

DEMAT Probation Procedure

In the development of this policy consideration has been given to Equality and Diversity and Data Protection.

Equality and Diversity

The Diocese of Ely Multi Academy Trust (DEMAT) is committed to promoting equality of opportunity for all staff and job applicants. We aim to create a supportive and inclusive working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. We do not discriminate against staff based on age, race, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, gender, gender reassignment, marriage and civil partnership status, pregnancy and maternity, sexual orientation, disability, socio- economic background or any other inappropriate distinction or characteristic covered by the Equality Act 2010.

The principles of non-discrimination and equality of opportunity also apply to the way in which DEMAT staff, Trustees, Directors and Governors treat visitors, volunteers, contractors.

Data Protection

DEMAT will process personal data of staff (which may be held on paper, electronically, or otherwise). DEMAT recognises the need to treat it in an appropriate and lawful manner, in accordance with the General Data Protection Regulations (GDPR).

	Version	Date
Date approved by the DEMAT Personnel Committee	1	February 2019
Date on which the DEMAT consulted with unions (if applicable)	1	January 2019
Effective date of policy being fully adopted by DEMAT	1	March 2019
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For all questions in relation to this policy please contact the DEMAT HR Team on 01353 656760 or email: hrteam@demat.org.uk

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Definitions

“Headteacher” also refers to any other title used to identify the Headteacher where appropriate or DEMAT senior manager in respect of vacancies within the shared services team.

“Employee” in the context of this policy refers to any member of school-based support staff and those working within the shared services team employed to work within DEMAT.

“Companion” refers to a member of a recognised professional association/trade union or a work place colleague.

In cases relating to employees within the DEMAT shared services team, the term ‘Chair of Governor’, ‘Governor’ to be replaced by ‘CEO’, ‘Director’ or ‘Trustee’.

Application of the Policy

This policy is to be used by all employees employed by DEMAT. The definitions above are included for reference purposes for both School and the shared services team to enable clarity and transparency when applying this policy.

1. Who this procedure applies to

- 1.1. This procedure applies to non-teaching staff at all levels, within DEMAT Academy schools and DEMAT the shared services team.
- 1.2. It is the responsibility of the Line Manager to implement the procedure and to ensure that the procedure is communicated to Probationers and, most importantly, applied consistently.
- 1.3. The probation period is for six months, from the start date of employment, and may be extended by an additional three months, or longer if the extension period includes school holidays (see section 4.8).
- 1.4. It may also be agreed at the outset of the employment that the probation period will be longer than six months, where the Probationer is employed on a term time only contract and the probation period span the school summer holidays.
- 1.5. The purpose of the probation period is to enable an assessment to be made regarding a Probationer's suitability for the job for which they have been employed and provide support to the probationer to understand the requirements of the role more fully.
- 1.6. The probation procedure provides a consistent and fair framework for:
 - 1.6.1. Monitoring and reviewing the performance of new employees in relation to:
 - Quality of work and understanding of role
 - Attitude, values alignment and motivation
 - Conduct and attendance
 - Compliance with all policies and procedures, particularly those relating to safeguarding and promoting the welfare of children and young people
 - Health and safety, level of resilience and personal wellbeing.
 - 1.6.2. Providing feedback and opportunity for discussion.
 - 1.6.3. A structured approach to address any concerns linked to 2.6.1.
- 1.7. The capability, disciplinary and sickness absence policies and/or procedures do not apply during the probation period. If issues of conduct, poor performance or sickness arise during the probation period, the probation procedure will normally be used to address such matters. Where allegations have been made against a Probationer, a management investigation will be conducted into the matter. In cases of alleged serious misconduct, the Headteacher or line manager (or person with delegated responsibility for suspension) will normally suspend the Probationer pending an investigation.
- 1.8. The following employees are excluded from the probationary process:
 - For staff within schools converting into the Trust.
 - Following an internal promotion (where the original probation was completed).

- Following any variations to the terms and conditions of employment.
 - Newly Qualified Teachers where separate arrangements exist.
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- Seconders from internal or externally to the Trust.
 - Staff who are TUPE transferred to the Trust.
 - Staff undertaking casual activities, such a supply, agency etc.

The NQT induction arrangements and the appraisal policy for teachers will run concurrently with the probation period. The Line Manager will normally be responsible for supporting the induction education and appraiser. Where deemed necessary the probation procedure will take precedence over the appraisal policy.

2. The Procedure

- 2.1. The Line Manager is responsible for ensuring that the Probationer is properly monitored during the probation period and meetings and paperwork are completed in a timely manner. This procedure should also incorporate an induction process to support the probationer gaining valuable information regarding the Trusts expectations, preferably before the first probation review is initiated.
- 2.2. The Probationer will be provided with a copy of the procedure and indicative dates for the probation meetings. If the Probationer's standards fall below expectations, the Line Manager is responsible for initiating and taking action in accordance with this procedure.
- 2.3. The Line Manager should, in normal circumstances, conduct three reviews with the Probationer. Reviews should take the form of a confidential meeting between the Line Manager and the Probationer, in which there is opportunity for two-way discussion.
- 2.4. In exceptional circumstances, where there are serious concerns over the suitability of a Probationer, the Line Manager may decide to progress straight to the Final Review and omit the Second Review, or to reduce the time between the review meetings. Such concerns may include substantiated safeguarding or health and safety concerns or substantiated allegations that may constitute gross misconduct or during an extended probation period where successful completion of probation is deemed unlikely.
- 2.5. **The First Review:** To be completed within weeks four to six of the Probationer's start date.

The purpose of this meeting is for the Line Manager to evaluate the extent that the induction has been completed or areas outstanding, the probationer's performance so far against the job description and to discuss any key issues. If improvements in performance are required, full details should be given, including appropriate management support/training.

Upon completion of this review meeting, the Line Manager should complete the Probation Period Review Form (Appendix 1). This should be signed by the Line Manager and the Probationer. A signed completed copy should be given to the Probationer and a further

copy saved on the personnel file, the line manager retains the original to refer to as part of future review meetings.

2.6. The Second Review: On completion of three months service.

The purpose of this meeting is to review the Probationer's performance over the first three months. Where the First Review indicated that improvements in performance were required, the Second Review meeting should be used to consider the extent of any improvement that may or may not have taken place.

Where the Probationer has not met the required standards, they will be informed that continued failure to meet those standards may result in dismissal.

Upon completion of this meeting, the Line Manager should complete the Probation Period Review Form (Appendix 1). This should be signed by the Line Manager and the Probationer, and a copy should be given to the Probationer and a copy saved on the personnel file the line manager retains the original to refer to as part of future review meetings.

2.7. The Final Review: On completion of five months service.

Prior to the Final Review meeting, which normally takes place after the Probationer has completed five months service, the Line Manager should decide whether:

2.7.1. The Probationer has passed probation or;

2.7.2. The probation period is extended due to exceptional circumstances. Consideration to extend may include the following, but this is not an exhaustive list:

- Performance concerns have not been fully addressed but there is a reasonable expectation that satisfactory performance standards may be met by the end of an extension of the probation period.
- The Probationer has had an extended period of permitted absence and it has not been possible to assess performance.
- Other exceptional circumstances.

2.7.3. Recommendation to the line manager and/or Headteacher, ensuring appropriate HR advice is sought prior to any decisions being made. A Formal Hearing should be held to discuss areas of concern that are unreconcilable, and consideration given to Probationers responses before confirming that the Probationer is dismissed.

2.8. The Probationer has passed probation

Upon completion of the final review meeting, if the Probationer has passed probation the Line Manager will complete the Probation Period Review Form (Appendix 2). This will be signed by the Line Manager and the Probationer. The form should be placed on the

Probationer's personnel file with a copy provided to the employee. A formal letter confirming completion will be sent by the Academy, or the Trust.

2.9. The Probation period is extended

Where the decision is to extend the probation period, this will normally be limited to one extension and the extension will be for a period of no longer than three months, unless the extension period includes school holidays, in which case it may be longer to include these periods.

Before extending the probation period, the Line Manager should seek HR advice. The Line Manager will confirm the terms of the extension in writing to the Probationer, including:

- The length of the extension, the date on which the extension will end and dates of final review meetings, adjusted according to the extension.
- The reason/s for the extension and, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards.
- The performance standards or objectives that the employee is required to achieve by the end of the extended period of probation.
- Any support, for example further training, that will be provided during the extended period of probation and a statement that, if the employee does not fully meet the required standards by the end of the extended period of probation, the employment will be terminated.

There is no right of appeal to the extension of a probation period.

2.10. Headteacher's Formal Hearing

If the Line Manager decides to recommend dismissal a discussion should be had in advance with the Trust HR Manager and a recommendation made to a Trust Director and/or the Headteacher. Then a Formal Hearing date can be set and confirmation given to the Probationer in writing as soon as practicably possible, with no less than 10 working days' notice of the meeting, setting out:

- a) The date, time and place of the Formal Hearing.
- b) That the purpose of the Formal Hearing is to consider the Line Manager's recommendation for dismissal and the reasons why.
- c) The Probationer's right to be accompanied by a Companion (a union rep or work place colleague).
- d) The titles of enclosed copies of any documents, such as previous signed reviews, which may be considered.
- e) The name and position of any other person present at the meeting e.g. note taker or HR Adviser.

The Probationer must advise the Line Manager of the following at least 4 working days in advance of the Formal Hearing:

- a) The name and designation of any Companion.

- b) Any additional written documentation to be considered.

The Probationer, who may be accompanied by a Companion, will have the opportunity to state their case, before a decision is made.

The Hearing Manager may decide:

- a) To terminate employment from the date of the Formal Meeting with probation period notice.
- b) Extend the probation period for no more than one period (max. 3 months). This will revert the process back to the Line Manager.
- c) Consider deployment to a suitable available alternative post (in which case a new shortened probation period will be put in place and a number of more regular review meetings adjusted accordingly).

The Hearing Manager will write to the Probationer confirming the decision within 5 working days of the hearing.

3. Right of Appeal

- 3.1. The Probationer has a right of appeal against a decision to dismiss.
- 3.2. An appeal should be made in writing to a Trust Director and/or Clerk to the Governors, stating the grounds for appeal in full, within 5 working days of the date of the written decision.
- 3.3. An appeal will be heard by the Governors Appeal Committee or a Trust Director, none of whom shall have had any previous involvement in the case. The Appeal Hearing may have an HR Adviser present and a member of the Trust's Directors, dependent upon the role.
- 3.4. The Probationer has the right to be accompanied by a Companion at the appeal hearing.
- 3.5. The Probationer will be given 10 working days' notice of the hearing.

An appeal hearing will, in normal circumstances, be heard within 10 working days after receipt of the appeal. Where this relates to an Academy, the Clerk to Governors will usually undertake administrative arrangements for any appeal hearing. The outcome will be confirmed in writing as soon as possible and usually within 5 working days of the appeal hearing. There will be no further right of appeal.

Appendix 1

Probation Period Review

Review Meeting:	First	Second	Final	Extension (if appropriate)
Date/s:				

This form should be completed by the Probationer's Line Manager after each Review Meeting. This should be signed by the Line Manager and the Probationer, and the original placed on the personnel file with a copy to the Probationer.

Probationer's Name: _____

Start Date: _____

Job Title: _____

Line Manager's Name: _____

Line Manager's Job Title: _____

Review of:

	Exceeds expectations	As expected	Needs development
Quality and accuracy of work			
Efficiency/work rate			
Attendance			
Time Keeping			
Work relationships (team work and interpersonal communication skills)			
Competency in the job			
Understanding of the job and review of job description			

Line Manager's Comments: _____

Probationer's Comments: _____

Objectives and development areas for Next Review: _____

Line Manager's Signature: _____

Date: _____

Probationer's Signature: _____

Date: _____

Appendix 2

Probation Period Review: For Completion following Final Review

Probation Passed

Line Manager's Comments: _____

Probation Extended

If the probation is extended, then an account of the concerns and a support plan for the extension period will be attached to this form.

Line Manager's Reasons: _____

Formal Hearing: Recommendation to the Trust Directors or Headteacher that the Probationer be dismissed

A statement of reasons will be attached to this form.

Line Manager's Signature: _____

Date: _____

Probationer's Signature: _____

Date: _____

On headed paper

[Recipients name]
[Recipient's address]
[Recipient's town]
[Recipient's postcode]

Dear [Recipient]

I am writing to you following our meeting dated [], to congratulate you on completing your probation period successfully and therefore I have pleasure in confirming your appointment as a permanent member of staff in the [name of team] Team.

Thank you for your continued hard work.

Yours sincerely

Line Manager