



Probation Policy

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| LAST REVIEW DATE | May 2020 | REVIEW PERIOD | 3 years |
| NEXT REVIEW DATE | February 2023 | | |
| TYPE OF POLICY | Best Practice | APPROVAL LEVEL | Board |

Aim

This policy and procedure sets out the process for evaluating the performance of new employees to the Parallel Learning Trust (PLT) who are required to serve a probationary period – i.e. anyone who is not a qualified teacher. It aims to ensure that during their probationary period, employees are given every opportunity to demonstrate capability and competence for the post to which they have been appointed, within a supportive framework. Furthermore they clarify relationships between the Parallel Learning Trust, its Employee Side Representatives and employees and assist the Trust to operate effectively and efficiently.

Scope

The procedure applies to all newly appointed employees – who are not qualified teachers
The procedure applies to all new full-time, part-time, permanent and temporary support staff employees of the Trust, but does not apply to employees who have come into the Trust as a result of a TUPE transfer.

There is statutory provision governing the induction/probation of Newly Qualified Teachers. This procedure will not therefore apply to any NQT appointments made at the Academy or any other teaching appointments. Where an existing employee moves to another job within the Trust, reviews will be scheduled to evaluate their performance and conduct in line with the principles of the probationary process.

In circumstances where performance or conduct is identified as being unsatisfactory during, or at the end of, the probationary period this will be dealt with under the Parallel Learning Trust's Capability or Disciplinary Procedures.

Redeployed staff will be subject to a trial period of 28 days in accordance with the Trust's Restructuring and Redundancy policy.

Academy closure periods, of one week or more, will not count towards the 6-month probationary period for individuals employed to work term time only

Responsibilities

Headteachers /line managers are responsible for explaining to staff:

- the purpose and importance of probation
- the required standards of performance and attendance
- the length of the probation period
- how the probation will be managed and monitored, including, where practicable, confirming the dates for the two, four and six month
- review meetings at the commencement of employment (or the time frame agreed for term time only employees)
- sources of help during probation and that adequate and timely training is given as appropriate.
- possible outcomes of probation and factors that will be taken into consideration and ensuring that:
 - new employees know how, and from whom, to seek information and guidance to help them fulfil their duties
 - other employees in the team have a supportive attitude towards new employees, and play an integral part in providing assistance
 - probation reports are completed promptly
 - objectives are set
 - the procedure is applied fairly and consistently

New employees are responsible for:

- abiding by the code of conduct, the standards set and all legitimate instructions given by management
- understanding the purpose of probation and the standards of performance, conduct and behaviour expected from them
- cooperating with their Headteacher/line manager and raising any concerns or difficulties

- they encounter at the earliest opportunity
- completing any mandatory training which is provided as identified in the employee's objectives
- seeking further clarification on any aspects of their role of which they are unsure

Human Resources is responsible for:

- providing advice and support throughout the process

Scope and Rules of Probationary Service

A new entrant to any Trust site will serve a period of probation of at least 6 months.

The requirement to serve a period of probation must be made known at the earliest opportunity. The letter of appointment, and/or contract, must confirm that employment is subject to satisfactory completion of the period of probation.

The assessment of an employee on probation is a continuous process. To ensure that the employee is aware of how they are performing three formal assessments will be undertaken at 2, 4, and 6 months. The assessments will be recorded using the forms at Appendix 1. The assessments will be placed on the individual's personal file. (Any other notes made during formal assessments should also be attached to the forms).

Temporary employees and agency staff do not normally serve a probationary period, unless it is known that the temporary contract will be for a period of 6 months or more.

Satisfactory Probation

In recruitment, responsibility for assessing the match between job and person rests with the employer. Getting it wrong can result in major organisational costs, e.g.

- i) legal challenge and financial penalties
- ii) underperformance
- iii) management cost of corrective action
- iv) damage to morale

The period of probation should be a constructive part of an employee's satisfactory induction into the Trust's employment.

The manager should formally appraise every probationary employee early in the probation period. If the employee is doing well, the appraisal is an opportunity to reinforce confidence and to further develop the individual.

At the end of a successful probationary period, the employee must be informed in writing that their probationary period has been successfully completed.

Non Satisfactory Probation

The probationary period is designed to enable managers assess if the new employee has the necessary skills, knowledge, experience and attributes that fit the requirements of the role.

The early appraisal of performance during the probationary period will allow the manager to identify where there is a mismatch and take corrective action, which should:

- i) identify clearly the areas where improvement is required and set time and standard targets;
- ii) agree a timetable of meetings for monitoring improvement during the probationary period;
- iii) agree the training and support that will be available to help the employee reach the required standards;

- iv) discuss early the possible need for an extension of probation where the shortfall is significant.

All the above should be confirmed to the employee in writing.

Any programme of corrective action should be carefully followed and documented. After each monitoring meeting the employee's progress (or failure to achieve targets) must be confirmed to the employee in writing.

Where issues are identified relating to an employee who is considered to have a disability (under the definition of disability as defined by the Equalities Act 2010), due consideration must be given regarding whether reasonable adjustments are necessary and desirable to aid the employee in the workplace. This should be considered at all stages of the process.

Extension to Probationary Period

Headteachers/Managers have discretion, in consultation with the employee and with the support of their Human Resources Adviser, to extend a period of probation. Any extension of the probationary period must be confirmed in writing to the employee prior to the date when the initial probationary period would normally expire. It should be noted that a manager does not have to wait for the 6 months to expire before recommending an extension to the probationary period.

When recommending extending probation managers should ensure that they give reasons for the extension, for example; 'not yet at standard required but expected to be able to reach the standard within extended period'; or 'absences of employee resulting in an inability to adequately assess performance during first 6 months'; or 'a training need identified that has yet to be delivered'. Any extension given should normally be for a period of up to 3 months.

Any decisions made at the probationary meeting should be recorded and monitored by the manager concerned.

If the employee believes that the manager's recommendation regarding extension is unreasonable, then there is a facility for the employee to set out their objection either in writing to a more senior manager (usually the Headteacher / Executive Headteacher) (NB. if the Headteacher is the line manager, any written submission should be made to the Chair of Governors for consideration).

The decision reached by the senior manager in respect of the above is final.

An employee who, as a result of a programme of corrective action/support, reaches the required standards, should be informed in writing that he/she has satisfactorily completed the probationary period.

Termination

If, with or without extension of probation, it becomes clear to the manager that the employee is unlikely to reach the required standards or there are concerns in relation to conduct, a probationary meeting be arranged.

This meeting can be arranged at any time during the probationary period (it is possible to terminate employment at any point during the probationary period).

A meeting must be arranged with the employee to advise them that they have not passed the probationary period successfully and the reasons why and that the contract will be terminated. As dismissal will be considered, the manager must inform the employee of their right to be accompanied by a trade union representative or work colleague, should they so wish. An invite to meeting letter should be sent to the employee giving 5 days' notice.

It is not the intention of this procedure that probationary employees should face dismissal as a result of allegations of minor misconduct which would not lead to the dismissal of any other employee. However, persistent acts of minor misconduct (i.e. more than once), may lead to dismissal.

Where, it becomes clear that the probationary period will not be completed successfully, the Headteacher/Senior manager will advise the employee that they have not passed the probationary period successfully and the reasons why and that the contract will be terminated. The employee would either be required to work their notice or receive pay in lieu of notice in line with their contract of employment.

That the meeting is followed up in writing within five working days with details confirming the reasons why the employee did not pass the probationary period

The employee has a right to appeal against the decision to terminate employment and this is confirmed in writing

Appeals Process

An employee has the right of appeal against action to terminate their employment under the probationary procedure. The Appeal should be lodged with the Chair of the Local Academy Council Hub within five working days of receipt of the decision letter and must clearly state the grounds of appeal. This right together with the procedure to be followed to initiate the appeal shall be set out in the decision letter. The ACH has the option to request that a member of the executive leadership team, not previously involved in the case, can sit on the panel. An appeal hearing is not a full re-hearing of the case and may only consider grounds of appeal. The hearing should be arranged within 20 working days of receipt of the appeal letter and any documents to be presented to the appeal panel must normally be circulated three working days in advance of the hearing.

Common appeal conditions

The grounds of appeal should relate to one or more of the following:

- **The procedure**
An appeal can be lodged on the grounds that the probation procedure was applied unfairly or inaccurately.
- **The facts**
An appeal can be lodged where the employee believes that the facts of the case did not support the decision made; that the facts considered were not relevant; that the facts were not substantiated; or where there are new facts/evidence which needs to be considered that has come to light subsequent to the hearing
- **The decision**
An appeal can be lodged where the employee believes that the Headteacher/line manager's assessment of the employee's performance was inaccurate or unfair in the light of the circumstances and mitigation which was offered by the employee.

The appellant has the right to be accompanied by a trade union representative or work colleague and will be given 5 working days' notice of the appeal hearing along with any documents which management will present at the appeal. The appellant must provide their own documents within three working days of the appeal hearing.

The appeal will be heard by an independent Panel of Governors none of whom were involved in the decision to dismiss and written notification of the outcome will be sent out within 5 working days.

The appeal panel will review whether the original decision was reasonable having reviewed the grounds for appeal. The appeal panel shall have discretion to go into as much detail as they

consider necessary in order to give a fair hearing to the appeal, within the grounds of the appeal. The decision at appeal shall be either to uphold the original decision to dismiss, or to confirm the employee in employment. This decision shall be final and will be confirmed in writing.

Notes shall be taken at an appeal hearing and if requested a copy provided to the appellant.

Academy HR will be notified in writing of the outcome of the appeal.

Monitoring and Review

The procedure will be reviewed from time to time in the light of any developments in employment legislation or good employee relations practice and if necessary, revised in order to ensure its continuing relevance and effectiveness.

Appendix 1

The Parallel Learning Trust Probationary Report – 2, 4, 6 month review Teaching Assistant



Employee Name:

Start Date:

Job Title:

Academy:

Total number of days absent to date:

No of days sickness to date:

Date of report:

The above member of staff has been employed by The Parallel Learning Trust– (name of individual Academy site), for a period of approaching 2, 4, 6 months. This formal record completed by the employee's Headteacher/Line Manager, reports on the employee's progress within the 6 month probationary period. The purpose of the probationary period is to assess the employee's suitability for confirmation of employment. This report should be discussed with the employee and signed by both the Headteacher and the employee.

The Parallel Learning Trust uses a person specification that defines the skills, knowledge and abilities that an individual needs to display for effective performance in their job. These criteria are used in the recruitment process, the probationary period and the staff appraisal process. Some work areas set personal performance targets which are considered within the probationary process.

| Grading | Description | Performance level |
|--------------|---------------------------|-------------------------------------|
| 5. Excellent | A major area of strength | Comprehensive performance |
| 4. Good | An area of some strength | Better than acceptable performance |
| 3. Competent | Acceptable | Adequate performance |
| 2. | Some development required | Does not meet the required standard |
| 1. | Significant development | Poor performance |
| | | |

A rating of 3 would be the minimum acceptable standard at the completion of the probationary period. Please note that a score of 2 at 2 months should lead to the creation of an action plan to improve performance by 4 months.

EMPLOYEE PERFORMANCE

Performance targets:

Please indicate how work performance relates to personal targets (were targets unmet, met or exceeded)

| TARGET – to be set at the review and agreed with employee | PERFORMANCE – please mention specific examples of how the target has been met | PERSON responsible for judging this |
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SKILLS/KNOWLEDGE/ABILITY/CRITERIA

Please list the above, applicable to the post (these were identified at recruitment). Please think about the number and regularity of any errors if they occur, the need for constant supervision or not, the ability to plan and organise, and the standards achieved by other employees doing the same job, in relation to the employee being reviewed.

| Skill, knowledge, ability, criteria | Current rating 1-5 | Examples of why this rating has been given | What can be done to improve this – be specific |
|--|--------------------|--|--|
| Supervise and provide support for all pupils, ensuring safety and access to learning activities | | | |
| Establish constructive relationships with pupils and interact with them according to individual need. | | | |
| Encourage pupils to interact with each other and engage in activities led by the teacher | | | |
| Set challenging and demanding expectations and promote self-esteem and independence. | | | |
| Provide positive and constructive feedback to pupils in relation to progress and achievement under guidance of the teacher | | | |
| Maintain a purposeful and orderly and supportive environment in accordance with lesson plans | | | |

| | | | |
|---|--|--|--|
| Assist with displays | | | |
| Be aware of pupil problems/progress and achievements and update the teacher as agreed | | | |
| Undertake pupil record keeping | | | |
| Provide detailed feedback to the teacher about pupils as and when required | | | |
| Promote outstanding behaviour, deal promptly with conflicts and incidences in line with our policy | | | |
| Provide clerical and admin support to the class teacher – prepare and use equipment/resources required to meet the lesson plans and assist pupils in their use. | | | |

ATTITUDES AND MOTIVATION, CONDUCT, TIMEKEEPING AND ATTENDANCE –

Please consider level of interest in the work, and effort to learn the job, being adaptable and accepting constructive criticism. Please also consider the ability of the employee to work well with other employees and partners.

| Skill, knowledge, ability, criteria | Current rating 1-5 | Examples of why this rating has been given | What can be done to improve this – be specific |
|--|--------------------|--|--|
| Be aware of and comply with the policies relating to child protection, confidentiality, data protection, health and safety and security, professionalism | | | |
| Give all pupils equal access to opportunities to learn and develop | | | |
| Contribute to the overall ethos of the Academy and its work – including supporting the role of other professionals | | | |
| Attend and participate in relevant meetings during the Academy days | | | |
| Participate in training and other learning activities as required | | | |
| Actively supervise pupils during lunch and playtime | | | |
| A desire to do something worthwhile for children | | | |
| Have time and energy to forge positive and professional relationships | | | |
| Physically able to carry out the duties of the post with the support of aids or adaptations if necessary | | | |
| Liaise professionally with colleagues always respecting confidentiality. | | | |
| Be on time for work | | | |

Recommendation (delete as appropriate)

a) I am satisfied with progress to date and I confirm the appointment

b) I am not satisfied with progress to date and I recommend the employment be terminated

If (b) above outline the managerial action to be taken:

Report completed by:

Name:

Signed:

Date

Signed by the employee – I have read and noted the contents of this probationary report

Name:

Signed:

Date:

APPENDIX 2

Letter for passing the probation period successfully

My ref:

<Insert date>

Personal – Addressee Only

<Title> <FirstName> <LastName>

<Address 1>

<Address 2>

<Address 3>

<Address 4>

<PostalCode>

Dear <FirstName>

Re: Probationary Period

As you know your appointment was subject to the completion of a six-month probationary period, ending on <probenddate>.

I am pleased to confirm that you have successfully completed your six-month probationary period and you are now an established employee of the Parallel Learning Trust.

Attached is a copy of your 6 month probation review paperwork, please sign both copies and return one to me.

Yours sincerely,

Line Manager

APPENDIX 3 – Extending the probationary period

Personal – Addressee Only
 <Title> <FirstName> <LastName>
 <Address 1>
 <Address 2>
 <Address 3>
 <Address 4>
 <PostalCode>
 Date

Dear <FirstName>

Re: Probationary Period

I am writing to confirm the decision taken at the end of the meeting held on <date of meeting> to discuss your progress during your probationary period. The meeting was attended by <attendees and job titles>.

The decision was to extend your probationary period for a further <X> months, until <new end date>. This was because we have the following concerns related to your performance at work at this time:

| A | B | C | D | E |
|---------|---|--------------------------|---|----------------------------|
| Concern | Date it was first raised as a cause for concern | Support provided to date | Evidence required by (insert date) in to show the concerns have been successfully addressed | Support that will be given |
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The notes of the meeting are attached and if you consider anything has been missed or recorded inaccurately, please let either of us know. Please sign both copies and return one to me.

As expressed at the conclusion of the meeting, it is sincerely hoped that with additional support and supervision, the areas of concern will be resolved and you will reach the standard required by the Parallel Learning Trust and you can be confirmed as an established employee. However, you will need to be aware that only 1 extension period can be granted and that if your performance does not reach the standard required by (insert date), your services with the Trust will be terminated.

Yours sincerely

Line Manager

APPENDIX 4 – failure to pass the probation period

<Insert date>

Personal – Addressee Only
 <Title> <FirstName> <LastName>
 <Address 1>
 <Address 2>
 <Address 3>
 <PostCode>

Dear <FirstName>

I refer to the above meeting held on **(Enter Date)** that you were requested to attend, as explained in the letter which **was sent to your home address on (Enter Date)**.

At the meeting the facts and circumstances relating to your employment with The Parallel Learning Trust - **(insert Academy name)** were discussed fully and a copy of the notes taken at the meeting are attached to this letter.

As described in the notes I have very carefully considered all of the evidence and conclude that you have not established your suitability for the post and have therefore been unable to satisfactorily complete your probationary period with us. This is demonstrated in a number of areas as detailed in the notes and despite support and additional training that has been offered to you your suitability to the post has not improved.

In summary

| A | B | C | D |
|---|---|---|----------------------------|
| Concern that remained at the end of the probation period / extension to the probation period) | Evidence that was required by (insert date) to show the concerns have been successfully addressed | Additional evidence that has been presented | Concerns that still remain |
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Accordingly, it is confirmed that you have been dismissed with notice (or, where appropriate pay in lieu of notice), the termination of your employment therefore taking effect from **(Insert Date)**. Any outstanding monies will be forwarded to you in due course, together with your Income Tax Form P45.

You have the right to appeal against this decision. If you wish to exercise this right you should notify the Chair of the Academy Council Hub in writing within 10 working days of the receipt of this letter.

To contact the Chair you can write to:
 (enter name, postal address and email address)

Yours sincerely

Headteacher