



OWLS Academy Trust

Guidance on Probation Policy

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| Adopted by The OWLS Academy Trust on | |
| Next Review Due | |

Policy developed by



Leicestershire Traded Services

Phone: 0116 305 0700
Email: hrservices@leics.gov.uk
Web: www.leicestershiretradedservices.org.uk
Twitter: @LeicsSchools

Direct Queries

Mary Robson, External Team Manager
Phone: 0116 305 5702
Mobile: 07730 582743
Email: mary.robson@leics.gov.uk

Services provided by
 Leicestershire
County Council

This guidance should be used in conjunction with the Probation Policy for support staff.

What is a Probation Period

A probationary period provides both the employee and the School with the opportunity to objectively assess an employee's suitability as a permanent or temporary member of staff. It also allows the employee to demonstrate their ability to perform their duties effectively and to achieve the required standards of performance, attendance and behaviour.

A probationary period also recognises the importance of providing all new employees with the opportunity to become familiar with the main duties and tasks of their post during this time. An effective induction programme is key to this process.

Whilst the probationary period aims to support an employee reach the required level of performance to pass their probation it also provides an opportunity to effectively manage those newly appointed employees who are failing in their new roles.

A flowchart outlining the stages of the process and possible outcomes can be found at Appendix A.

Employees with a Disability

When reviewing an employee's performance, behaviour and attendance, consideration should be given as to whether any issues identified may be caused or affected by a disability.

Where it has been identified that an employee has a disability, the school has a duty to consider reasonable adjustments to assist the employee to reach the required standards so that they are not at a disadvantage compared to a non-disabled employee.

Reasonable adjustments could include (but are not limited to):

- the purchase of specialist equipment (possibly via Access to Work);
- additional training / support;
- temporary / permanent adjustment to duties.

Advice should be obtained from HR Services, Health, Safety & Wellbeing Services and/or Occupational Health regarding whether there are any reasonable adjustments that should be considered by the employer.

Once the reasonable adjustments have been identified, these should be progressed as soon as possible. Adjustments will usually be given at least 3 months to have a positive impact on the employee and will be subject to regular monthly reviews. Dependent upon the circumstances, it may therefore be necessary to extend the probation period to allow sufficient time for the impact of any adjustments to be assessed. Advice from HR Services should be sought in these circumstances.

Induction Period (up to 3 months of employment)

Induction is an essential part of a new appointment and a therefore a thorough Induction Programme should be put in place for the employee and should form the initial stages of the Probationary period. It is important that the school invests as much time and effort in creating an effective induction programme as

required for the role and the programme should commence from day 1 of employment. An induction period should last up to approximately 3 months.

The purpose of the induction is to ensure that employees are made aware of all the essential information about the School in terms of policies and working practices. Managers should also ensure that employees understand the required standards of performance, conduct and attendance from the start of their employment and how any issues or concerns will be dealt with. When creating an effective induction programme, it is recommended that a school undertake the following:

- **Provide a welcome pack:** Provide a detailed pack of information covering all aspects of the role, including relevant policies, procedures and working practices within the School. The pack should also include the School's handbook where one exists.
- **Make an induction plan:** Planning the new employee's induction including when and who in the organisation will get involved in their induction. It is usual for different parts of the induction to be handled by different staff with relevant expertise. Each induction plan should be tailored to each post/employee.
- **Provide a schedule of dates:** This can be helpful as it allows the employee to understand the timescales for their induction and probation period as a whole. Full details regarding the probation period, including the length of the induction and probation period and dates of relevant meetings (including the First Probationary Meeting and the Final Probationary Meeting) that will take place throughout the probationary period should be provided.
- **Allocate a mentor:** It may be appropriate, on occasions, to allocate one of your new employee's colleagues to be their 'buddy' or mentor for a period of time who can help with any day-to-day questions etc.
- **Prepare the employee's working environment:** Ensure that all the necessary equipment is available to use from day 1 of employment. In addition sorting out other practicalities like security passes, photo IDs, computer network accounts, telephone numbers etc will also help.

The induction period serves as the first part of the probation period. The length of an induction period should be proportional to the complexity of the job and be sufficient to allow the employee to become familiar with their new role and the organisation. Regular 1-to-1 supervision sessions should take place in order to ensure that the employee remains fully supported during their probation period and to allow any issues that may arise to be dealt with promptly and effectively.



First Probation Meeting (end of induction period)

In addition to day-to-day management, the manager will meet with the employee upon completion of their induction period (usually after 3 months of employment) to review the employee's progress to date. The discussion should include, asking the employee how they feel that the first few months of their employment have gone, and the line manager providing feedback on the employee's performance, behaviour and/or attendance. The line manager should provide specific examples of work which they may have done well and also identify areas of work which may require improvement (if applicable).

Potential outcomes of the First Probation Meeting are:

- the employee's performance, behaviour and attendance is satisfactory and a date for the Final Probation Meeting will be arranged for around 6 months from the employee's start date. It is important that during the remainder of the probation period, regular 1-to-1 supervision sessions continue to take place in order to ensure that the employee remains fully supported and to allow any issues that may arise to be dealt with promptly and effectively. Where performance falls below

satisfactory levels during the remainder of the probationary period, managers should refer to the section below and draw up an improvement plan.

- Where performance, conduct or attendance is not satisfactory the expectations will be re-affirmed to the employee and an improvement plan (lasting up to a period of 6 weeks) will be drawn up identifying specific goals and targets. The employee and the manager should also identify areas of further support and/or training to assist the employee to improve. The length of the improvement plan should be proportionate to the amount of training and support required.

The manager should record the details of the meeting(s) and provide a copy to the employee.



Final Probation Meeting (end of probation period)

At around 6 months after the employee's start date the line manager will meet with the employee to provide feedback on the employee's performance, conduct, and attendance, and to review progress if improvements were previously identified. The details of the discussion should be recorded and a copy provided to the employee.

The meeting should be held on a day and time when the employee normally works.

Potential outcomes of the Final Probation Meeting are:

- Where the performance, conduct and attendance are considered to be satisfactory or sufficient progress has been made against an improvement plan, the employee will be confirmed into post. This should be communicated to the employee, both at the meeting and also followed up in writing (see Appendix C). Any future training associated with the employee's role may then be linked to the objectives and targets set as part of the performance management process.
- Where the performance, conduct and/or attendance is not satisfactory or sufficient improvements have not been made during the period of the improvement plan, the manager will either:
 - Advise the employee that the matter will be referred to a Formal Probation Hearing which may lead to the employee's dismissal. The employee must be also advised of their right to be accompanied by a Trade Union Representative or a work colleague at the hearing; or
 - Advise that an extension to the probationary period will be granted (see section below). This should only be considered in circumstances where the manager has assessed that the employee just falls short of the required standards and an extension would assist the employee to make the necessary improvements to be fully competent in their role. The line manager should discuss this with the Head teacher before confirming it with the employee.



Extension of Probation Period

In exceptional circumstances the line manager may grant an extension to the probation period (of up to 8 weeks). Managers will be limited to granting one extension and the total period of probation will be no longer than 8 months. An extension may be granted in circumstances where the employee's performance, conduct or attendance during probation has not been entirely satisfactory but it is thought likely that an extension may lead to an improvement. Where this is considered to be appropriate action, the extension to the probationary period must be confirmed in writing and must specify the date on which the extension will end, along with the reasons for the probation period being extended. The line manager will then:

- Draw up an improvement plan which will set targets for improvement that are reasonable and achievable and will also identify any training and/or support required;

- At the end of the extension period the Line Manager will meet with the employee to review the employee's performance in line with the Improvement plan;
- If, following the extension period, the employee's progress is acceptable, the employee will be advised in writing that they have passed their probation period;
- If the employee's progress is not acceptable, the matter will be referred to a Probation Hearing

Examples of circumstances where an extension may be appropriate are:

- Where an employee is on authorised absence for a substantial part of their probationary period;
- Where an assessment of reasonable adjustments needs to take place. Reasons for such an extension may include; serious injury, operation / hospitalisation etc;
- Where specific training has not yet been undertaken (due to issues beyond the employee's control) that has resulted in the employee not being able to fulfil their role satisfactorily.
- This list is not exhaustive.

Advice should be sought from HR Services before agreeing an extension under these circumstances



Formal Probation Hearing

The manager will write to the employee to notify them of the details of the hearing (date, time, venue, etc.) giving them a minimum of 5 working days' notice. The letter should also state the reasons for the hearing and that a potential outcome could be dismissal. The letter should inform the employee of their right to be accompanied by a work colleague or Trade Union representative at the hearing and that a note taker will be present to record the details of the hearing.

A template letter is attached in Appendix D.

Documentation

A copy of any paperwork which the manager intends to refer to at the hearing must also be enclosed (evidence folder) and issued at least 5 working days before the hearing. This should include:

- Brief details of the employee's role and their employment with the School (include a copy of the employee's job description/ person specification);
- Copy of the notes taken at the Probation meetings (including any records of discussions or meetings and outcomes and the details of the standards and expectations the employee has been assessed against);
- Copies of any correspondence sent to the employee;
- Copies of improvement plans;
- Absence record (if relevant);
- Other relevant documentation / evidence which supports the management case as to why the employee failed to meet the required standards

Witnesses

It is the responsibility of the manager presenting the case to ensure that they invite any witnesses (if required) to attend the hearing.

Likewise, it is the employee's responsibility to ensure that they invite any witnesses (if required) to support their case at the hearing. Where witnesses are to be called to the hearing, it is important that the witness'

line manager is aware and that appropriate cover is in place to undertake their work for the duration of the hearing.

Note Taker

The manager is responsible for arranging the hearing and ensuring that an appropriate note taker is available to record the hearing.

Potential Outcomes

The panel or delegated person may conclude that:

- The employee's performance, behaviour and attendance are of an acceptable level. They will therefore be confirmed into post. A template letter is attached at Appendix C.
- Where a hearing is held earlier on in the process, an appropriate outcome may be that the employee has not been given sufficient opportunity to demonstrate their ability to fulfil the job, and/or has not been given enough support/ training; it may be decided to allow the employee to continue with the probation process.
- The employee's performance, behaviour and attendance are of an unacceptable level. The employee is dismissed with notice.
- A formal extension (maximum of 8 weeks) is given where it is considered that the employee has not reached the required standard, but that this could be attained in the very near future with some additional training/support. An extension may only be given if one has not been previously granted for exceptional reasons during the probation process.
 - Following this extension there will be a Formal Review Hearing with the same panel/delegated person.
 - If the employee has achieved the required standard by the end of the extension period then they should be confirmed into post. A template letter confirming successful completion of the probation period can be found at Appendix C.
 - However, if there is still a shortfall in performance, behaviour and attendance, the employee should be dismissed with notice.

Notification of the Outcome

The outcome of the hearing will be confirmed by letter. If the employee has been dismissed, the letter should include the reason for the dismissal and the employee's termination date. It should also include details of the employee's right to appeal against the decision. A template hearing outcome letter can be found at Appendix E. A copy of the notes from the hearing should also be provided.

Right of Appeal

Details of the employee's right to appeal against their dismissal are contained within the Probation Policy and school's appeal policy. Template letters for inviting an employee to an appeal hearing and confirming the outcome can be found in Appendix F and Appendix G.



Probation and Maternity Leave

Where an employee starts their maternity leave prior to completing the probation period, monitoring should recommence upon the employee's return to work. Advice is available from HR Services on appropriate timescales for completing the probation process in these circumstances.



Probation and Long Term Sickness Absence

Where an employee is on long term sickness absence, it may be necessary to put the probation period on hold until the employee is able to return back to work, at which point monitoring would recommence. Employees should be made aware of the possible outcomes of the probation process.

It would be advisable to obtain further guidance and discuss individual cases with HR Services, in these circumstances.



Serious Concerns

If, at any point during an employee's probation period, the manager considers there are serious concerns regarding the employee's performance, conduct or attendance, they must raise these with the employee as soon as possible. Where it is considered that support or additional training etc will not result in a marked improvement and the concerns are extremely serious, the manager may consider it necessary to refer an employee to a Probation Hearing. Examples of circumstances in which this would be appropriate may include (but is not limited to):

- The employee's performance, conduct and attendance is totally unsatisfactory;
- If it can be demonstrated that the employee had misled the recruitment panel regarding their qualifications, skills and/or experience disclosed on their application form or during the selection process and as a result is not considered suitable for the role;
- The employee is clearly unable to demonstrate the essential skills to do the job and is unlikely to demonstrate sufficient improvements in the near future even with additional training / support;
- If serious health and safety issues or concerns arise

Suspension

Suspension is not a disciplinary penalty and does not in itself imply any presumption of guilt on the part of the employee. It will only be considered if:

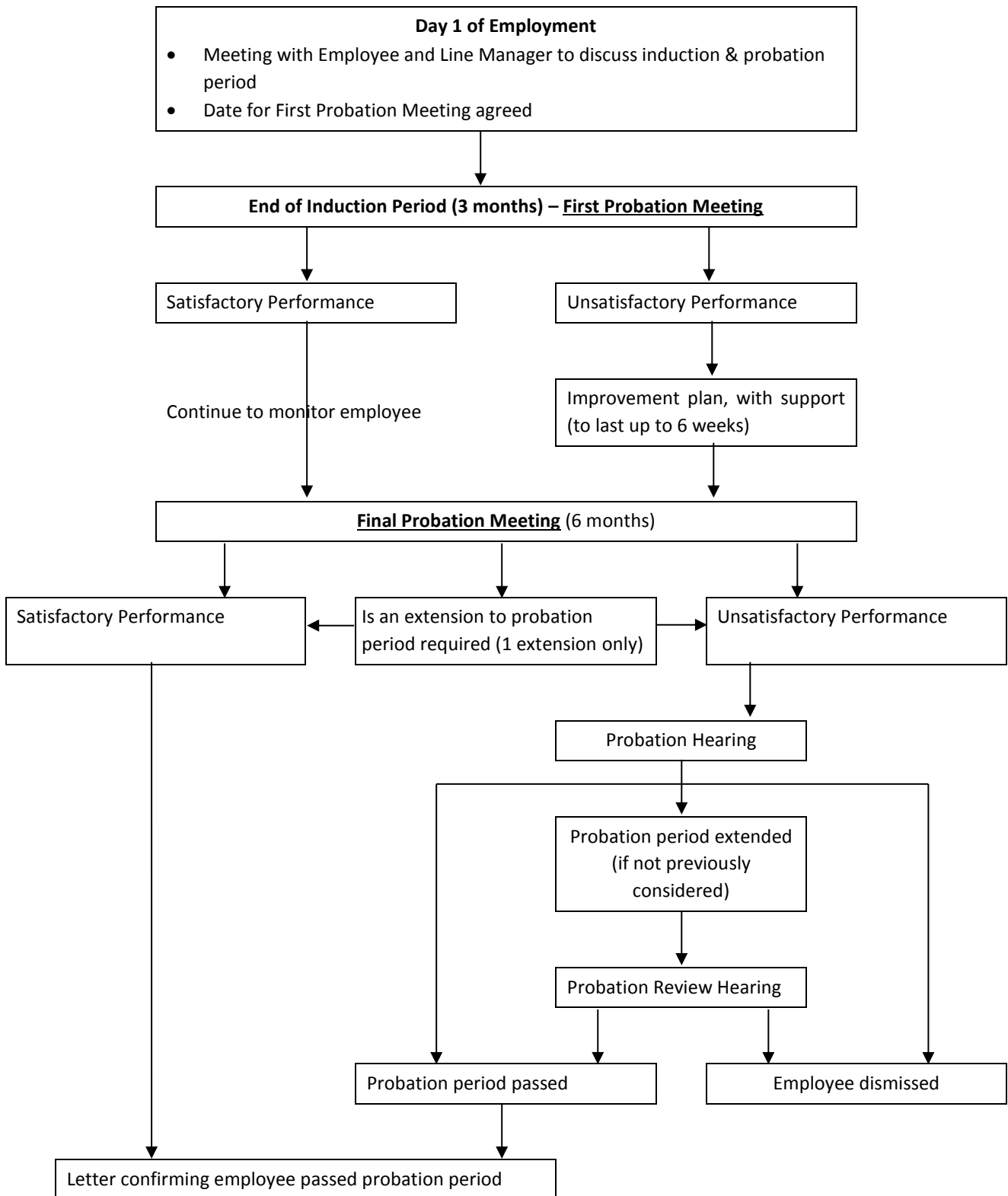
- The employee has been arrested or charged with a serious criminal offence which has an impact upon their position or calls into question their suitability for their job;
- There is a demonstrable concern that the employee or others (e.g. colleagues, pupils) may be placed at risk by the employee remaining in the workplace;
- It is considered that the employee may seek to influence witnesses or the conduct of the investigation.

Suspension will only be imposed after careful consideration which might include consideration being given to adjusting the employee's work as an alternative to suspension. Advice will be sought from HR Services before suspending an employee. Once the decision has been made, it will be necessary for a meeting to be convened with the employee immediately. If the employee is not on site, they will be seen immediately when they are next at work.

Suspending an employee via email, voicemail or text is not considered suitable in any circumstance. Suspension via the phone will only be used in exceptional circumstances (e.g. if there is a safeguarding issue) and will be confirmed in writing to the employee as soon as possible.

In the case of safeguarding issues, theft or other possible criminal offences it may be necessary, as well as suspending the employee, for the Investigating Officer to consider involving the police in their investigation. Advice will be sought from HR Services if it is felt that this measure is necessary.

Appendix A: Probation Procedure Flow Chart



Appendix B: Example Improvement Plan

PERFORMANCE IMPROVEMENT PLAN – PROBATION

DATE OF PLAN: [insert date] to [insert date]

| | | | |
|------------------|---------------------------------|-----------------|------------|
| Employee: | Julia Roberts (Admin Assistant) | Manager: | John Croft |
|------------------|---------------------------------|-----------------|------------|

| Areas of improvement | Reasons identified for need to improve | Action/ agreed target | By whom | Timescales |
|--|---|--|----------|------------|
| To operate an effective reception service which promotes a professional image of the School | It has been reported by a number of parents and colleagues that front desk queries and telephone calls are not dealt with in a helpful and timely manner. | To be able to cope with the demands of the role; to deal with and resolve all enquires in a professional and timely manner even when under pressure. | Employee | 4 weeks |
| To undertake accurate and timely word processing of documentation (i.e. letters, reports, memos etc) | Concerns raised over a number of inaccuracies of word documents produced as well as not completing such tasks for specified deadlines. | To ensure that documents are produced both accurately and in a timely manner, meeting required deadlines. | Employee | 4 weeks |
| | | To arrange a mentor within the Reception / Office, whom Julie can work with and shadow. | Manager | 4 weeks |
| | | Ensure that regular contact is maintained with Julie throughout the duration of the improvement plan. | Manager | 4 weeks |

I agree that I will commence this improvement plan with effect from [date] and I understand that failure to achieve the required level of improvement may result in me progressing to [Formal Probation Hearing] of the Probation Policy.

Any further support identified, including details for regular reviews:

Progress Review Meeting Date:

Final Probation Meeting Date:

Signed: Employee: _____

Manager: _____

Date: _____

Date: _____

If you do not return a signed copy of this plan within 7 days it will be assumed that you are in agreement with its contents.

Appendix C: Confirmation into Post Letter

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

APPOINTMENT AS [POST TITLE]

I am pleased to confirm that you have successfully completed your probationary period in the post of [insert post title]. You are now, therefore, an established employee of the OWLS Academy Trust based at [School Name].

I would like to take this opportunity to thank you for your commitment and hard work, your contribution is appreciated.

I look forward to your continued efforts.

Yours sincerely,

[Name]

[Job Title]

Appendix D: Invite to Formal Hearing Letter

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

Following on-going concerns that I have raised with you previously regarding the [standard of your performance/behaviour and /or attendance] and / or [progress made regarding your performance, behaviour and/or attendance], I am writing to confirm that as discussed it will be necessary to invite you to a Formal Probation Hearing to consider your continued employment.

The Formal Probation Hearing will take place on [date] at [time] in [location] and will be chaired by [name, job title]. Also present will be [names of panel members, job title]. [Name] will be in attendance to take notes. On arrival you should report to [location] and ask for [name].

[Name] will be present at the hearing, to present the management case and will refer to the enclosed documents. During the hearing you will also have opportunity to present your case.

The purpose of the hearing is to consider and seek your explanation regarding the following:

[Insert details of concerns]

If it is considered that your performance, behaviour and/or attendance is not satisfactory, a possible outcome is that you will be dismissed from the [School/College/Academy's] employment.

As this is a formal hearing you may, if you wish, be accompanied by a work colleague or Trade Union representative.

Would you please acknowledge that you are able to attend the meeting and whether you will be calling any witnesses to support your case so that necessary arrangements can be made (If applicable, for your information I will be calling [name] as a witness). If you are unable to provide names of witnesses at this point in time, these may be submitted to [name] no later than 3 days before the hearing. Any documentation that you wish to provide should also be submitted to [name] no later than 3 days before the hearing.

A copy of the Probation Policy for Support Staff is enclosed for your information.

Please do not hesitate to contact me if you have any queries about the contents of this letter.

Yours sincerely

Line Manager/ Head Teacher (delete as appropriate)

Appendix E: Outcome of Formal Hearing Letter

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

I am writing to confirm the outcome of the Formal Probation Hearing held on [date] which was chaired by [name, job title], also present were [names of panel members]. Also present was [name] as your representative and [name] who presented the management case. [Name] was in attendance to take notes.

The purpose of the hearing was to consider the following concerns:

[Areas of concerns and responses given by employee]

Option One

Having considered the evidence provided at the hearing, [I / the panel] decided that your performance, behaviour and/or attendance is of an acceptable level and you will be confirmed into post.

You should be aware that, as with all employees, your performance will continue to be monitored as part of the on-going performance management process.

Option Two

[Based on the evidence provided at the hearing, it was considered that you have not had sufficient opportunity to demonstrate your ability to fulfil the job, and/or have not been given enough support/training during your probation period]

OR

Having considered the evidence provided at the hearing, [I / the panel] decided that your performance, behaviour and/or attendance have not yet met the standard required.

[I / the panel] considered that additional training/support should now be put in place to assist you to reach the required levels of performance/behavior/attendance and therefore a formal extension to the probation period will be granted. The extension will last for a period of [timescale] after which a further Formal Hearing will be convened before the same panel. If your performance, behaviour and/or attendance is found not acceptable following this extension your employment will be terminated at that stage.

Option Three:

Having considered the evidence provided at the hearing, [I / the panel] decided that you have failed to reach the required standards of performance, behaviour and/ or attendance, despite being given opportunity to improve. [My / the decision of the panel] is therefore that you will be dismissed on the grounds of unsatisfactory performance, behaviour and/or attendance.

You are issued with [number of weeks' notice] paid notice from the date of the hearing and therefore your employment with [School/College/Academy name] will terminate on [date]. You will be dismissed with notice. Your P45 will also be forwarded to you in due course.

You are required to return any property which is still in your possession and (name) will be contacting you to arrange this.

You have the right to appeal against your dismissal. Enclosed is a copy of the Appeal Policy and Procedure along with an appeal registration form. If you wish to appeal against my decision, you should complete and

return the appeal registration form to me within 5 working days of receipt of this letter stating the grounds for your appeal. Acceptable grounds for appeal are:

- Appeal against the decision to impose a sanction
- Appeal against the level of sanction imposed

Should you decide to appeal, the effect of the dismissal will stand (i.e. you will remain dismissed) pending the outcome of the appeal hearing).

A typed copy of the notes taken at the hearing will be forwarded to you.

Please sign and return the second copy of this letter as acknowledgment of receipt.

Yours sincerely,

[Name]

Chair

Appendix F: Invite to Appeal Hearing Letter

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name],

Following receipt of your appeal under the Probation Policy against your dismissal, I am writing to invite you to attend an appeal hearing. Your appeal will be heard by [name(s)] at [time] on [date] in [venue]. [Name] will also be in attendance to take notes. On arrival you should report to [venue] and ask for [name].

You may, if you wish, be accompanied by a work colleague or Trade Union representative.

Enclosed for your attention is a copy of management's response to your appeal statement, along with supporting documents. I will be in attendance at the hearing to present the management case.

The outcome of the appeal hearing will be to either:

- Uphold the original decision taken and maintain any sanction;
- Overturn the original decision and implement a new decision along with any appropriate action.

Please be advised the decision of the appeal hearing will be final and there is no further right of appeal.

I would be grateful if you would please acknowledge if you are able to attend the hearing and whether you will be calling any witnesses to support your case or providing any additional documentation so that necessary arrangements can be made. [For your information, management will be calling [name(s)] as their witness]. If you are unable to provide names of witnesses at this point in time, these must be submitted to [name] no later than 3 days before the hearing, together with any additional documentation that you wish to submit.

Should you or your representative require any special arrangements in order to attend the hearing, please contact me at least 3 days before the hearing so that I can facilitate these for you.

Please sign and return the second copy of this letter as acknowledgement of receipt.

Yours sincerely,

[Name of person who heard/chaired hearing]

[Job Title]

Appendix G: Outcome of Appeal Hearing Letter

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

I am writing to confirm the outcome of the Probation Appeal Hearing held on [date] which was heard by [name(s)]. Also present was [name] as your representative and [name] as note-taker.

Amend the following as appropriate

You appealed against the decision made at the [Formal Probation Hearing/ or Formal Review Hearing] on [date]. The reason for your appeal was [reason].

Having considered the evidence provided at the hearing, [I / the panel] have decided to [uphold the original decision to terminate your employment] or [overturn the original decision and re-instate your employment]. Include details of any additional actions/ recommendations and reasons for decision.]

The decision of the appeal hearing is final and there is no further right of appeal.

Please sign and return the second copy of this letter as acknowledgement of receipt.

Yours sincerely

[Name of chaired of appeal hearing]

[Job Title]