonstrates the employee's suitability and that this is sustainable, by the end of month 5 at the latest, the Line Manager should hold a final review meeting at which the Manager should congratulate the new employee on their success in proving themselves suitable for the role. The Line Manager should complete the Final Review Form (LT2-FO-001-I) confirm the decision in writing, using the template letter for successful completion of probation (LT2-CO-008-I).

Step 2B: Extension of Probation

If, by the end of month 5 at the latest, there has still not been sufficient improvement, the Line Manager may, in **exceptional circumstances** decide that, given a further limited period, the employee will be able to demonstrate their suitability. In this case, the Line Manager may seek to extend the probationary period, by a minimum of 1 month and normally a maximum of 3 months. This can only be done with the agreement of the employee.

These circumstances may be:

- It is felt that the employee will be able to meet the expectations of the role within the extended period.

- Where the employee has demonstrated genuine progress towards meeting the standards expected.
- Where appropriate training, support or guidance have not been provided to allow such improvement to happen
- Where it has not been possible to assess the employee's performance during the initial probation period of 6 months because the employee has been absent for a significant proportion of this period. Consideration should be given to whether the employee is likely to be disabled within the meaning of the Equality Act 2010 and whether it would be a reasonable adjustment to extend the period.

Where an employee's probation period is extended, written details of how and why performance is failing of the required standards should be attached to the terms of the extension before the end of the initial 6-month probation period.

The Line Manager must complete the Probation Review Form (LT2-FO-001-I) and confirm the decision using the template letter for unsuccessful completion of the probationary period (LT2-CO-009-I). The Line Manager must then apply **Steps 1 and 2**.

If one month before the end of the extended period the Line Manager assesses that the employee has demonstrated their suitability and that this is sustainable, the Line Manager should follow **Step 2A above**.

If by one month before the end of the extended period the Line Manager assesses that the employee has not demonstrated their suitability which is sustainable, the Line Manager should follow **Step 2C**.

There must be no further extension to the Probationary Period. Managers should seek advice from the Trust HR Team to ensure that appropriate, fair and consistent action is taken and that procedure and legislative requirements are met.

Step 2C: Terminating employment before completion of the probationary period

Most employees will remain employed by the Trust until the end date of their probationary period. In some circumstances, the Line Manager may identify that the new employee is unsuitable for their role and will not reach the required standard with further support before the end of the probationary period.

Where there is sufficient evidence that the required standards are not being met and are unlikely to be met, the employment can be terminated at any stage during the probationary period.

The Headteacher should discuss early termination with the Trust HR Team.

The following are examples of unsatisfactory performance, the list is exhaustive:

- Performance/and or conduct falls short of the required standard, but is not considered to be so unsatisfactory that the contract of employment needs to be terminated
- Absence (for any reason) has impacted on the line manager's ability to make a fair assessment
- Failure to achieve performance objectives set during the probationary period
- Poor attendance or timekeeping (absence of more than 3 days in a 3-month period or 5 days in the 6-month probation period would normally be considered unsatisfactory)
- Non-compliance with or breach of school policies
- Poor standard of interpersonal behaviour

The Employee will be invited in writing to attend the final probation review meeting and will be advised that the meeting could result in the termination of employment.

The employee should be given reasonable notice of this meeting and the right of representation at this meeting by either a Trade Union representative or a work colleague.

Where performance has not met an acceptable standard there will be a discussion to consider terminating employment on the grounds of unsatisfactory performance or conduct during the probationary period.

The employee will be given an opportunity to explain how they feel their probationary period has gone and provide any evidence in support of their continued employment.

The outcome of the meeting will be confirmed in writing to the employee within 5 working days.

The employee has the right of appeal.

In instances where an employee has commenced work and references, DBS check or other employment checks are subsequently found to be unsatisfactory the Trust may also consider the termination of employment

Step 2D: Terminating employment at the end of the 6-month probationary period

If the Line Manager has assessed that the required standards are not being met, this includes, but is not restricted to, the employee not meeting their work targets, persistent lateness or unacceptable conduct during their probationary period.

The Headteacher must hold a meeting with the employee, by the end of month 5, at which they must advise the employee that they have been unsuccessful in completing their probationary period and provide the employee with the reasons why they have demonstrated that they are not suitable for the job.

The employee should be given reasonable notice of this meeting and the right of representation at this meeting by either a Trade Union representative or a work colleague.

At the meeting, the Line Manager must explain why they think any extension to the probationary period would not be productive, and why they wish to terminate their employment.

It is important that the Headteacher listens to the employee's views and takes into account any mitigating circumstances which may explain why they have not met the required standard.

The meeting should adjourn to allow a decision to be made.

When the meeting reconvenes, the Headteacher must inform the employee if it has been decided to dismiss.

The Headteacher must confirm the decision using the Final Review Form (LT2-FO-001-I) together with the template letter for unsuccessful completion of the probationary period (LT2-CO-009-I) and termination with the required amount of notice entitled. The employee has the right of appeal.