



INSPIRATION THROUGH COLLABORATION

Probation

Approved by: Trust Board

Last reviewed: July 2021

Next review due: July 2022

PROBATION POLICY

Scope

This policy is written and approved at board level, but applies to all employees of schools, settings, and services, hereafter the 'organisations', within The Claxton Trust.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

This policy has been produced in consultation with the professional associations/trade unions based on a model produced by Herts for Learning.

1. Introduction

It is the Trust's policy to operate probationary periods for all new employees and in some cases at the Trust's discretion in respect of employees who have been promoted into different posts.

Where the Trust employs an NQT undertaking their statutory induction, the provisions of this policy will not apply. The probationary period for these individuals will be managed in accordance with the Early Career Framework (ECF) in force at the time of their induction.

This policy is intended to allow both the employee and the employee's line manager to assess objectively whether or not the employee is suitable for the role. The Trust believes that the use of probationary periods increases the likelihood that new employees will perform more effectively in their permanent employment, once confirmed.

Line managers are responsible under this policy for ensuring that all new employees are properly monitored during their probationary period. If any problems arise, line managers should address these promptly. This will ensure that the employee is aware that some aspects of their performance or conduct is unsatisfactory and prevent the problem from escalating.

This Policy and procedure however, does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

2. Length of probationary period

The Trust's standard period of probation is six months. For senior management, professional positions and roles with complex responsibilities, the Trust may wish to impose a longer probationary period of nine.

3. Terms of employment during the probationary period

During the probationary period, employees will be subject to all the Terms and Conditions of their Contracts of Employment, including their contractual arrangements for notice periods during probation (if applicable).

In the event of a dismissal due to gross misconduct, termination will be summary dismissal, (i.e. dismissal without notice). Where the harm test (as defined in part four of Keeping Children Safe in Education) is or may be met, allegations concerning the safety and welfare of children must be investigated and heard even if the employee has resigned. The employee should be given a full opportunity to answer the allegation and make any relevant representations about it.

4. Irregularities discovered during the probationary period

If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that they claimed to have at the time of recruitment, then the matter will be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented their abilities in any way, the Trust may terminate the employment in line with relevant policies and procedures.

If the employee is an existing employee who has been promoted into a different role, then the Trust's relevant capability/disciplinary procedure must be followed in full.

5. Reviews during probation

The line manager or appropriate designee will regularly review and assess the employee's performance, capability and suitability for the role during the employee's probationary period. A clear record should be made of each review meeting. A copy of the record should be given to the employee and the original retained by the line manager.

During an employee's probation, line managers should provide regular feedback to the employee about their performance and progress, and, should there be any raise these with the employee as soon as possible with a view to resolving them. The line manager is also responsible for providing guidance and support and for identifying and arranging any necessary training or coaching.

6. Extending probationary periods

The probationary period may be extended in circumstances where the employee has been absent from school for an extended period during the probation period for example ill health or maternity leave, or in exceptional circumstances where a further period is required to determine suitability. This should be done in consultation with the employee and confirmed in writing. An extension of an employee's probationary period will happen no more than once for a period not exceeding three months on the same terms and conditions as the original period.

7. End of probationary period

At the end of the probationary period, the line manager should conduct a final review of the employee's performance and suitability for the job. This will involve a meeting with the employee to discuss their performance and progress throughout the period of probation. The review must be conducted on or shortly before the date on which the employee's probationary period comes to an end. If the employee's performance is satisfactory, the line manager should then issue a letter of confirmation of appointment to the employee.

8. Termination of employment

If an employee's performance while on probation (or extended probation) has been unsatisfactory, and it is thought unlikely that further training or support would lead to a satisfactory level of improvement, the employment may be terminated.

Where a decision is taken to terminate the employee's employment, the employee must be met with and informed of the reason for the termination. The employee has the right to be accompanied at this meeting by a work colleague or professional association/trade union representative. The Trust will write to the employee confirming the termination, the reason for it, and the notice period they are contractually entitled to in accordance with their terms and conditions of employment. The employee will be given an opportunity to appeal the decision.

If an employee's employment is terminated after the expiry of the probationary period, or if the employee is an existing employee who has been promoted into a different role, the Trust's normal capability/disciplinary procedure must be followed in full.

*delete or amend as required If an employee's employment is terminated after the expiry of the probationary period, or if the employee is an existing employee who has been promoted into a different role, the Trust's normal capability/disciplinary procedure must be followed in full.

9. Appeal

The Employee has a right of appeal against the termination of their employment whilst in their probationary (or extended) period.

Any appeal should be made to the person named in the formal termination letter, clearly stating the grounds for appeal. This must be done within seven calendar days of receipt of written confirmation of termination.

The appeal will be conducted by at least one member of the Board of Trustees as soon as is reasonably practicable following receipt of the appeal.

The outcome of the appeal will be confirmed in writing without unreasonable delay. There is no further right of appeal.