



**Extend Learning**  
Academies Network

# Probationary Policy

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5.0	December 2023	Head of HR	Amended probation notice period for teachers and leadership to one month

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## **1. Introduction**

Extend Learning Academies Network (ELAN) Schools' recognise the importance of ensuring that new colleagues are fully supported from the start of their employment, to enable them to become familiar with their job, integrated into the environment and productive at the earliest opportunity.

This policy sets out ELAN's approach to probation and applies to all schools within the Multi Academy Trust (MAT) and all new colleagues within these schools and the central team (including fixed term employees) in the first six months of their employment.

## **2. Aims**

In providing a clear framework in relation to the probationary period of employees, we aim to:

- Provide new colleagues and their managers with a structure for the effective management of probationary periods and probationary assessment
- Support new colleagues and their managers by providing a structure for the effective management of unsatisfactory performance, attendance and/or conduct during the probationary period

## **3. Scope**

This policy applies to all new school based colleagues and all colleagues based at the Central Hub (including fixed term employees) in the first six months of their employment, who are subject to a probationary period as outlined in their contract of employment.

## **4. Equal Opportunities**

It is expected that this policy will be applied fairly and equitably in line with both employment law and ELAN's Equality and Equal Opportunities Policy.

No direct or indirect discrimination will be made on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation when operating this Policy, and careful consideration of colleagues' individual circumstances will be taken into account when implementing such.

## **5. Responsibilities**

ELAN is responsible for maintaining fair, consistent and objective procedures for matters relating to probation.

Headteachers have responsibility delegated by the Board for the internal organisation, control and management of their school, including the people within it.

They will implement a clear procedure for managing probationary periods which is drawn to the attention of all colleagues.

Line managers have specific responsibilities for:

- Monitoring the progress of new colleagues against standards which are clearly communicated to them
- Providing necessary support for the colleague to maximise the chance of them successfully completing the probationary period

- Providing the colleague with regular feedback on their progress throughout their probationary period
- Ensuring that training and development needs are identified and met
- Allowing the colleague the opportunity to demonstrate their skills, knowledge and experience
- Completion of the relevant paperwork, at the appropriate time, underpinning the probationary process

Colleagues have specific responsibilities for:

- Complying with the expected standards of performance, attendance and conduct required by their Line manager
- Letting their Line manager know if they are having difficulty meeting these standards
- Attending probationary assessment meetings with their Line manager
- Performing their duties in accordance with contractual obligations. e.g. being honest, trustworthy, co-operative, acting reasonably, and treating colleagues, pupils and parents with respect, honesty and dignity.

## 6. Length of Probationary Period

All new colleagues will be provided with an appropriate induction to help them settle into their new environment and team and become familiar with the roles and responsibilities of their job.

The appointment of every new colleague is subject to the successful completion of a formal probationary period.

The probationary period for indefinite contract employees will typically last six months, but may be extended in certain circumstances for a further period of up to three months.

During the probationary period the Line manager will make an assessment of the performance, attendance and conduct of the colleague in order to determine whether the employment will be confirmed at the end of it.

Appointment of fixed term colleagues will be subject to the following probationary periods:

Fixed term – 3 months or less	4 week (1 month) probation period
Fixed term – up to 6 months	12 week (3 month) probation period
Fixed term – up to 9 months	16 week (4 month) probation period
Fixed term – 12 months or more	26 week (6 month) probation period

## 7. Notice during Probationary Period

**Support staff:** During the probationary period ELAN and the support staff colleague need only give one week's notice for the cessation of a contract of employment.

**Teachers and leadership:** During the probationary period ELAN and any teachers or leadership colleagues need only give one months' notice for the cessation of a contract of employment.

The exception is in cases of gross misconduct, where dismissal will be without notice or payment in lieu of notice.

## **8. Concerns about a colleague's performance, attendance and/or conduct during probationary period**

Any performance, attendance or conduct issues arising during the probationary period should be dealt with under this policy. The Disciplinary Policy will not apply.

It is expected that the majority of new colleagues will progress satisfactorily through the probation period.

However, where an employee is not achieving the required standards, their line manager will seek to establish with the colleague whether there are any reasons or mitigating circumstances affecting the colleague's performance, attendance and/or conduct, and provide appropriate training, support and supervision where necessary.

The Line manager will ensure that any areas of concern are explained and the colleague is given clear objectives for performance, attendance and/or conduct. The line manager will also ensure that the colleague understands the standards against which their performance, attendance and/or conduct is being assessed and the colleague will be allowed a defined period of time in order to make the necessary improvements. Given the very nature of a probationary period being for a limited period any timescales given for improvements will be for short periods i.e. a maximum four weeks. They should also explore any further support that the colleague may need to assist them in achieving these standards.

The line manager does not need to wait until a formal probationary assessment meeting to raise any concerns about performance, attendance and/or conduct. Instead these should be discussed with the colleague at the earliest opportunity as part of the normal supervisory or management arrangements, making a written note of the discussion and then referring to any such notes in the formal probationary assessment meetings.

If, after regular discussions, offers of assistance/support, appropriate training and development, job standards are not being met and it is apparent the new colleague is failing to meet the outcomes required, or indeed if there are serious concerns about performance, attendance and/or conduct at any point during the probationary period and the line manager considers that sufficient improvement is unlikely to be made, the line manager may convene a probationary hearing and the employment may be terminated before the end of the probationary period.

## **9. Probationary Assessment**

The way in which work performance and conduct is assessed will vary according to the responsibilities of each colleague's job, grade and work environment, but will include the following:

- Quality of work
- Quantity of work
- Flexibility
- Attendance, timekeeping and health record
- Reliability
- Relationships with other colleagues
- Initiative
- Level and frequency of communications with the line manager

## **10. Probationary Review Meetings**

Performance, attendance and conduct will be formally assessed at regular probationary review meetings.

As a guide, such meetings should take place around 4 weeks, 12 weeks and 26 weeks.

Where a fixed term colleague is subject to a probationary period of less than 6 months (see: length of probationary period section), the number and frequency of the formal assessment meetings will need to be adjusted. It is suggested that two review meetings should take place within a reasonable time frame, with the exception of a 4 week probationary period, when only the final review should be held.

The meetings provide an opportunity for the Line manager to:

- Reinforce the areas where the employee is doing well.
- Be open and honest with the employee about their shortcomings. Provide documentary evidence whenever possible.
- Give the employee the opportunity to respond. There might be some other factor behind the problem.
- Try to reach an agreement on the nature of the problem. If joint agreement can be reached, the employee is more likely to react positively to any suggestion for improvement.
- Offer guidance and support on how to overcome the difficulties. This might include extra training, coaching or closer supervision.
- Ensure the employee understands the degree of progress required and that successful completion of the probationary period is dependent on it.

The school's probation assessment form should be completed and used to record the main points of the meeting. Following this assessment, the line manager will confirm with the individual whether or not progress is satisfactory and should explain that should the required standards not be met and maintained, then the colleague may be dismissed either at the end of the probationary period or sooner.

A copy should be given to the colleague and a copy placed in the colleague's personnel file in school.

The form will be revisited on subsequent probationary assessment meetings.

## **11. Successful Completion of Probationary Period**

If a colleague's performance, attendance and conduct have been satisfactory, their appointment will be confirmed in writing by HR at the end of the probationary period.

## **12. Extending Probationary Period**

A decision to extend the probationary period should be made no later than the final probationary review meeting, which would normally be around 6 months after appointment.

A decision to extend the probationary period for a maximum of up to 3 months may be made in the following circumstances:

- If the colleague's performance, attendance and/or conduct does not reach the standards required and there is evidence to support this, but the line manager decides there is a good chance of the required improvement being achieved
- If it has not been possible to make a fair assessment of the colleague's performance, attendance and/or conduct within the probationary period for good reason e.g. the colleague has been absent for a substantial part of their probationary period, for example, due to sickness
- Where a colleague has not met the required standards of performance, attendance and/or conduct and this may be due to a disability. The Line manager will meet with the colleague and establish whether there are any reasonable adjustments that can be made to assist the colleague in achieving the required standards, including an extension to the probationary period

Any decision to extend the probationary period must be fully explained to the colleague and confirmed in writing. This should include:

- The length of the extension
- Any identified training or support that will be given
- Areas for improvement and how this will be monitored or measured
- What may happen at the end of the extension i.e. where satisfactory improvement is made the colleague will be confirmed in post or where there is no or insufficient improvement, their employment will be terminated

## **13. Terminating Employment**

If the line manager decides based on evidence that the performance, attendance and/or conduct of a colleague does not reach the required standard at the end of the probationary period, the colleague will be invited to attend a probationary hearing at which their continued employment will be considered, with dismissal being a possible outcome.



## **14. Probationary Hearing**

A probationary hearing will be arranged to consider the dismissal of a colleague who has failed to meet the required standards of performance, attendance and/or conduct.

A probationary hearing may be arranged in the following circumstances:

- At the end of the probationary period or at the end of an extension to the probationary period, allowing sufficient time for the relevant one-week notice period to be issued should the hearing decide to dismiss the colleague
- Before the end of the probationary period, where serious and/or repeated concerns are raised about the colleagues performance, attendance and/or conduct

A member of the Senior Leadership Team will be appointed to consider the evidence at the hearing.

The colleague will normally be given 10 working days' notice in writing of a probationary hearing, and will include the following:

- The concerns regarding the colleague's performance, attendance and/or conduct
- The date, time and location of the hearing
- The names of those attending the hearing
- The right to be accompanied by a trade union representative or a work colleague
- The requirement to provide a copy of the documents the colleague will be relying on and the names of any witnesses they will be calling at the hearing, at least 5 working days before the hearing
- That a possible outcome of the hearing could be the colleague's dismissal

A copy of any documentation that the presenting manager will refer to at the hearing and the names of any witnesses that they intend to call will also be included in the notification.

The outcome of the probationary hearing will be confirmed in writing to the colleague normally within 5 working days of the date of the hearing. Where a colleague is dismissed, the reason for the dismissal will be included in the letter.

## **15. Right of Representation**

A colleague has the right to be accompanied at a probationary hearing by either a trade union representative or another colleague.

If the trade union representative or the chosen colleague is unavailable to attend the meeting, it can be deferred by up to 5 working days from the date of the original meeting.

Should the colleague fail to attend the probationary hearing, a decision will be made in their absence, based on the information available at the time.

## **16. Appeals**

Colleagues have the right to appeal against dismissal. To do so, they should write to HR, within 10 working days of receipt of their outcome letter, stating clearly the reasons for their appeal.

A suitable person will be appointed to hear the appeal, who has not been involved in the case.

The colleague will receive written notification of the date, time and location of the appeal hearing and informed of their right to be accompanied by either a trade union representative or a work colleague.

The colleague will be able to present evidence which is directly relevant to the grounds for appeal.

The appeal hearing may confirm or overturn the original decision of the probationary hearing.

It may result in the probationary period being extended.

The colleague will be informed of the appeal decision in writing. The decision of the appeal hearing is final.

## **17. Disclosure and Barring Service**

There is a statutory requirement to refer an individual to the Disclosure and Barring Service in circumstances where a colleague has been dismissed, or who resigns in circumstances which may have led to dismissal or where a disciplinary has occurred on grounds of misconduct which harmed or placed a child at risk of harm.

## Appendix 1 - Probationary Assessment Form

To be used to assess and monitor the performance of all colleagues during their probationary period. It should be completed by the line manager who should tick the ratings considered most appropriate.

<b>Employee name</b>		
<b>School</b>		
<b>Job title</b>		
<b>Start Date</b>		
<b>Probation end date</b>		
<b>Assessment meeting</b> – please circle the correct timing and enter the actual date of the meeting	<b>Timing</b>	<b>Date</b>
	<b>4 weeks</b>	
	<b>12 weeks</b>	
	<b>26 weeks (Final meeting)</b>	

Assessments should be based on the requirements of the job and the colleague's performance. Please ensure the assessment/commentary covers both any recognised achievements and any agreed training/support needed.

<b>Performance Indicators</b>	<b>Review Timing</b>
<p><b>1 Work performance</b> Meeting targets, learning by experience, understanding information and instruction, making judgements and a clear understanding on what the job entails/the required standards of the role. <b><u>Assessment/commentary</u></b></p> <p><b>Target:</b></p>	<p><b>Agree and Set SMART target(s) appropriate to role if needed</b></p> <p><b>Date /actions</b></p>
<p><b>2 Motivation</b> Enthusiasm, initiative, showing interest, asking questions and following through on tasks <b><u>Assessment/commentary</u></b></p> <p><b>Target:</b></p>	<p><b>Agree and Set SMART target(s) appropriate to role if needed</b></p> <p><b>Date /actions</b></p>
<p><b>3 Co-operation/Team Work</b> Working relationship with colleagues, dealing with schools, parents, children as appropriate to role, following instructions and taking initiative <b><u>Assessment/commentary</u></b></p> <p><b>Target:</b></p>	<p><b>Agree and Set SMART target(s) appropriate to role if needed</b></p> <p><b>Date /actions</b></p>

<p><b>4 Self –discipline</b> Punctuality, attendance record, dress, demeanour, attitude and sense of personal responsibility <b><u>Assessment/commentary</u></b></p> <p><b>Target:</b></p>	<p><b>Agree and Set SMART target(s) appropriate to role</b></p> <p><b>Date /actions</b></p>

<b>Action to be taken</b>	Continue to the next assessment with the additional training and/or support identified, but <b>explain to the colleague that failure to make the required improvements could lead to dismissal</b>
	Extension of probationary period (Maximum of three months)
	<p>Probationary hearing to consider dismissal (this must be arranged if we are considering the dismissal of a colleague who has failed to meet the required standards of performance, attendance and/or conduct either:</p> <ol style="list-style-type: none"> <li>1. before the end of the probationary period, where serious and/or repeated concerns are raised about the colleagues performance, attendance and/or conduct or</li> <li>2. at the end of the probationary period or at the end of an extension to the probationary period, allowing sufficient time for the relevant notice period)</li> </ol>
<b>Name of line manager</b>	
<b>Signature of line manager</b>	
<b>Date</b>	
<b>Name of colleague</b>	
<b>Signature of colleague</b>	
<b>Date</b>	

A copy of completed form should be given to the colleague and a copy stored on the colleague's personnel file in the school