



Haberdashers' West Midlands Academies Trust

Probation policy and procedure

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SIGNED BY -

Headmaster

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HABERDASHERS' WEST MIDLANDS ACADEMIES TRUST PROBATION POLICY AND PROCEDURE

1. Introduction

1.1 The probationary 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 the school depends not only on their own skills and attributes but also on the assistance and encouragement received during the probation period.

2. Purpose

- 2.1 The procedure 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)
- 2.2 Further information in the ways that these criteria may be displayed is found in appendix 1.

3. Scope

- 3.1 This procedure applies to all new employees, employed by the schools regardless of 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 In the case of Early Career Teachers (ECTs) their regular mentoring and reporting of their progress to the school's induction tutor and the Appropriate Body (AB) will take the place of the review meetings described in 7.1.6, but in all other respects they will follow the process described in this policy.
- 3.3 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 procedure (or where appropriate the associated guidance for dealing with disciplinary issues during probation – see section 8) should be used to address such matters.

4. Equal Opportunities

- 4.1 The probationary period must be fairly and in accordance with employment law and the schools Single Equalities Policy.

5. Responsibilities

- 5.1 The school is responsible for maintaining fair, consistent and objective procedures for matters relating to employee probation.
- 5.2 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 probation reviews as appropriate 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 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.
- 5.3 Employees are responsible for:
- 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

6. Timing

- 6.1 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.

7. Managing the probationary procedure

7.1 Timescales for probation

- 7.1.1 The probation period is for six working months (and may, in certain circumstances, be extended by up to a half term or, in exceptional circumstances, longer for teaching staff, or up to ten weeks for support staff).
- 7.1.2 During the probation period, the notice period for all new employees (teaching and support staff) is one month.
- 7.1.3 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.

- 7.1.4 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 meeting with the employee in order to ensure a good working relationship and provide feedback on the employee's progress.
- 7.1.5 The manager should conduct a total of up to three formal probationary reviews with a new employee.
- 7.1.6 For teaching staff, these probation reviews should normally take place at approximately half-termly intervals, i.e., equally spaced during the duration of the probation period. However, should it become apparent that there are concerns regarding an employee's performance, then additional probation review meetings may be scheduled as required.
- 7.1.7 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)
- (However, should it become apparent that there are concerns regarding an employee's performance and suitability at the three-month stage, an additional probation review meeting will be scheduled on completion of 18 weeks' service).
- 7.1.8 The reviews should take the form of a confidential meeting between the manager and employee, although a senior manager may also be present if appropriate. The timescales must be observed so that any concerns or developmental needs are addressed in a timely manner and in the event that performance is insufficient, appropriate notice (see 7.1.2) must be given within the probationary period.

7.2 Review meetings

- 7.2.1 The purpose of review meetings 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.
- 7.2.2 Additional review meetings will only take place if there are serious concerns about an employee's suitability and effectiveness. In circumstances where there is a high likelihood that the employee will not meet the required standard, the employee must be informed that this may (in exceptional circumstances) result in their dismissal (with one month's notice), or that their contract will not be made permanent at the end of their probationary period. Where additional reviews are held, the manager should consider whether it is a likely outcome that:
- The employee has made sufficient progress to enable a permanent contract to be offered, or
 - The employee will require an extension to their probationary period to give them additional time to demonstrate that they can meet the required standards (see section 8), or
 - The employee should be dismissed at this stage (see section 9)

After discussion at the meeting, outcomes should be agreed, documented and a record kept on the employee's file.

- 7.2.3 At the end of the probationary period (standard or extended) the employee will have either been deemed to be suitable for employment and their contract made permanent, or the contract will cease after the prescribed date (this is different to dismissal – see section 9).

8 Extensions of the probation period

- 8.1 An extension of the probation period may be allowed 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, except in exceptional circumstances.
- 8.2 Employees will be notified about any decision to extend their probationary period at the appropriate review meeting (see section 7 above). At this meeting, the employee will be told:
- The reasons why performance has been unsatisfactory to date;
 - The duration of the extension of the probationary period;
 - The targets that they will need to meet during the extended probationary period;
 - That an extension of the probationary period may result in their contract being made permanent, or dismissal, or their contract not being made permanent at the end of the period.

9. Disciplinary / capability issues arising during the probationary period leading to termination of employment / dismissal

- 9.1 Warnings and dismissal during the probationary period are excluded from the school's Absence Management, Capability and Disciplinary Policies and Procedures.
- 9.2 The school 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.
- 9.3 Where, at any stage of the process, a dismissal is a likely outcome, the manager must consult with HR before proceeding with a final review meeting. A management investigation will be conducted in more complex cases. The following three step process must be followed:

a) Stage 1 – Notification

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 dismissal may result and that the Head/Principal or other appropriate senior manager will attend and chair the meeting

b) Stage 2 – The meeting

The employee, the manager and the Head/Principal will meet to discuss the issues. Advisors and witnesses will be invited as appropriate. The Head/Principal 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 considered 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 headteacher will confirm their decision and the right to appeal to the employee in writing within five working days.

10. Appeals

- 10.1 Where as a result of the final review meeting an employee 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.
- 10.2 Appeals must be registered with the Head/Principal within **ten days** of the date of the letter confirming any decision. Appeals received after this period will not be heard.
- 10.3 Appeals will be heard by the Head/Principal or other appropriate senior manager and a representative from the school's governing body (who will chair the hearing). Advisers will be invited as appropriate.
- 10.4 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.
 - iii) The **DECISION**, – the grounds of the appeal should state how the act(s) of misconduct did not justify the level of action taken.
- 10.5 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.
- 10.6 The purpose of the appeal hearing is to review the decision. 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.

11. Review

- 11.1 This policy will be reviewed every two years.

Appendix 1 - Examples of Effective Behaviours (this list is not exhaustive and should not be used as a checklist)

- *Quality and quantity of work*, which may include (but is not limited to) consideration of:
 - Understanding and delivery of agreed targets or service
 - Problem solving and developing ideas
 - Managing own workload effectively and contributing to the work of the team
 - Improving value for money
- *Attitudes and motivation*, which may include (but is not limited to) consideration of:
 - Demonstrating commitment to the values of the school
 - Building positive relationships with colleagues
 - Identifying and undertaking learning activities to meet development needs
 - Effectively handling difficult situations and using sound judgement
 - Accepting responsibility
- *Conduct and attendance*, which will include (but is not limited to) consideration of:
 - Behaving professionally and appropriately at all times
 - Considering the effects of actions on others
 - Timekeeping
 - Attendance and sickness record
- *Compliance with policies and procedures*, which will include (but is not limited to) consideration of procedures relating to the following:
 - Finance
 - Health and Safety
 - HR
 - IT
 - Data protection and confidentiality
- *Leadership and management* (if appropriate), which may include (but is not limited to) consideration of the following:
 - Demonstrating commitment to developing employees
 - Encouraging staff involvement
 - Motivating, empowering and supporting employees
 - Effectively managing the performance of your staff

