



Washwood Heath
Multi Academy Trust

Probation Policy & Procedure

Prepared by:	Director of People WHMAT in consultation with recognised unions and whole school staff
Applies to:	All WHMAT employees
Approved by:	Board of Trustees on 13/07/2020 after consultation with WHMAT employees
Issued to WHMAT academies for use:	15th July 2020
Review date:	12 months from approval by Board
Links to:	Professional Growth Policy Disciplinary Policy Sickness Policy Early Career Framework Career Development Pledges Managing Probation Toolkit
Version:	V3. 05.07.2020

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To be read alongside the toolkit on managing probation – see intranet

1.0 Purpose and commitment

- 1.1 Washwood Heath Multi Academy Trust (“WHMAT”) recognises that a supportive and developmental probation process is vital in providing new employees with the best opportunities for success in their role.
- 1.2. This policy sets out WHMAT’s approach to probation. It has been designed to ensure that all employees working within a probation period receive the support and training they need in the early stages of their employment with WHMAT, so they are more likely to stay and to have a positive impact on school improvement. The policy also aims to ensure that WHMAT meets its commitment to treating all employees fairly, equally and consistently.
- 1.3. The probation period is a “trial period” to enable the assessment of an employee’s suitability for the job for which they have been employed. It provides a framework for focussed discussion and identification of appropriate support between the employee and line manager. It is very much a two-way process between employee and line manager. The degree to which a new employee develops into a fully effective member of WHMAT depends not only on their own skills and attributes, but also on the assistance and encouragement received during the probation period from their line manager and/or other relevant colleagues.

2.0 Scope and principles

- 2.1 This policy and procedure relate to all newly appointed teachers and support staff to WHMAT regardless of whether they are permanent, fixed-term, full or part-time.
- 2.2 It excludes employees who have been internally promoted within WHMAT and newly qualified teachers (NQTs) employed by WHMAT who have a separate statutory induction process. Where a fixed term contract of 6 months or less is issued, the probation period will run concurrently with that contract.
- 2.3 WHMAT’s normal appraisal process (now known as Professional Growth) will run in parallel with the Probation Policy.
- 2.4 This policy does not currently form part of any employee's contract of employment and it may be amended at any time subject to consultation with staff and recognised trade unions.
- 2.5 No employment with a previous employer counts towards the employee’s period of continuous employment with WHMAT for the purposes of their probation period.

3.0 Responsibilities

3.1. Line managers are responsible for:

- 3.1.1. Ensuring the employee is aware of this Probation policy and procedure;
- 3.1.2. Notifying the employee of the probation review meetings in advance so that both parties have time to prepare;
- 3.1.3. Explaining the expected standards of performance and conduct to the new employee and providing regular and timely feedback in relation to performance;
- 3.1.4 Ensuring a well-planned comprehensive induction is provided to the employee in order that they are given the opportunity to perform and meet the required standards and expectations;
- 3.1.5 Completing a probation review for the new employee at the first, second and final probation review stages in a timely manner and providing clear, evidence-based feedback during these meetings. Accurate documentation should be produced throughout the probation period (see templates in separate toolkit);
- 3.1.6 Providing appropriate support and training opportunities during the probation process for the employee.
- 3.1.8 Ensuring systems are in place to support and monitor the employee's work throughout the probation period to fulfil the duties and responsibilities of the post, reviewing this throughout the process;
- 3.1.9 Implementing the procedure with equal opportunities at the forefront for all employees, being mindful that employees may require different approaches and support subject to the circumstances;
- 3.1.10 Engaging with WHMAT's People Matters team at the earliest convenience if there are concerns about an employee's performance, attendance or conduct during their probation period which may mean they are at risk of not successfully passing their probation period;
- 3.1.11 Completing the probation review meeting forms in a timely manner and returning them to the People Operations team at hroperations@whmat.academy;
- 3.1.12 Where the employee is the Head of Academy or a functional Director (Core Team), the Chief Executive Officer (CEO) or Deputy CEO shall be responsible for managing the probation process and determining whether their employment is confirmed or their probationary period is extended. Any recommendation to dismiss an employee should be managed in line with

paragraph 8. Where the employee is the CEO, the Chair or Vice-Chair of the Staffing Committee shall be responsible for managing the probation process and determining whether their employment is confirmed or terminated or their probation period is extended (the CEO will assume this role for the Deputy CEO).

3.2. Employees are responsible for:

- 3.2.1. Ensuring they utilise the probation period to access as much information and initial training as possible, so that they settle into their roles;
- 3.2.2. Ensuring that they understand this process (by completing their HR induction) and the mechanisms available to them to be able to discuss any concerns they may have or to identify and/or access any additional training or support they require;
- 3.2.3. Ensuring that they are familiar with the standards and requirements of the job role;
- 3.2.4. Ensuring that they take an active part in the probation review meetings;
- 3.2.5. Undertaking any learning and development activities agreed with their line Manager as part of the probation review process;
- 3.2.6. Raising any concerns or difficulties in their role which they are experiencing with their line manager at the earliest opportunity.

3.3 The People team are responsible for:

- 3.3.1 Producing a probation policy and process and keeping it under review in consultation with WHMAT's Staffing & Pay Committee and Board Trustees;
- 3.3.2 Providing training to line managers on the policy and providing an overview to new starters as part of the WHMAT HR Induction;
- 3.3.3 Providing support to line managers with probation review meetings as required;
- 3.3.4 Monitoring the process for new starters and liaising with line managers to ensure that probation review meetings and paperwork is completed and returned in a timely manner and placed on employees' HR files;
- 3.3.5 Ensuring that candidates are made aware of the probation framework in the early recruitment stages, via the application pack and/or offer of employment and that new starters are reminded of the process as part of their People Policy induction programme.

4.0 Managing the probation process

Timescales for probation

- 4.1 The probation period usually runs for a period of 6 months from the employee's first day of employment and includes all school holidays, with the possibility of extension up to 8 months in limited circumstances (see further at 7.0 below). Probation reviews should be conducted within the timescales below at 4.4. However, if there is a valid reason to do so, timescales can be varied by management and after discussion with the employee. The employee should be given an explanation if this occurs and informed when a response or meeting can be expected. Delays should not normally exceed 10 working days unless there are exceptional circumstances.
- 4.2 The amount of notice that either party must give to terminate employment during the probation period, should it be unsuccessful, is one calendar month. Once the probation period has been successfully completed, the notice periods will be as defined in individual contracts of employment. Line managers or other appropriate senior leaders will work with WHMAT's People Team in advance of any dismissal meetings to ensure that if a teacher does not successfully pass their probation period, their contract is brought to an end at the usual contractual end dates.
- 4.3 Employees must be informed from the outset of their employment of the purpose of probation and the standards of performance, attendance and conduct expected of them. They must be told that their progress will be carefully monitored by their line manager throughout the probation period and they should be encouraged to seek help and guidance wherever necessary.
- 4.4 There will be **3 probation review meetings**. These will take place at the following intervals, unless there are exceptional circumstances e.g. illness of manager or employee:
- 4.4.1 On completion of **six weeks in post (first review)**;
 - 4.4.2 On completion of **three months in post (second review)**;
 - 4.4.3 On completion of **six months in post (third/final review)**.
- 4.5 Reviews should take the form of a confidential meeting between the line manager and the employee. The timescales must be observed unless there are exceptional circumstances, so that any concerns or developmental needs are addressed in a timely manner.
- 4.6 Line managers must seek advice from WHMAT's People Matters team if concerns arise in relation to the employee's performance, attendance or conduct during the probation period via peoplematters@whmat.academy. Following discussion with this team, line managers may extend the probation period, normally for a maximum of

two additional months or recommend that a dismissal meeting is set up (see further at 8.0 below).

- 4.7 In cases of serious concerns, and following discussion with the People Matters team, line managers may hold the review meetings and make a recommendation in relation to the conclusion of an employee's probation period at earlier stages than those set out at paragraph 4.4. An employee would have the right to be accompanied by a trade union representative or workplace colleague in these circumstances.

5.0 Review meetings

- 5.1 The purpose of review meetings is two-fold: a) for the manager to evaluate how the employee is settling into their role by providing relevant feedback on their conduct, performance and/or attitude and b) for the employee to explain how they perceive they are settling in and to suggest anything that may help them to settle into the role and working environment, so that they are able to perform to the best of their ability. The line manager should invite the employee to the probation meetings using the invite in the toolkit. During the meeting, the line manager should complete the relevant pro-forma and return it to the employee within 5 working days of the meeting with the outcome letter summarising the outcome and next steps.

First review meeting (6 weeks)

- 5.2 This meeting has the same purpose as set out at 5.1 above. This meeting is for the manager to evaluate the employee's performance and discuss any significant issues with the employee. If improvements in performance are required, there should be a discussion about how to make the necessary improvements, including appropriate management support and training. Following the discussion, outcomes of the meeting should be agreed, documented (using the first probation review pro-forma and outcome letter in the probation toolkit). A copy will be placed on the employee's HR file.

Second review meeting (3 months)

- 5.3 This meeting has the same purpose as set out at 5.1 above. The overall aims being to:
- 5.3.1 Review recent performance providing constructive, clear feedback using examples;
 - 5.3.2 Gain the employee's feedback on how they feel their initial weeks at WHMAT have progressed;
 - 5.3.3 Agree actions and success criteria for any improvements which need to be made in preparation for the final/third probation review meeting;
 - 5.3.4 Provide positive feedback to ensure the employee has the opportunity to build upon their strengths;

- 5.3.5 Discuss and agree areas for improvement or further development;
 - 5.3.6 Identify any further training or other support that may be required to help the employee meet the expectations of the job role.
- 5.4 If improvements in performance are required, there should be a discussion about how to make the necessary improvements, including appropriate management support and training. After discussion at the meeting, outcomes of the meeting should be agreed, documented and a record kept on the employee's HR file.
- 5.5 Where there are serious concerns about an employee's suitability and effectiveness and/or where there is a possibility that the employee will not meet the required standard by the end of the probation period, **managers should consult with the People Matters team before the final review meeting.** To avoid any surprises, the employee must have been informed verbally and in writing that a continued failure to meet the success criteria for improvements may result in their dismissal at the end of the probation period. The line manager should also ensure that the employee is made aware of the support available to them through WHMAT's Employee Assistance Programme, via the Education Support Partnership Charity and/or the relevant Career Pledges.
- 6.0 Final review meeting (6 months)**
- 6.1 Before the final review meeting, the manager should review the evidence and outcomes from the first 2 formal review meetings and consider whether it is a likely outcome from the final review that:
- 6.1.1 The employee's **appointment should be confirmed**;
 - 6.1.2 The **probation period should be extended** (see section 7); or
 - 6.1.3 The manager will be **recommending that the employee should be dismissed** (see section 8). An employee has the right to be accompanied by a trade union representative or workplace colleague if this is the case.
- 6.2 After discussion at the meeting with the employee, outcomes of the meeting should be agreed, documented (using the final probation review pro-forma and outcome letter in the toolkit) and a record kept on the employee's HR file.
- 6.3 An employee will not be deemed to have passed their probation until the final review meeting has taken place.
- 6.4 At the conclusion of the final review meeting, the manager should determine and confirm orally, followed up in writing within 5 working days whether:

- 6.4.1 The employee has successfully completed their probation period and, therefore their appointment is confirmed;
- 6.4.2 The probation period should be extended for a further 2 months where there are some concerns about the employee's suitability for the role and/or team (see paragraph 7.0); or
- 6.4.3 The employee has not successfully completed their probation period and therefore, a recommendation will be made that the employee is dismissed in a formal meeting (see paragraph 8).

7.0 Extending the probation period

- 7.1 An extension of the probation period may be allowed in exceptional circumstances if there are clear indications, not just hope, that the employee will achieve the standard required for confirmation of their appointment given further time. An extension period will not exceed 2 months and the total probation period **will not exceed 8 months.**
- 7.2 Before extending an employee's probation period, the line manager must consult with the Executive Head/Head of Academy/CEO/Board of Trustees depending on the seniority of the employee in question (refer to paragraphs 3.1.12 and 8.1 of this policy). If an extension of the probation period is agreed, the line manager will notify the HR operations team at hroperations@whmat.academy after the appropriate review meeting so that they can issue a letter to the employee confirming the terms of the extension to the employee (see manager's toolkit for template).
- 7.3 Employees will be notified about any decision to extend their probationary period at the final review meeting and this will be confirmed in writing within 5 working days of the meeting, unless there are exceptional circumstances (see letter in toolkit). At this meeting, the manager will explain:
 - 7.3.1 The reasons why performance, attendance and/or conduct have been unsatisfactory to date;
 - 7.3.2 The duration of the extension of the probation period;
 - 7.3.3 The specific standards of performance, attendance and/or conduct that they will need to meet during the extended probationary period;
 - 7.3.4 The support to be provided during the extended probation period;
 - 7.3.5 The dates of any interim review meetings; and
 - 7.3.6 That failure to meet the required standards at the conclusion of the extended probation period will likely result in their dismissal.

8.0 Recommendation for dismissal

- 8.1 If an employee's probation has been deemed unsuccessful by the line manager, the matter will be referred to the Executive Head or relevant Head of Academy or Head of School (CEO or Deputy CEO for Core team colleagues), with a recommendation for dismissal.
- 8.2 Provided that these senior colleagues have not been involved in the matter to date and they feel comfortable doing so, they may hear this matter with support from a technical advisor from WHMAT's People Matters team rather than referring it to a panel of WHMAT trustees. A minimum of 3 impartial senior leaders will make up this panel. If recommendations as to dismissal are being considered in relation to the CEO, Deputy CEO or Core Team Directors, these shall be heard by a panel of impartial WHMAT trustees (at least 3 trustees will be required).
- 8.3 Regardless of who is on the panel, the process will be as follows:
- 8.3.1 An appropriate senior manager (see 8.2 above) must set out in writing to the employee the reasons for possible dismissal and invite the employee to a meeting to discuss the matter. The notification to the employee must contain sufficient detail in order to allow the employee to formulate a detailed response.
- 8.3.2 The appropriate panel must hold a meeting with the employee to discuss the reasons for the possible dismissal and consider the employee's response. The employee must have a minimum of 5 working days' notice prior to the arranged meeting date in order to prepare. They are entitled to be accompanied by a trade union representative or work place colleague (see format for meeting in toolkit).
- 8.3.3 A representative from the People Matters team will be present to support the panel. The employee who made the recommendation to dismiss at the appropriate stage will be invited as a witness and will be asked to summarise the key issues and the support provided to date. The employee will then have the opportunity to state their case/response before any decision is made by the panel. The employee will have the right to be accompanied by a trade union representative or workplace colleague (see invite letter in toolkit).
- 8.3.4 After the meeting, the panel must, within five working days or as soon as reasonably practicable, inform the employee in writing of the decision and the employee's right of appeal (see paragraph 9). If the decision is made not to confirm the employee in post, the amount of notice that either party must give to terminate employment during the probationary period is one calendar month. For teachers, WHMAT will ensure that this notice comes to an end and aligns with the usual contractual end dates. If the employee

wishes to hear the outcome orally on the day, the panel will agree for them to be notified by phone, in person or remotely.

8.4 The outcome of the meeting will be confirmed to the employee in writing within 5 working days, unless there are exceptional circumstances. Where it is decided that dismissal is appropriate, the written confirmation will include:

8.4.1 The effective date and reason for dismissal;

8.4.2 The right of appeal and how to do so.

8.5 If an employee is dismissed by reason of failure of their probation period, they will either be required to work their notice period of one month or be paid in lieu of it (noting 4.2 above in relation to the ending of teachers' contracts in relation to dismissal). This will depend on the individual circumstances and the panel's decision will be final, in consultation with the appropriate line manager.

9.0 Right of appeal against dismissal

9.1 An employee dismissed by reason of failure to pass their probation period has the right to appeal against their dismissal within 10 working days of receiving the meeting outcome letter. Further details will be included in the dismissal outcome letter (see probation toolkit).

9.2 Appeals should be made in writing to peoplematters@whmat.academy on the basis of the following:

9.2.1 Probation process not being followed;

9.2.2 Irrelevant evidence was considered;

9.2.3 Relevant evidence was not considered;

9.2.4 Evidence was misinterpreted;

9.2.5 Dismissal was disproportionate in the circumstances;

9.2.6 New evidence has come to light which the parties were not aware of at the time of the dismissal meeting.

9.3 The appeal will be arranged by the People Matters team as soon as reasonably possible. It will be heard by a panel of 3 impartial WHMAT Trustees. The Chair responsible for the original decision to dismiss will also attend to present their case at the appeal hearing as well as a representative from the People Matters team (not previously involved in the original decision to dismiss). The employee is entitled to be accompanied by a trade union representative or work place colleague.

- 9.4 The panel hearing the appeal will review all of the oral and/or written evidence on the day and decide whether a) to uphold the appeal; b) to dismiss the appeal; or c) to uphold the appeal in part. Regardless of the outcome, this outcome shall be confirmed in writing to the employee within 5 working days of the appeal meeting, unless there are exceptional circumstances. This may mean that the employee's probation period is extended for up to a further 2 months or that the employee is notified that they have successfully passed their probation period.
- 9.5 This decision will be final, unless an extension has been granted, and will mark the end of the internal process. If there is a delay for any reason, the employee who raised the appeal must be notified in writing of the delay and the reason for the delay within five working days of the meeting and given a likely timescale for the decision to be reached.

10 Grievances raised during the probation period

- 10.4 The probation process should involve open and honest conversations between employees and their line managers. Both employees and managers should raise any concerns with one another immediately and work collaboratively together to address them where possible.
- 10.5 Employees unhappy with the management of their probation should raise their concerns informally with their line manager first, ideally face-to-face, perhaps with the support from a mediator or member of the People Matters team. If this does not solve the issue and the employee still feels aggrieved, they may follow the appeal provisions at paragraph 9.0.

11 Sickness absence during the probation period

- 11.4 WHMAT expects the same high standards of attendance from its employees as it does of its pupils.
- 11.5 It is expected that during the probation period employees will report sickness absence in line with the local sickness absence reporting procedures and be subject to the usual WHMAT Sickness Policy (see www.whmat.academy).

12 Irregularities discovered during the probation period

- 12.4 If, during an employee's probation period, it is established that the employee does not have the qualifications or experience that they claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts.
- 12.5 The meeting must be chaired by the appropriate senior manager (refer to paragraph 8.2 of this policy). The same process must be followed as set out in paragraph 8.3 for the dismissal meeting. If the evidence suggests that the employee misrepresented their abilities in any way e.g. by lying on their application form or during the

recruitment process, or that there are irregularities as regards criminal records or Safer Recruitment checks (this list is not exhaustive), WHMAT may terminate their employment with immediate effect and without notice, subject to a reasonable investigation. An employee would have the right to be accompanied by a workplace colleague or trade union representative in these circumstances.

13 Policy review & storage of paperwork

- 13.4 This Policy will be reviewed every 24 months by WHMAT's People Matters team in consultation with WHMAT employees and recognised trade unions to ensure that it is complying with employment legislation and good practice.
- 13.5 Data will be captured across the MAT at relevant periods so that WHMAT's Board of Trustees understands how many new starters are successfully completing probation periods, not meeting their probation periods (with summary of key themes) and/or having probation periods extended (with summary of reasons).
- 13.6 Supporting documents relating to this policy will be filed confidentially in a secure place for up to 6 years and destroyed securely in line with WHMAT's Retention of Records Policy, see www.whmat.academy policies tab.

Appendix – Flowchart

