

# The Mercian Trust

# Staff Probationary Review Policy

<b>Policy Owner</b>	<b>The Mercian Trust</b>
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## **Contents**

1. Introduction
2. Aims of the Policy
3. Principles
4. Probationary Period Procedure
5. Completion of Probationary Period
6. Appeal Procedure
7. Early Termination of Probationary Period

Appendix 1 – Staff Probation hearing and appeals

## **1. Introduction**

All newly appointed Associate employees are subject to a probationary period of six months.

This policy will allow both the employee and their manager to assess objectively whether or not the employee is suitable for the role. Probationary periods increase the likelihood that new employees will perform effectively in their employment.

The principal is responsible under this policy for ensuring that all new Associate employees are properly monitored during their probationary period, addressing any issues promptly.

## **2. Aims of the Policy**

To provide a clear framework for school leaders and new Associate employees in assessing capability, reliability and suitability for a post as well as informing them of what is expected of them during this time.

## **3. PRINCIPLES**

A probationary period will apply to all new Associate employees. Reference to the length of the probationary period will be included in the letter of appointment and this will normally be for a period 6 months.

The probationary period is complementary to the induction process. During this period, line managers will be responsible for assessing the employee's performance, liaising and supporting the employee to ensure that they are reaching, or are capable of reaching, the required performance standard to undertake the job.

Employees must be made aware of the purpose of a probationary period, have a clear understanding of what is expected of them and receive constructive feedback on their performance.

Full support, feedback, training and instruction as necessary must be given to the new employee to give them a complete opportunity to achieve their maximum performance.

Managers should ensure employees are aware of any concerns as soon as possible and action is taken to improve or correct the employee's performance promptly. Where improvement is required, an action plan with objectives, specific time limits and development solutions will be agreed. It is important that objectives are Specific, Measurable, Agreed, Realistic and Timely.

Where performance issues cannot be resolved within a reasonable period of time, this process will ensure that employment is terminated through a fair and transparent process.

Employees should be made aware of the expectations of the role and that failure to reach the required standard within the probationary period may result in the termination of their employment. No employee should be dismissed without attending a **Probationary Period Hearing**, where they will have the right to be accompanied by a work colleague or trade union representative.

The Mercian Trust is an equal opportunities employer and as such managers will ensure that application of the probation procedure is fair and consistent, making sure that decisions are objectively taken and are non-discriminatory.

## 4. PROBATIONARY PERIOD PROCEDURE

### Commencement of

#### Probationary Period

Managers should meet with the new employee to welcome them and discuss the employee's role as part of their induction process. The manager must set out clear objectives and standards which are required and ensure the employee understands them.

#### Probationary Review Meeting

During the probationary period, the manager should schedule a Probationary Review performance conversations / review meeting each half term to discuss their performance against the objectives set.

This should include targets, development needs and general comments about attendance and conduct, together with any specific action points prompted on the probationary review and performance management form. Probationary Review meetings can be combined with established supervision (1:1) meetings. As the review meetings are informal meetings between the employee and manager, the employee does not have the right to be accompanied by a trade union representative or a work colleague.

As part of the process managers, in conjunction with the employee, should complete a Probationary Period Review Form each half term. This will summarise the key points of discussion from the Probationary Review meetings and will be signed by the manager and employee; the employee should be provided with a copy of the completed form.

If a manager determines that an employee's performance is **not** meeting the required standards, they must discuss their concerns with the employee during the Probationary Review meeting. The following points should be covered during the meeting:

- Determine with the employee whether they are aware of their performance and what is expected of them Advise the employee of the areas of concerns (provide specific examples)
- Discuss and explain the required standard of performance and how underperformance has an effect on the team / Service Area
- Ask the employee whether there is any explanation/s for their underperformance
- Discuss and offer appropriate support mechanisms; examples include increased supervision, coaching, mentoring, e-learning training, internal or external training and job shadowing
- Determine whether any reasonable adjustments should be considered where the issue of performance is due to the employee having a medical condition that may fall under the parameters of / be covered by the Equality Act 2010
- Explain the potential consequences should an improvement not be achieved including termination of contract
- Agree timescales and deadlines for targets in relation to the areas of concern
- Record the discussion and details of the support provided on the Probationary Period Review Form.

5. Whilst a Probationary Period Review Meeting is an opportunity to review progress, it is important that managers discuss issues as they arise, before agreed review meetings and take appropriate corrective action at that time to address the employee's performance. **COMPLETION OF PROBATIONARY PERIOD**

### **Satisfactory Performance (employee confirmation in post)**

Where the performance of the new employee is satisfactory, confirmation should be given to the employee in writing that a successful probationary period has been completed. Completion of a successful probationary period will not normally be confirmed prior to the sixth month review.

### **Unsatisfactory Performance (extension of probationary period)**

Before the completion of the sixth month probationary period, if the manager is concerned the employee is not reaching a satisfactory level of performance this should be confirmed to the employee. The manager should explain that if performance does not improve a Probationary Period Hearing will be arranged when consideration will be given to the employee's and potential termination of their employment.

Where the performance of the new employee remains unsatisfactory the manager must advise the employee of this, and that they have no alternative but to proceed to the Probationary Period Hearing. Written confirmation of this decision should be given to the employee inviting them to a formal Probationary Period Hearing.

### **Probationary Period Hearing**

The formal Probationary Period Hearing will be heard by the principal (or their nominated representative), who will chair the Hearing.

The employee should be notified of the date and arrangements for the Hearing in writing with a minimum of seven calendar days' notice. The manager must provide a Probationary Period Hearing Report and any supporting documentation to the employee and the Chair of Probationary Period Hearing a minimum of seven calendar days prior to the date of the Hearing. This should include:

- Copy of the employee's job description
- Copies of the Probationary Period Review Forms / Notes of Performance Conversations
- Details of informal and formal training provided (together with any other support provided for the employee)
- Any KPIs or monitoring of performance levels

Should the employee wish to submit any documentation in support of their case, this must be provided to the Chair of the Probationary Period Hearing (with a copy to the manager) no less than 48 hours prior to the date of the Hearing.

The employee must attend the Probationary Period Hearing and has the right to be accompanied at the Hearing by a Trade Union representative or work colleague. If the employee fails to attend the meeting without prior notification and/ or reasonable

explanation, the hearing will proceed in their absence and a decision will be made based on all the information available at the time of the meeting.

calendar days of the original date should be arranged. Should the employee or their representative be unable to attend the re-arranged date, the hearing will be held in their absence; in this situation, written representations will be accepted.

The procedure to be followed in a Probationary Period Hearing is set out in the Probationary Period Hearing and Appeal Hearing process, following which the principal (or their nominated representative) will determine one of the following outcomes:

- The employee's performance is satisfactory and confirmation of successful probationary period will be given to the employee in writing. Where applicable, this should include details of any appropriate further training.
- To extend the probationary period. In exceptional circumstances where the line manager has been unable to make a reasonable assessment of performance the probationary period may be extended. The length of the probationary period, including any extension, should not exceed 9 months in total. During the period of extension managers in conjunction with the employee will be required to complete a Probationary Period Review Form each half term. At the end of the extended review period should the manager determine that the employee has failed to achieve a satisfactory standard of performance, the Probationary Period Hearing will be reconvened, and a final decision made in relation to the employee's probationary period.
- The employee has failed the probationary period. The employee will not normally be asked to work a notice period and a payment in lieu of notice will be given, except in the case of gross misconduct, is one month.

## **6. Appeal Procedure**

An employee has the right of appeal against the decision to terminate their employment to a panel of governors determined by the Chair and convened by the clerk. Notification of intent to appeal must be made in writing within seven calendar days of the date of the dismissal decision letter and must state the employee's grounds for appeal.

The procedure to be followed in a Probationary Period Appeal Hearing is set out in the Probationary Period Hearing and Appeal Hearing process. The Appeal Hearing is a re-hearing of the case and the employee will have a right to be accompanied by a Trade Union representative or work colleague.

At the conclusion of the Hearing, panel Chair will determine one of the following outcomes:

- To uphold the employee's appeal
- Not to uphold the employee's appeal

Following the appeal hearing the employee will be notified of the outcome in writing. The Appeal Hearing decision is final and there is no further right of appeal.

## 7. Early Termination of Probationary Period

It is anticipated that no employee's contract will be terminated prior to their three-month review. However, there may be occasions when an employee's performance causes such concern that immediate action needs to be taken. Examples include:

- New performance shortfalls are occurring in addition to those already identified and discussed with the employee
- Clear evidence of worsening performance
- No reasonable prospect of achieving the required standards
- Serious conduct issues have occurred \*

In these circumstances the line manager should liaise with the principal and arrange for a formal Probationary Period Hearing as soon as possible using the procedure outlined above.

*\* During an employee's Probationary Period where serious conduct issues have occurred, following an initial 'fact find' these matters will be dealt with under the Probationary Policy. The employee should be notified of the allegations and that a formal Probationary Period Hearing will be arranged immediately at which they will be given the opportunity to respond to the allegations raised against them and present their case. The employee should be notified of the arrangements for the Hearing, as per the Probationary Period Hearing procedure. Should the decision be made to termination the employee's employment, they will have the **right of appeal** against this decision as per the Probationary Period Hearing Appeals procedure.*

# STAFF PROBATION PERIOD HEARING (AND APPEALS)

**The Chair of the Hearing Panel** (which will be the principal or their designate for a hearing and a nominated governor chairing a governor panel for appeals):

1. Introduces those present and their role
2. Explains the process to be followed and confirms that the hearing is being conducted under the Probationary Period Policy
3. Explains that the hearing is to consider the employee's performance in relation to the performance targets previously set
4. Explains that adjournments may be requested at any stage of the hearing

## Manager's Presentation

5. The Line Manager presents their case and supporting evidence
6. The Employee (or representative) can ask questions of the manager
7. The Chair can ask questions of the manager

## Employee's Presentation

8. The employee (or representative) presents their case, supporting evidence and any mitigating circumstances
9. The manager can ask questions of the employee
10. The Chair can ask questions of the employee

## Chair's Conclusion

11. An opportunity to summarise will be given to both parties but no new evidence will be introduced
12. The Manager and Employee (and representative) withdraw and the Chair of the Hearing together with any HR Officer if present will give full & fair consideration to the case

The Chair should consider:

- *Have performance targets been met?*
- *Has the employee been made aware of the performance concerns and of the performance expectations?*
- *Has the employee been given appropriate support in order to meet the performance targets?*
- *Has the employee been given sufficient time to improve their performance?*
- *What evidence is available to support the employee's performance improvement / lack of improvement?*
- *Is the mitigation put forward by the employee justified?*

13. The Chair will call both parties back into the meeting room to inform them of the decision.

Where a decision is made that the performance targets have not been met the employee will be informed of the sanction to be issued and that the decision will be confirmed in writing within 7 calendar days.

This may include (1) an outline of the areas for improvement and the dates for the review period  
Or (2) Dismissal. **Where an employee is dismissed, they must be advised of their right of appeal.**

**Following an appeal hearing (using this same process) the employee will be notified of the outcome in writing. The Appeal Hearing decision is final and there is no further right of appeal**