

**Strength through Diversity
Ambition through Challenge
Excellence through Curiosity**

Policy title	Probation Policy and Procedure
Scope	<p>This procedure applies to all new employees, other than staff who have been internally promoted within the Trust; newly qualified teachers (NQTs) employed by Ninestiles Academy Trust regardless of their permanent, fixed-term, full or part-time status. Where a 6 month (or less) fixed term contract is issued the probationary period will run concurrently with the contract.</p> <p>Employees in their probation 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 probation procedure (or where appropriate the associated guidance for dealing with disciplinary issues during probation – see below) should be used to address such matters.</p> <p>The normal appraisal procedure will run in parallel with the Probation Policy, with common agreed objectives being set for both processes where appropriate</p>
Rationale	<p>The procedure allows for monitoring, formally reviewing and providing feedback on the performance of new employees in the following areas:</p> <ul style="list-style-type: none"> • Adherence to the vision and values of the Trust • Quality and quantity of work • Attitudes and motivation • Conduct and attendance • Compliance with policies and procedures • Leadership and management (if appropriate)
Policy statement	<p>Introduction</p> <p>The probation period is a ‘trial period’, to enable the assessment of an employee’s suitability for the job for which they have been employed. 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 Ninestiles Academy Trust depends not only on their own skills and attributes, but also on the assistance and encouragement received during the probation period.</p>

Equal Opportunities

The probation procedure must always be applied fairly and in accordance with employment law and Ninestiles Academy Trust Equal Opportunities Policy.

Responsibilities

Ninestiles Academy Trust is responsible for maintaining fair, consistent and objective procedures for matters relating to an employee's probation.

The Principal has overall responsibility for the internal organisation, control and management of each Academy.

Managers are responsible for:

- Ensuring the employee is aware of this probation policy and procedure;
- Explaining the expected standard of performance, how performance will be monitored, and expected standards of conduct to the new employee;
- Completing a probation review for the new employee at the first, second and final probation review stages;
- Ensuring that probation review forms are completed in a timely manner;
- Notifying the employee of the 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 whilst maintaining liaison with HR if appropriate
- Ensuring that systems are in place to support and monitor the employee's work throughout the probationary period in order that they receive such assistance as is reasonable to fulfil the duties and responsibilities of the post.

Employees are responsible for:

- Ensuring that they understand the probation policy and procedure;
- 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

Timing

Probation reviews should normally be conducted within the timescales laid down in the procedure. 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.

Managing the probationary procedure

Timescales for probation

The probation period is as follows:

- Teaching staff 2 terms
- Support staff 6 months

In exceptional circumstances, the above timescales may be extended by up to a half term for teaching staff or up to ten weeks for support staff.

During the probation period, the notice period for all new employees (teaching and support staff) is one month.

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. They must be told that their progress will be carefully monitored by their manager throughout the probation period and they should be encouraged to seek help and guidance whenever necessary.

The appraisal of new probationers is a continuous process. Managers should make regular checks of the employee's work, attendance and conduct and tell them how their progress is viewed. They should also be ready to listen to any comments made by the employees themselves. It is good practice for managers to hold regular one to one meetings with the employee in order to ensure a good working relationship and provide feedback on the employee's progress.

The manager should conduct a total of three formal probation review meetings with a new employee.

For teaching staff probation reviews will take place at the following intervals:

Start date of employee	First review	Second review	Final review
Start of Autumn term	Autumn half term	End of Autumn half term	End of Spring term
Start of Autumn half term	End of Autumn term	Spring half term	Beginning of Summer term
Start of Spring term	Spring half term	Beginning of Summer term	Summer half term
Start of Spring half term	End of Spring term	Summer half term	Beginning of Autumn term
Start of Summer Term	Summer half term	End of Summer term	End of Autumn term
Start of Summer half term	End of Summer term	Autumn half term	Beginning of Spring term

For support staff, probationary reviews will take place at the following intervals

- On completion of 6 weeks' service (first review)
- On completion of 3 months' service (second review)
- On completion of 6 months' service (final review)

General guidance on review meetings:

The First Review

This meeting is for the manager to evaluate the employee's performance and discuss any significant issues with the member of staff. If improvements in performance are required, there should be a discussion about how to make the necessary improvements, including appropriate management support and training. Following the discussion, outcomes of the meeting should be agreed, documented (using the first probation review pro-forma – **SEE APPENDIX A**) and a record kept on the employee's file.

The Second Review

The purpose of this meeting is to review the employee's ongoing performance. Where the previous review indicated that improvements in performance were required, the second review meeting should be used to consider the extent of any improvement that may have taken place.

After discussion at the second review meeting, in circumstances where it is evident the employee will not meet the required standard, managers should consult with HR with a view to considering whether an additional review meeting should be scheduled. The employee must be informed that continued failure to meet the standards required may result in their dismissal. Outcomes of the meeting should be agreed, documented (using the second probation review pro-forma **SEE APPENDIX B**) and a record kept on the employee's file.

Unsatisfactory performance – additional review meetings

Additional review meetings will only take place if there are serious concerns about an employee's suitability and effectiveness. Whilst the majority of new entrants settle quickly into Ninestiles Academies and complete their probation satisfactorily, there are some who even with the best guidance and assistance from management show little aptitude for the work of Ninestiles Academies. It is in their interests, and those of Ninestiles Academies to ensure that their performance is carefully monitored and the appropriate procedures are followed. Where an additional review is considered, HR must be consulted prior to scheduling an additional probation review meeting.

An employee may be dismissed during their probation period if their performance/conduct is unsatisfactory. If a line manager has serious concerns about any aspect of the new employee's work performance, then the following procedure must be followed:

- i. If the employee's performance and/or conduct is considered not to be of the required standard, the line manager must discuss the details with the individual as soon as possible, rather than waiting for the next scheduled review meeting. The line manager must explain clearly his/her concerns and how improvements must be made, setting specific measures, criteria and timescales for improvement. The timescales must be observed so that any concerns or developmental needs are addressed in a timely manner. All this information should be recorded on an action plan (**SEE APPENDIX D**) wherever appropriate, and agreed with the employee. A copy of the agreed action plan must also be forwarded to HR.
- ii. The line manager may also increase the frequency of the review meetings from that originally planned, i.e. every two weeks/monthly, to ensure that a regular review and update on the progress being made against the action plan is discussed with the employee.

The Final Review Meeting

Before the final review meeting, the manager should consider whether it is a likely outcome that:

- The employee's appointment should be confirmed
- The probationary period should be extended (see section 8), or
- If the employee should be dismissed (see section 9).

After discussion at the meeting with the employee, outcomes of the meeting should be agreed, documented (using the final probation review pro-forma **SEE APPENDIX C**) and a record kept on the employee's file.

An employee will not be deemed to have passed their probation until the final review meeting has taken place.

Extensions of the probation period

An extension of the probation period may be allowed in exceptional circumstances only if there are definite indications, not just hope, that the employee will achieve the standard required for confirmation given further time. An extension period will not normally exceed a half term for teaching staff and 10 weeks for support staff.

Where an extension of the probation period is a likely outcome of the final review meeting, (or the discussion may take place prior to the diarised final review meeting date) the manager must consult with HR before proceeding with the final review meeting. A meeting is then arranged with the employee to fully discuss the decision to extend the probation period, together with an agreed action plan which will be in place to support the employee during the extended period.

Formal Review Hearing – recommendation to dismiss

Disciplinary / capability issues arising during the probationary period and termination of employment

Ninestiles Academies may terminate the appointment at any time during the period if a probationer clearly falls below the required standards of performance or conduct and insufficient improvement is expected.

Where, at any stage of the process, a dismissal is a likely outcome, the manager must consult with HR before proceeding with the final review meeting. The following process must be followed:

a) Stage 1 – Notification of Formal Review Hearing

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

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

b) Stage 2 – Formal Review Hearing

The employee, the manager and the Principal or other appropriate senior manager will meet to discuss the issues. Advisors and witnesses will be invited as appropriate. The Principal or other appropriate senior manager will decide the outcome of the meeting (which may be dismissal or other appropriate measure including first and final written warnings) and will communicate this to the employee.

Warnings will be retained on an employee's file and will be taken into account in any subsequent disciplinary matter either during or after the probation period. In any event warnings will be disregarded for disciplinary purposes after the following timescales, provided that there is continued satisfactory conduct

- Written warning - 9 months
- Final written warning - 12 months

c) Written notification of decision

The Principal or other appropriate senior manager will confirm their decision and the right to appeal to the employee in writing within five working days.

Appeals

Where as a result of the final review meeting a warning has been issued, or where an employee subject to this probation procedure has been dismissed for reasons of capability/performance/conduct, they will have been informed in writing of the decision and of their right to appeal against it.

Appeals must be registered with the Principal within ten working days of receiving written notification of the decision. Appeals received after this period will not be heard.

Appeals will be heard by a panel consisting of three Directors, none of whom will have been previously involved in the case. The panel will also consist of an HR representative in an advisory role to the panel.

Appeals will normally be restricted to considering one or more of the following:

- i) The **PROCEDURE**, – the grounds of appeal should detail how procedural irregularities prejudiced the decision.
- ii) 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.

	<p>iii) The DECISION, – the grounds of the appeal should state how the act(s) of misconduct did not justify the level of action taken.</p> <p>Appeal hearings will be convened as soon as is reasonably practicable and the employee/Appellant will be given five working days' notice of the time and place of the Appeal hearing.</p> <p>The purpose of the appeal hearing is to review the decision to dismiss or the level of sanction imposed. The decision of the appeal can be:</p> <ul style="list-style-type: none"> • Appeal fully upheld – action withdrawn • Appeal upheld in part – action reduced • Appeal not upheld – action confirmed <p>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.</p>
Monitoring and review	
Links	Appraisal Policy; Staff Code of Conduct;
Staff responsible	Director of HR
Committee responsible	Board of Trustees
Date approved	May 2018
Review date*	May 2020

**Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown above and referred to the next academy council meeting*

PROBATIONARY REVIEW PRO- FORMA

1st REVIEW

(2 terms for teaching, 6 months for support staff)

This form should be used to record the main points arising from a regular dialogue between a new member of staff and their manager. This will help to ensure new staff to the Trust are given the training, support and resources to settle quickly and smoothly into their job.

Please Note: It is important to remember that if any areas of concern are raised by either party, it is recorded and includes details of how the issue(s) is going to be addressed. Please attach a continuation sheet if necessary.

Name of Employee:	Job title:
Start Date:	School:
Date of Review Meeting:	Period of probation: From: / / to: / /
<i>1. Assessment of employee's progress: Please comment on performance and progress in fulfilling the job role.</i>	
<i>2. Expectations and objectives: The line manager should identify specific expectations and objectives to be achieved during the probationary period</i>	
<i>3. Development plan: To support the employee in achieving these objectives, the line manager should identify any training and development needs and specify how and when these needs will be addressed during the probationary period</i>	
<i>4. *If any areas of performance, conduct or attendance require improvement please provide details below: State specific areas of difficulty and details of advice, guidance and training provided, attaching an agreed action plan if appropriate)</i>	
*I have informed the employee that failure to improve may lead to dismissal under the terms of the Probation Procedure <input type="checkbox"/> (Please tick to confirm that this has been explained to the employee).	

Signatures:

I can confirm that the comments on this form were discussed and agreed at the probationary review meeting.

Signed (Manager) _____ Date _____

Name (Manager) _____

Signed (Employee) _____ Date _____

A copy of this form should be retained electronically, with an electronic copy emailed to the employee

APPENDIX B

PROBATIONARY REVIEW PRO- FORMA
2nd REVIEW

(2 terms for teaching, 6 months for support staff)

This form should be used to record the main points arising from a regular dialogue between a new member of staff and their manager. This will help to ensure new staff to the Trust are given the training, support and resources to settle quickly and smoothly into their job.

Please Note: It is important to remember that if any areas of concern are raised by either party, it is recorded and includes details of how the issue(s) is going to be addressed. Please attach a continuation sheet if necessary.

Name of Employee:	Job title:
Start Date:	School:
Date of Review Meeting:	Period of probation: From: / / to: / /
1. Assessment of employee's progress to date following on from the first review: <i>Please comment specifically on their performance and progress.</i>	
Are there any areas in which performance/ conduct/ progress is not satisfactory? Yes/No If yes, please state specific areas of difficulty and details of advice, guidance and training provided, attaching an agreed action plan if appropriate)	
*I have informed the employee that failure to improve may lead to dismissal under the terms of the Probation Procedure. Please tick to confirm that this has been explained to the employee	
<input type="checkbox"/>	

3. Have the objectives identified for this period of the probation been met? YES/NO
 If NO, what further action is required? Please provide details and an appropriate review date

4. Have the training/development needs identified for this period of the probation been addressed? YES/NO, if NO, what further action is required? Please provide further details and an appropriate review date

5. Have these separate mandatory training courses been completed?

Safeguarding	YES/NO
Prevent	YES/NO
FGM	YES/NO

If not, please ensure these are booked and completed before the end of the probationary period.

Signatures:
 I can confirm that the comments on this form were discussed and agreed at the probationary review meeting.

Signed (Manager) _____ Date _____

Name (Manager) _____

Signed (Employee) _____ Date _____

A copy of this form should be retained electronically, with an electronic copy emailed to the employee

APPENDIX C

FINAL PROBATIONARY REVIEW PRO FORMA

(2 terms for teaching, 6 months for support staff)

This form should be used to record the main points arising from a regular dialogue between a new member of staff and their manager. This will help to ensure new staff to the Trust are given the training, support and resources to settle quickly and smoothly into their job.

Please Note: It is important to remember that if any areas of concern are raised by either party, it is recorded and includes details of how the issue(s) is going to be addressed. Please attach a continuation sheet if necessary.

Name of Employee:	Job title:
Start Date:	School:
Date of Review Meeting:	Period of probation: From: / / to: / /
1. Summarise the employee's performance and progress over the period:	

2. Have all the objectives identified for the probationary period been met? *If NO, please provide details*

3. Have the training and development needs identified for probationary period been met? *If NO, please provide details*

4. Have the following mandatory training courses been completed?

Safeguarding	YES/NO
Prevent	YES/NO
FGM	YES/NO

Please note the probationary period cannot be successfully completed until all the above training sessions are completed

Signatures:

I can confirm that the comments on this form were discussed and agreed at the probationary review meeting and I can also confirm that: (please tick)

a) I will be recommending the successful completion of the probationary period

b) I recommend that due to exceptional circumstances, the probationary period be extended
(please discuss with HR before final review meeting is undertaken)

OR

c) I have ongoing concerns regarding the employee's performance/conduct and therefore I am unable to confirm the successful completion of the probationary period at this stage. **(The line manager must refer the situation to HR for further advice)**

Signed (Manager) _____ **Date** _____

Signed (Employee) _____ **Date** _____

Signed Principal if appropriate) _____	Date _____

A copy of this form should be retained electronically, with an electronic copy emailed to the employee

PERFORMANCE ACTION PLAN

Name: Department: Date:

Issue	Action required	Review date	Evidence presented	Date of completion of action or reasons for non-completion	Further action required

This Action Plan will be reviewed on (date)

Signed (Manager): Date:

Signed (Employee): Date: