



<b>Policy</b>	<b>Probation Policy and Procedure for Support Staff</b>
Author	Gemma Everitt, Interim Head of HR
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## **1. Introduction and policy statement**

1.1 All new non-teaching employees to the school are subject to a six month probationary period. The purpose of this is to:-

- enable managers to manage and assess performance, and assess the future potential of the employee before making a decision whether to confirm the appointment
- assist the employee settle in and perform their job effectively, which both offers job satisfaction to the individual and is consistent with the objectives of the organisation
- help identify the individual's training and development needs.

1.2 All through the period there should be regular communication both ways to ensure the employee has maximum opportunity to be successful in the probationary period.

## **2. Employees covered by the policy**

2.1 All new non-teaching employees (including those on management contracts) are covered by this policy, regardless of previous continuous service with other organisations and irrespective of contracted hours.

2.2 Employees appointed to short-term temporary posts are not normally required to undergo a formal probationary period. If a longer term temporary post or a permanent post is offered, they must then undergo a probationary period.

2.3 A probationary period is not deemed successfully completed until an appointment has been confirmed in writing.

2.3 This policy must not be applied to teaching staff including NQTs in their probationary year.

## **3. Performance during the probationary period**

3.1 Performance during the probationary period must be actively managed and assessed. There should be a full induction of all new staff and regular reviews of performance during the probationary period. Any immediate training and development needs should also be addressed during this period. These reviews will assist managers in making a decision to either confirm the appointment or not,



before the expiry of the probationary period. Managers should ensure that an open, fair and consistent approach is followed.

- 3.2 At the end of the probationary period in most cases, the employee will have proved satisfactory and the employment should be confirmed.
- 3.3 However, in some cases there will be cause for concern about the employee's progress and capability. Where problems are identified, the employee must be made aware of the concerns, at an early stage. Unless there are exceptional circumstances, the probationer must be given the necessary support and training, and time to improve, before termination of employment is considered as an option.
- 3.4 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.
- 3.5 At the end of this period, taking into account any supportive measures as required, if the probation has been:
  - **Satisfactory**; the manager will recommend to the Principal that the appointment be confirmed. The Principal will review this and authorise accordingly. If they have any queries, they will address them to the relevant manager prior to confirmation.
  - **Unsatisfactory**; the manager will recommend to the Principal that the appointment be terminated. This will be reviewed by the Principal and then move to a hearing.
- 3.6 In addition to performance capability and attendance, issues of conduct and discipline also need to be considered in the probationary period in line with the Trust's Disciplinary Policy and Procedure.

#### **4. Probation evaluation meetings and forms**

- 4.1 A Probation evaluation form see Appendix A should be completed for all probationers. If records are held in a different format that is acceptable as long as they are clear and meet the criteria.
- 4.2 It is important that issues are addressed as they arise with appropriate support and guidance being put in place as early as possible.
- 4.3 The formal review, including completion of the probation evaluation form, is a means of assessing and feeding back on performance and progress. The form incorporates a first formal assessment, which should be undertaken **after the first two months** of employment but the manager should not wait until this review before raising concerns which have been identified earlier, including conduct, attendance and capability issues.
- 4.4 The form is completed by the relevant manager and discussed with the employee in question. As it is an open process, it is important that the employee reads and understands the manager's comments; there is also space on the form for the employee's own comments. If the employee feels that they are struggling or have



any problems, then it is important that this is raised with the manager as soon as possible. Managers should encourage this, especially as some new employees may naturally find this difficult.

- 4.5 If there are identified problems/issues during the probationary period, then action plans must be formulated, and set out on the form at the first assessment. The employee must know what is expected of them and that appropriate support and training is given, together with an agreed timescale for reaching the required standard. Monthly meetings will then be instituted for review the situation. It should be made clear to the employee at this stage that, if the required improvement does not occur, then their appointment will not be confirmed and their employment will be terminated. Records should be kept of all meetings with the individual where concerns have been identified along with details of any support given.
- 4.6 A final formal review and decision (see Appendix B) would need to take place **before the end of the six month probationary period (12 months for those on management contracts)**. This would take into account any concerns identified before, at or after the two month review and any subsequent progress made.
- The manager may determine the individual has performed satisfactorily and should be confirmed in post.
  - If there are still issues/problems at the time of the final review and the manager does not feel they are able to be remedied at all or in a reasonable timescale, a recommendation to terminate employment can be made. The manager may wish to consult HR.
  - The manager may also make a recommendation to extend the probationary period. This can be done in a case where there are concerns about performance but it is felt that these are not sufficiently serious to warrant dismissal and may be able to be remedied with a further short period of probation. The Principal will review and ratify any such recommendations and confirm this in writing.

## **5. Disciplinary issues arising within the probationary period**

- 5.1 The disciplinary procedure does not apply during a probationary period; however the general principals still apply. A full investigation should occur before a decision is made on whether or not an allegation is proven. Any issues should be documented and dealt with under the probationary period procedure.
- 5.2 If a serious disciplinary issue arises which requires suspension and is not likely to be resolved during the period, then an extension of up to three months may be made to assist with the completion of investigation and resolution of the matter. If the issue remains unresolved at this stage then a decision will be made as to whether the issue will be resolved in the near future or whether there is little likelihood that will occur in which case no further extension will be made and the employment will be terminated in accordance with normal procedures.
- 5.3 Every effort must be made to resolve disciplinary matters within the probationary period.

## **6. Extension of probationary period**



- 6.1 A six/ twelve(for management staff) month period should normally give ample opportunity to assess whether an employee has reached an acceptable standard of performance and a management decision should be taken during this period.
- 6.2 However, in exceptional circumstances, for example sickness absence of the employee or in some disciplinary situations (see Disciplinary Issues Arising within the Probation Period), a probationary period may be extended by a period of up to three months, but this is the maximum extension.
- 6.3 During the extension the general principles of the probationary period still apply.
- 6.4 Any extension must be authorised by the Principal/ Director of Education or Chief Executive for staff within the Eastern Multi-Academy Trust.
- 6.5 In extreme circumstances, such as during a pandemic, enforced school closures, etc. a further extension of the probationary period is able to be agreed between the Principal and on the advice of the HR team. This would allow an employee additional time to meet the required standards where there are concerns regarding their performance.

## **7. Dismissal Hearing**

- 7.1 The Principal/ Director of Education or Chief Executive should write to the employee in advance of the hearing, detailing the reason for the hearing and including the documentation produced by the manager supporting the recommendation to dismiss. The letter should give the employee five school days' notice of the meeting to allow sufficient time to prepare.
- 7.2 The purpose of the hearing is to explore the unresolved concerns regarding performance and allow the employee the opportunity to respond to these. The employee may be accompanied at the meeting by a Trade Union representative, companion or colleague.
- 7.3 The manager will also be required to attend in order to present their report and evidence to the Principal/ Director of Education or Chief Executive.
- 7.4 The procedure for this hearing is detailed at Appendix B.
- 7.5 Following the meeting the Principal/ Director of Education or Chief Executive should confirm the outcome to the employee. The outcome could be to extend their probationary period in which case specific targets and timescales to achieve them will be set. If the outcome is to confirm the dismissal the Principal will confirm this and their right of appeal in writing.

## **8. Appeal**

- 8.1 The employee will have the right to appeal against the decision to terminate their employment to the Governing Body's Dismissal Appeals Committee (advised by HR). The appeal should be submitted in writing within five working days of receipt of the decision to terminate employment. The Dismissal Appeals Committee should



meet with the employee, and their Trade Union representative, where appropriate within ten working days to hear the appeal. The Dismissal Appeals Committee will be final.

- 8.2 The procedure to be used in an appeal hearing is outlined at Appendix C.
- 8.3 The employee does not have a right of formal appeal beyond the provisions in paragraph 8.1 above, if their employment is not confirmed at the end of the probationary period.

(\*NB. The employee has the right to be accompanied by a Trade Union representative or colleague, to any formal meeting which might lead to their termination.)

## **9. Notice periods**

- 9.1 If the employment is terminated, the employee is entitled to their normal notice period as specified in their contract/conditions of service, on full pay.
- 9.2 In order to expedite the process, it may be possible to make a payment in lieu of notice.



**APPENDIX A**

**Probation Evaluation Form**

<b>Employee Personal Details</b>	
Mr ___ Mrs ___ Miss ___ Ms ___ Other: ___	
Full Name:	
Post Title:	Payroll number:
Department:	Date Appointed:

**Assessment – Parts A & B**

Details of work areas:	Comments	
	Part A: Mid Term Review	Part B: Final Review
1. Knowledge of work/routine		
2. Ability to organise work and time		
3. Ability to set priorities		
4. Ability to liaise and co-operate with colleagues		
		<b>Comments</b>



<b>Details of work areas:</b>	<b>Part A: Mid Term Review</b>	<b>Part B: Final Review</b>
5. Rapport and empathy with clients/customers inc pupils		
6. Ability to use appropriate resources		
7. Understanding of the role of the department / Academy		
8. Details of sick leave since appointment (include reasons for absence)		
9. Punctuality and attendance (other than sickness)		
10. Other(s) as applicable (Please state):		



**Part A (after Two Months) – Summary Of Assessment (Line Manager)**

**Action points (as applicable):**      **Timescale for improvement:**

- 
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- 
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**Authorised signatory (Manager):**

**Date:**

**Print name of Authorised signatory:**

**Part A (Mid Term Review) – Employees' Comments**

**Employee Signature:**

**Date:**

**Part B (Final Review) – Summary Of Assessment (Line Manager)**

**Action points (as applicable):**      **Timescale for improvement:**

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**Authorised signatory (Manager):**

**Date:**

**Print name of Authorised signatory:**

**Part B (Final Review) – Employees' Comments**



<b>Employee Signature:</b>	<b>Date:</b>

**Part C – Decision**

I confirm that (name) has reached an acceptable standard during their Probationary Period, and their employment should be confirmed.	
<b>Authorised signatory (Manager):</b> <b>Print name of Authorised signatory:</b>	<b>Date:</b>
I advise that (name) has not reached an acceptable standard during their Probationary Period, and recommend that their probationary period should be extended for the following reasons:	
<b>Action points</b>	<b>Timescales for improvement</b>
<ul style="list-style-type: none"><li>•</li><li>•</li><li>•</li><li>•</li></ul>	
The following support will be put in place to assist them:	
<ul style="list-style-type: none"><li>•</li><li>•</li></ul>	
I confirm that I have discussed my recommendation with the employee.	
<b>Authorised signatory (Manager):</b> <b>Print name of Authorised signatory:</b>	<b>Date:</b>



I confirm that (name) has **not** reached an acceptable standard during their Probationary Period, and that their employment **cannot** be confirmed for the following reasons:

I confirm that I have discussed my recommendation with the employee.

**Authorised signatory (Manager):**

**Date:**

**Print name of Authorised signatory:**

- If the appointment is **not** confirmed, then the form is to be sent to the Principal for an appropriate hearing to be convened for decision.
- If the probationary period is to be extended, this will need to be agreed and confirmed by the Principal.
- If the appointment is confirmed, the appointment will need to be authorised by the Principal or relevant delegated

NB: Please ensure that any necessary supporting documentation is attached to this form prior to submitting it to the Principal for agreement

**For use by the Principal only after the final review :**

Only in cases where employment is confirmed or an extension is recommended.

I do / do not agree with the content of the probationary review outlined above:

Signed:

Dated:

Name:



## **APPENDIX B**

### Procedure for Dismissal hearings

NOTE: for Eastern Multi-Academy central Trust Staff for Principal read Director of Education or Chief Executive.

1. The Principal should introduce those present and explain the purpose of the hearing. The Principal must state clearly the issue for consideration at the hearing. The Principal will confirm the procedure to be used. Adjournments may be requested by either side at any time. The Principal will be supported by a member of HR who will record the proceedings and advise on process.
2. The Principal should ask the employee if they feel that the appropriate procedure has been followed to date.
3. The manager will then outline the case against the employee, calling on any witnesses and documentation available.
4. For each witness called by the manager, the employee (or their companion) should be given the opportunity to ask questions and the Principal should be given the opportunity to ask questions. The manager, or their adviser, then has the opportunity to re-examine the witness.
5. On the conclusion of the manager's presentation, the employee, or their companion, should be given the opportunity to ask questions.
6. The Principal should be given the opportunity to ask questions of the manager.
7. The employee, or their companion, should then outline their case, calling on witnesses and documentation if these are available.
8. For each witness called by the employee, the manager should be given the opportunity to ask questions and the Principal should be given the opportunity to ask questions. The employee or their companion, then has the opportunity to re-examine the witness.
9. On the conclusion of the employee's presentation, the manager should be given the opportunity to ask questions.
10. The Principal should be given the opportunity to ask questions.
11. The manager should make a closing statement.
12. The employee, or their companion, should make a closing statement.
13. The Principal will call an adjournment to enable him to review the case and reach a decision.
14. Should the Principal require further information or clarification, both parties to the hearing should be recalled.



15. The Principal should reconvene the hearing with both parties present to inform the employee and their companion of the decision and the right of appeal.
16. The Principal may vary the order of procedure in exceptional circumstances and at any stage in the proceedings a request by either side for an adjournment may be granted at the discretion of the Principal.
17. If the Principal determines that the employee should be dismissed with notice, the Principal should confirm this in writing within five working days to the employee and explain the right of appeal.



## **APPENDIX C**

### Procedure for Appeal hearings

Note: for Eastern Multi-Academy Staff for Principal read Director of Education or Chief Executive.

1. The Committee should elect a Chair. The Chair should introduce those present and explain the purpose of the hearing. The Chair must state clearly the issue for consideration at the hearing. The Chair will confirm the procedure to be used. Adjournments may be requested by either side at any time. The Chair will be supported by a member of HR who will advise on procedure. The Clerk will record the proceedings.
2. The Chair should ask the appellant if they feel that the appropriate procedure has been followed to date.
3. The employee, or their companion, should then outline their appeal, calling on witnesses and documentation as appropriate.
4. For each witness called by the employee, the Principal (or their adviser) should be given the opportunity to ask questions and the members of the Committee should be given the opportunity to ask questions. The employee or their companion, then has the opportunity to re-examine the witness.
5. On the conclusion of the employee's presentation, the Principal, or their adviser, should be given the opportunity to ask questions.
6. The Chair/members of the Committee should be given the opportunity to ask questions.
7. The Principal, or their adviser, will then outline the response to the appeal, calling on any witnesses and documentation available.
8. For each witness called by the Principal, the employee (or their companion) should be given the opportunity to ask questions and the members of the Committee should be given the opportunity to ask questions. The Principal, or their adviser, then has the opportunity to re-examine the witness.
9. On the conclusion of the Principal's presentation, the employee, or their companion, should be given the opportunity to ask questions.
10. The members of the Committee and their adviser should be given the opportunity to ask questions of the Principal.
11. The employee, or their companion, should make a closing statement.
12. The Principal, or their adviser, should make a closing statement.
13. The Chair will call an adjournment to enable him to review the case (with the members of the Committee as applicable) and reach a decision.



14. Should the Chair/members of the Committee require further information or clarification, both parties to the hearing should be recalled.
15. The Chair should reconvene the hearing with both parties present to inform the employee and their companion of the decision and the right of appeal (this is not applicable in an appeal hearing).
16. The Chair may vary the order of procedure in exceptional circumstances and at any stage in the proceedings a request by either side for an adjournment may be granted at the discretion of the Chair/Committee.
17. If the Chair/Committee determines that the employee should be dismissed with notice, the Chair should confirm this in writing within five working days to the employee and explain the right of appeal. There will be no further right of appeal beyond the hearing.
18. Any Governors on the Committee will maintain confidentiality and there will be no discussion about the case with others, including other members of the Governing Body.