



Probationary Procedure for Teachers on Leadership and Support Staff

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Ratification

Role	Name	Date
Chair of Trustees	Richard Penska	18/07/2022
Chief Executive Officer	Kaye Palmer-Greene	18/07/2022

Details of Policy Updates

Date	Details

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Note The job title Headteacher is interchangeable with Head of School in all North Star Academy Trust's Policies.

1. Purpose Scope and Principles

1.1 The purpose of a probationary period is to give a new employee, and the CEO/headteacher the opportunity to determine whether he/she is competent at doing the job. The process should always be supportive and the policy will ensure staff are treated in a fair and equitable way. During this time there should be two-way discussion and informal/formal reviews to ensure that the employee has an opportunity to develop and adapt to both the organisation and the particular duties of the post. This policy will support the Trust to fulfil the requirements of the Equality Act 2010 and ensure there is equality of opportunity for all staff employed by the Trust.

1.2 North Star Academy Trust Probationary Procedure applies to teaching staff on the leadership scale and all support staff and aims to provide the CEO/headteacher/manager with a consistent and fair framework from which to negotiate the period of a new employee's induction into his/her role and the school. It recognises that there may be occasions within this time where there are difficulties experienced by either employees or the CEO/ headteacher/manager so guidance is included around the appropriate procedure for raising these issues, investigating and taking action.

1.3 The standard probationary period is 26 weeks and applies to all new starters in a teaching role on the leadership scale and all support staff who are new to the Trust.

1.4 During the probationary period the school need give one week's notice for the cessation of a contract of employment for support staff (unless the employee has previous continuous service) subject to following the appropriate process to terminate the contract. Notice periods for teachers will be paid in accordance with notice periods set out in the Burgundy Book for Teachers.

1.5 Staff within their probationary period are not included within the scope of the Trust's Disciplinary, Grievance, Capability or the Improving Performance Procedures. However, the Probationary Procedure ensures that the Trust has a well-defined and consistent process to ensure that all new employees within the scope of the policy are dealt with fairly.

1.6 The fact that an individual is employed with a probationary period does not remove any protection afforded by employment law. This is particularly important if the probationary procedure is extended or if individuals feel they have grounds for claims of discrimination on the grounds of sex, race disability, sexual orientation or religious belief or age.

1.7 Ideally the probationary period should be linked into induction and any identified training arrangements. Regular meetings should be held with the employee and the CEO/headteacher/manager and a review of progress should be discussed. In the case of the CEO the meetings will be with a Trustee. Where the manager has concerns about any aspects of the employee's performance, the manager must address those concerns with the employee.

1.8 A probationary period will normally only be extended where an employee's performance has not reached the required standard within the prescribed timescale and where there is a belief that the employee will be able to achieve the required standard within a reasonable additional time period.

2. Procedure for Work Performance Evaluation

2.1 Regular meetings should take place between the employee and the CEO/headteacher /manager during the period of probation. A first review meeting should be held with the employee after eight weeks but before 12 weeks.

FIRST REVIEW MEETING

2.2 After a reasonable time scale, (but at latest 12 weeks) after the employee's start date, a first formal review of the employee's position should take place with the CEO/headteacher/manager. The CEO/headteacher/manager will be required to give the employee five working days' notice of the review meeting, in writing, along with the right to be accompanied by a trade union representative and provide them with a copy of the probationary review form that will have been partially completed.

2.3 Prior to the review a probationary report should be completed by the CEO/headteacher/manager and given to the employee. The employee is entitled to be accompanied at the review by a Trade Union representative or a work colleague.

2.4 The purpose of the review is to give the employee feedback on how s/he is performing in the role and provide support where required.

Outcome of the first review meeting

2.5 If there are no problems this will be reflected at the meeting and on the review form, confirming the status of the employee's suitability.

2.6 If there are concerns as to the employee's suitability for the post these should have already been drawn to the employee's attention.

2.7 The employee should be given clear objectives and a timescale within which to improve, confirmed in writing. The employee should be warned that if the standard expected is not reached then his/her appointment will not be confirmed. This warning must be confirmed in writing.

2.8 A copy of the outcome of that meeting should be held on the employee's personal file.

SECOND REVIEW MEETING

(If concerns have been identified in the past about the employee's suitability and these concerns remain, please ensure that your HR provider is briefed and invited to the second review meeting.)

2.9 A further meeting should be held with the employee, at the latest after 22 weeks, but earlier if appropriate. At this meeting, the employee should be given five working days' notice of the review meeting and the right to be accompanied by a trade union representative. A further Probationary Review report form should be completed and given to the employee prior to the review. The employee should be told either:

Outcome of second review meeting

- a. That during his/her probationary period a satisfactory standard has been reached and the appointment will be confirmed; or
- b. That there continue to be problems and, where insufficient improvement has been noted after the timescale specified above, the manager must advise the employee that he/she has determined either:
 - i. to extend the probationary period where there is the strong possibility that the individual will be able to demonstrate the appropriate competencies to undertake the role appropriately. This may require further development activities provided by the CEO/headteacher/manager.

Or:

- ii. not to confirm the appointment.

2.10 If there is a proposal to terminate the employment, the CEO/headteacher should:

- write to the employee to outline the problems
- inform the employee of his/her right to make representation to the dismissing body against the proposal to dismiss, as well as the right to be represented at the representation hearing (HR to be invited to hearing). Confirmation of the outcome of the representation hearing should be put in writing to the employee and should include the right to appeal.

Determination of authority to dismiss

Within North Star Academy Trust the authority to dismiss lies with Trustees, Governors and the Chief Executive Officer.

Appeal

2.11 The employee has right of appeal to a panel of governors who have not previously been involved in the process.

Appeals should be lodged, in writing, to the Clerk to Governors within three working days of receipt of the letter informing him/her of the outcome/ decision of the representation hearing stating the grounds of the appeal.

3.0 Disciplinary Matters

3.1 Where there are concerns regarding the employee's conduct at any stage during the probationary period, the CEO/ headteacher or manager must investigate any concerns or allegations with the probationer (employee) according to the following steps:

Investigation Meeting

- An investigation meeting **MUST** be scheduled prior to action (other than suspension from work) being taken.
- The CEO/Headteacher or manager must set out in writing the details of the alleged misconduct / behaviour / circumstances that have prompted the action and forward a copy to the employee.
- The CEO/headteacher or manager will invite the employee to attend a meeting with the CEO/headteacher giving five working days' notice and the right to be accompanied, to discuss this, giving reasonable time to enable preparation and attendance.

- The employee must take reasonable steps to attend.

After the Investigation Meeting

- The CEO/headteacher should consider the employee's response and inform him/her of the decision reached in writing, giving reasons for the level of sanction (including dismissal). Should the CEO/headteacher determine that the employment should terminate as a consequence of the misconduct, there will be no automatic entitlement to notice.

Levels of sanction that can be considered

Level 1: Recorded warning

If the conduct concerned is unacceptable but not serious in nature, a recorded warning will normally be appropriate.

Level 2: Written warning

If the offence is too serious for a recorded warning, or if there is further misconduct while a recorded warning remains in force, the CEO/headteacher may give the employee a written warning.

Level 3: Final written warning

If the misconduct is too serious for a written warning but not serious enough to warrant dismissal, or if there is further misconduct while a previous written warning remains in force, the CEO/headteacher may give the employee a final written warning.

Written confirmation of warnings

The CEO/headteacher must give the employee written confirmation of any warning, within five working days together with an explanation of:

- * The reason for the warning;
- * Whether it is a recorded, written or final warning;
- * The employee's right of appeal;

* The fact that a note will be kept on their personal file indicating that a warning has been given, the reasons for it and any required improvements in conduct which have been specified;

* The fact that further misconduct may lead to further disciplinary action which could, where appropriate, include dismissal;

* The fact that the warning will be disregarded for further disciplinary purposes after the expiry of the time period.

Following the representation hearing the employee should be notified in writing of the decision of the CEO/headteacher/panel and informed of the right to appeal against the determination to dismiss.

Appeal

- The employee must lodge an appeal (with reasons) with the Clerk to Governors of school in writing within three working days of receipt of the letter informing him/her of the outcome / decision of the representation hearing.
- The employee has the right to be accompanied by a Trade Union representative or work colleague and must be informed of this in writing.
- The appeal will be considered by a panel of Governors who have not previously been involved. Its role will be to review the decision of the original panel only.
- The panel of Governors should consider the case made, and advise the employee of its final decision in writing.
- The outcomes open to the panel of Governors in considering the appeal are:
 1. uphold the appeal and withdraw / reduce the sanction OR
 2. offer a further period of probationary employment during which his/her performance will be monitored OR
 3. reject the appeal (if dismissal was the sanction) in which event the employment will continue to be terminated.

4.0 Representation

The employee is entitled to be accompanied by a Trade Union representative or work colleague during the procedures above.