



QUANTOCK

EDUCATION TRUST

Probationary Policy

Non-Statutory

LINKS: Recruitment and Selection Policy Code of Conduct

DATE: November 2022

POSTHOLDER RESPONSIBLE: HR Manager

TRUSTEES/GOVERNORS COMMITTEE: People and Performance

AUDIENCE: All schools and employees within the Quantock Education Trust

STATUS: Ratified by Trustees

DATE RATIFIED: November 2022

DATE OF NEXT REVIEW: This Policy should be reviewed every 2 years

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1. Introduction

- 1.1 A probationary period is a 'trial period', to enable an employee who is a new recruit to the Trust to demonstrate suitability for the role. It allows both the post's manager and the employee to take into account the individual's overall capability, performance and general conduct in relation to the job in question and assess objectively if they meet the requirements. Everyone involved in the probationary period for a new employee must appreciate that this is a two-way process: the degree to which a new entrant develops into a fully effective member of the Trust depends not only on their own skills and attributes but also on the assistance and encouragement received during the probationary period. Appropriate management of an individual's probationary period is key and any unsatisfactory performance or behaviours must be addressed well before the end of the probationary period, as failure to confirm the successful completion of the probationary period may lead to it being deemed to have been completed automatically.

2. Purpose

- 2.1 The probationary policy allows for monitoring, formally reviewing and providing feedback on the performance of new employees in the following areas:
- Quality and quantity of work
 - Attitudes and motivation
 - Conduct and attendance
 - Compliance with policies and procedures
 - Leadership and management (if appropriate)

3. Scope

- 3.1 This policy applies to all new employees, other than Early Career Teachers (ECTs), employed by the Trust regardless of their permanent, fixed-term, full or part-time status. Where a six month (or less) fixed term contract is issued, the probationary period will run concurrently with the contract.
- 3.2 Employees in their probationary period are not subject to formal capability, sickness management and disciplinary procedures. If issues of conduct, sickness and or/poor performance arise during the probationary period, the probationary should be used to address these.
- 3.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

4. Responsibilities

- 4.1 The Trust is responsible for maintaining fair, consistent and objective procedures for matters relating to employee probation.
- 4.2 Managers are responsible for:
- Ensuring the employee is aware of this probation policy;
 - Explaining the expected standards of performance, how performance will be monitored and expected standards of conduct to the new employee;
 - Completing probation reviews for the new employee
 - Ensuring probation documentation is completed in a timely manner;
 - Notifying the employee of any probation review meetings in advance so that both parties have time to prepare;
 - Identifying any potential for the employee to fail to meet the standards required and taking appropriate action quickly
 - Ensuring that systems are in place to support and monitor the employee's work throughout the probationary period.
- 4.3 Employees are responsible for:
- Ensuring that they understand the probationary policy;
 - Ensuring that they are familiar with the standards and requirements of the job role;
 - Ensuring that they take an active part in the probation review meetings;
 - Undertaking any learning and development activities agreed with the manager.

5. The Probation Process

- 5.1 The probation period is for six working months. This should be a reasonable period of time for the employee to demonstrate their suitability for the role. Schools may decide to extend an individual's probationary period in certain circumstances. This should only be done following consultation with the Trust Human Resources (HR) Manager.
- 5.2 Probation reviews should normally be conducted within the timescales laid down in the policy. However, if there is a valid reason to do so, timescales can be varied by management. The employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days.
- 5.3 During the probationary period, employees will be subject to all the terms and conditions of their contracts of employment with the exception of those terms noted below. During the probationary period, attendance, conduct (including matters that could potentially amount to gross misconduct), and capability issues will be managed under this policy rather than the standard Trust HR policies.

- 5.4 Except in the case of existing employees who have been transferred or promoted into different roles, the amount of notice that an employee must give to the Trust if they wish to resign, and the amount of notice that the Trust must give to the employee of dismissal are different during probation. During probation, either party may terminate the employee's contract of employment by giving one week's notice unless otherwise varied by the contract. In the event that the Trust decides to terminate the employee's employment, their employment will come to an end immediately and the employee will receive pay in lieu of the notice together with any outstanding holiday pay.
- 5.5 Once the probationary period has been completed, the notice periods will be as defined in the employee's contract of employment.
- 5.6 Employees must be informed from the outset of their employment of the purpose of probation and the standards of performance, attendance and conduct expected of them.
- 5.7 The probation process relates to the Trust's Code of Conduct and either the Teachers Standards or any relevant standards for Support Staff. It includes;
- Regular monitoring of the new employee's performance through review meetings
 - Identification and discussion of any problem areas at the earliest opportunity
 - The provision of regular constructive feedback
 - Supervisory support and guidance
 - The provision of any necessary training and coaching
 - Clear objectives that the employee is expected to achieve by the end of their probationary period
 - The standards of performance that are required in respect of the duties of the job
 - The standards or measurements against which the employee's performance will be assessed
 - Any agreed development opportunities
- 5.8 In the event of an employee's absence (including sickness absence and maternity leave), the probationary period should be suspended until the employee is able to return to work. At which point the probationary period will recommence.

6. Probation Review Meetings

- 6.1 Up to three formal probationary reviews should be completed with a new employee during the probation period.
- 6.2 For teaching staff, probation reviews should take place at half-termly intervals, i.e., equally spaced during the duration of the probation period.
- 6.3 For support staff, probationary reviews will take place at the following intervals
- On completion of six weeks' service (first review)
 - On completion of three months' service (second review)
 - On completion of six months' service (final review)

- 6.4 Probationary reviews should take the form of a confidential meeting between the manager and Employee. Review meetings should be scheduled in advance. It is the manager's responsibility to ensure that timescales are observed so that any concerns or developmental needs are addressed in a timely manner and in the event that performance is insufficient, appropriate notice is given.
- 6.5 The purpose of review meetings is to evaluate the employee's performance and discuss any significant issues. At each meeting, the manager should aim to;
- Highlight the areas where the employee is doing well
 - Focus on successes, as well as areas of development
 - Explain clearly any areas where the employee is falling below the required levels and explore possible reasons for this
 - Consider whether any specific training or coaching is required
 - Discuss any other relevant matters, such as timekeeping, attendance, general conduct and attitude
 - Invite the employee to comment on any issues and give them an opportunity to ask any questions or raise concerns about any aspect of their employment
- 6.6 Outcomes of review meetings should be agreed and documented. A record of each meeting should be kept on the employee's file.
- 6.7 Where there is a likelihood that the employee will not meet the required standard at the end of the review period, additional review meetings may be considered in consultation with the Trust HR Manager. The employee must be informed that continued failure to meet the standards required may result in their dismissal.
- 6.8 In advance of the final review meeting, the manager should consider which of the following outcomes is likely;
- Appointment should be confirmed
 - Probationary period should be extended (see section 7), or
 - Employment should be terminated (see section 8)

7. Extending Probationary Periods

- 7.1 Any extension to a probationary period should only be made in exceptional circumstances and only where there is an indication that the employee will achieve the standards required given further time. An extension period will not normally exceed half a term for teaching staff and 6 weeks for support staff.
- 7.2 Employees will be notified about any decision to extend their probationary period at the appropriate review meeting (section 6 above). At this meeting, the employee will be informed of the following;
- The reasons why performance has been unsatisfactory to date

- The duration of the extension of the probationary period
- The targets that will need to be met during the extended review period
- That failure to meet the standards required may result in their dismissal

8. Disciplinary and capability issues and termination of employment

- 8.1 Warnings and dismissal during the probationary period are excluded from the Trust's Absence Management, Capability and Disciplinary Policies.
- 8.2 The Trust may terminate the employee's appointment at any time during the probationary period if the employee falls below the expected standards of performance or conduct and insufficient improvement is expected.
- 8.3 Where at any stage of the process a dismissal is a likely outcome, the Trust HR Manager must be consulted before proceeding with a final review meeting. Specific cases may require a management investigation.

The following three step process must be followed;

Step 1 - Notification

The manager must write to the employee giving at least five working days' notice of the meeting and setting out:

- The date, time and purpose of the next review meeting
- That the employee is entitled to be accompanied to the meeting by a trade union representative or work colleague
- The reasons why performance or conduct has been unsatisfactory to date
- That dismissal may be a potential outcome of the meeting and that the Headteacher or other senior manager will attend and chair the meeting

Step 2 – The meeting

The employee, the manager and the Headteacher will meet to discuss this issue. Witnesses will be called as necessary. The manager must explain why any extension to the probationary period would not be productive or present the findings of an investigation. The Headteacher may adjourn the meeting to allow a decision to be made but must inform the employee of the outcome (which may be dismissal or another appropriate measure including written warnings in the case of a disciplinary issue) and will communicate this to the employee.

Warnings as a result of disciplinary issues will be retained on an employee's file and will be taken into account in any subsequent disciplinary matter either during or after the probationary period. In any event warnings will be expunged in accordance with the ACAS code of practice.

Step 3 – Written notification of decision

The Headteacher will confirm their decision in writing within 5 working days. For unsuccessful completion of probationary period and termination of employment, the employee must be given the requisite notice as set out in section 5 above. The employee must also be given the right to appeal.

9. Appeals

- 9.1 Where an employee has had their probation period extended, or a warning has been issued, or where an employee subject to this probation procedure has been dismissed for reasons of capability or conduct, they will have been informed in writing of the decision and of their right to appeal.
- 9.2 Appeals must be registered with the Headteacher within ten days of the date of the letter confirming any decision. Appeals received after this period will not be heard.
- 9.3 Appeals will be heard (a) in the case of extensions to the probation period, by the Headteacher or other appropriate senior manager, and (b) in the case of appeals against dismissal, by the Headteacher or other appropriate senior manager and a representative from the school's governing body (who will chair the hearing).
- 9.4 Appeals will normally be restricted to considering one or more of the following:
- **The Procedure** – the grounds of appeal should detail how procedural irregularities prejudiced the decision.
 - **The Facts** – the grounds of appeal should detail how the facts do not support the decision or were misinterpreted or disregarded. They should also detail any new evidence to be considered.
 - **The Decision** – the grounds of the appeal should state how the act(s) of misconduct did not justify the level of action taken.
- 9.5 Appeal hearings will be convened as soon as is reasonably practicable and the employee will be given five working days' notice of the time and place of the appeal hearing.
- 9.6 The purpose of the appeal hearing is to review the decision to extend the probation period or to dismiss. The outcome will be to confirm it, substitute a lesser penalty or to cancel it. The person chairing the appeal will communicate their decision, which will be final, in writing to the individual within five working days of the appeal hearing.

10. Confidentiality and data protection

- 10.1 It is the aim of the Trust to deal with matters under this policy sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with the process as confidential.
- 10.2 During any action under this policy, the Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of actions taken under the policy. Records will be kept in accordance with our Workforce Privacy Notice and in line with the requirements of the **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to

time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).

11. Review of policy

11.1 This policy is reviewed and amended every two years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.