

# Eastwood Park Academy Trust

## EPAT

Believe Succeed Together

### Probation Policy

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## **1.0 Procedure**

### **1.1 Definition**

Probation is a trial period that allows the employer (and employee) to assess objectively whether the employee is suitable for the role, taking into account the individual's overall capability, skills, performance and general conduct.

### **1.2 Scope**

The probation period applies to all newly appointed staff, except Newly Qualified Teachers (NQT) to whom the Teachers' Statutory Induction Period is applied.

All newly appointed staff will be subject to the satisfactory completion of a **26 week** probationary period.

Any employees who are internally promoted or who change their role within the Trust will not be covered by this policy.

Minor incidents of misconduct will normally be dealt with as part of the Probation Policy. Other more serious or recurring disciplinary issues arising during the probationary period will be dealt with under the Trust's Disciplinary Misconduct Policy.

During the probationary period, whilst the principles of reasonableness and natural justice reflected in the Disciplinary Misconduct Policy and the ACAS Code will apply, it may be appropriate to foreshorten procedures, processes and relevant timescales, depending on the individual circumstances of each case. Any such conduct issues will also be taken into account when assessing overall suitability as part of the probationary process.

### **1.3 Probation Period**

The employee's line manager will monitor and review performance on a day to day basis through the Performance Management Policy.

Formal probation reviews with the employee will take place every 6 weeks for a period of 18 working weeks.

Interim meetings may be held as necessary. Informal discussions may also take place throughout the probationary period in addition to the formal review meetings.

The probation period may only be extended in exceptional circumstances e.g. where the employee has been absent for a considerable amount of time during the probationary period and therefore has been unable to demonstrate their suitability for confirmation of appointment. There may also be occasions where additional training and support are required to improve performance and a longer period is necessary to assess the impact of such additional support. Where appropriate, reasonable adjustments will be considered for employees with disabilities.

The following matters will be discussed at each review meeting in respect to the employee:

- Performance against performance management objectives.
- Performance against any relevant standards.
- General competence, conduct, attitude/behaviour.
- Attendance.
- Training and support provision and needs.

If at any point the employee's progress is unsatisfactory, the following will be undertaken:

- They will be advised of the areas where improvement is required.
- Appropriate training and support will be provided.
- They will be advised that failure to improve could result in non-confirmation of appointment.

An employee's contract will either be confirmed or terminated by the end of the 26 week probationary period, subject to contractual notice requirements.

*If there is clear evidence, at an earlier stage, to suggest that the employee is wholly unsuitable for the role or incapable of performing the role (whether as a result of their conduct or lack of competency), and it is clear that further training or support is unlikely to alter the situation, the contract may be terminated at any point prior to the end of the probationary period. In this case, the employee will be invited to attend a meeting to confirm that they have failed to successfully complete their probationary period and the employee will normally be given notice pursuant to their contract of employment.*

#### **1.31 Successful Probation Period**

Where progress has been in line with expectations, the probation period will be formally signed off. A letter will then be sent to the employee informing them that they have successfully completed their probationary period, thereby confirming their appointment.

#### **1.32 Unsuccessful Probation Period**

Where an employee's progress has not been satisfactory, the employee will be formally invited, in writing, to the 18 week review meeting with the Principal, or in the case of the Principal, the CEO, or in the case of the CEO, the Chair of Trustees.

At least 5 school days' notice will be given of the meeting and employees have a statutory right to be accompanied by a trade union representative, an official employed by a trade union or work colleague.

If an employee wishes to be accompanied by a person who is not a work colleague, an official employed by a trade union or trade union representative, they must seek permission from the employer in advance. All such requests will be given reasonable consideration and whether permission is granted will be entirely at the discretion of the employer.

At the meeting, the Principal, or in the case of the Principal, the CEO, or in the case of the CEO, the Chair of Trustees, will set out where progress has been insufficient, with reference to previous review meetings. The employee will be given an opportunity to make representations verbally and in writing.

At the end of this meeting, a decision will be made to either:

- Confirm the appointment.
- Extend the probation period. Extensions will normally only be granted where the employee has been absent for a considerable amount of time during the probationary period and therefore has been unable to demonstrate their suitability for confirmation of appointment. Extensions will not normally exceed an additional 12 working weeks.
- Not confirm the appointment and terminate the contract. Notice will be given in line with the employment contract or, where the contract allows, the contract may be terminated immediately and payment in lieu of notice made.
- In cases of gross misconduct or incompetence, an employee's contract will be terminated without notice.

The decision will be confirmed in writing within 5 school days of the date of the meeting. Where the decision is non-confirmation, the letter will give notice (where applicable) of termination of employment and the right of appeal.

Employees have the right of appeal. Any appeal must be lodged in writing within 5 school days of receipt of the letter of notice of termination of employment.

All appeals will be heard by the Dismissal Appeals Committee.

The decision of the Dismissal Appeals Committee will be confirmed in writing and will be final.

#### **1.4 Data Protection**

A written record of all meetings conducted under this policy will be made, either by the person holding the meeting or by an alternative person arranged by the Trust to take notes. The Trust processes any personal data collected during the probationary procedure in accordance with its Data Protection Policy.

Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the probationary procedure. On the conclusion of the procedure, data collected will be held in accordance with the Trust's Records Retention Policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's Disciplinary (Misconduct) Policy.

## Appendix A - Summary of Probation Procedure

