

# **AYCLIFFE DRIVE PRIMARY SCHOOL**



## **PROBATION POLICY**

The Professional Associations/Trade Unions have been consulted on this code of conduct,  
and HfL recommends it for adoption.

### **Strategy Committee**

**Updated February 2022  
To be reviewed 2025**

#### **Staff Responsible**

Mrs RMH Green  
Governors

Headteacher  
Strategy Committee Governors

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## **1. Introduction**

This policy applies to all new employees/support staff of the school, except those that have transferred from the same employer (i.e. Community and Voluntary Controlled Schools where the Local Authority is the employer)

Where the employs an ECT undertaking their statutory induction, the provisions of this policy will not apply. The probationary period for these individuals will be managed in accordance with the current ECT Statutory Induction Framework in force at the time of their induction.

This policy is intended to allow both the employee and the employee's line manager to assess objectively whether or not the employee is suitable for the role. The School believes that the use of probationary periods increases the likelihood that new employees will perform more effectively in their permanent employment, once confirmed.

Line managers are responsible under this policy for ensuring that all new employees are properly monitored during their probationary period. If any problems arise, line managers should address these promptly. This will ensure that the employee is aware that some aspect of their performance or conduct is unsatisfactory and prevent the problem from escalating.

This procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary this procedure, including any time limits, as appropriate in any case.

## **2. Length of probationary period**

The School's standard period of probation is three months. For senior management, professional positions and roles with complex responsibilities, the School may wish to impose a longer probationary period of six months

## **3. Terms of employment during the probationary period**

During the probationary period, employees will be subject to all the Terms and Conditions of their Contracts of Employment, including their contractual arrangements for notice periods during probation (if applicable).

In the event of a dismissal due to gross misconduct, termination will be summary dismissal, (i.e. dismissal without notice). Where the harm test (as defined in part four of Keeping Children Safe in Education) is or may be met, allegations concerning the safety and welfare of children must be investigated and heard even if the employee has resigned. The employee should be given a full opportunity to answer the allegation and make any relevant representations about it.

## **4. Irregularities discovered during the probationary period**

If, during an employee's probation, it is suspected or established that the employee does not have the qualifications, experience or knowledge that they claimed to have at the time of recruitment, then the matter will be discussed with the employee to establish the facts. If the evidence suggests that the employee misrepresented their abilities in any way, the School may terminate the employment in line with relevant policies and procedures.

## **5. Reviews during probation**

The line manager or appropriate designee will regularly review and assess the employee's performance, capability and suitability for the role during the employee's probationary period. A clear record should be made of each review meeting. A copy of the record should be given to the employee and the original retained by the line manager.

During an employee's probation, line managers should provide regular feedback to the employee about their performance and progress, and, should there be any raise these with the employee as soon as possible with a view to resolving them. The line manager is also responsible for providing guidance and support and for identifying and arranging any necessary training or coaching.

## **6. Extending probationary periods**

The probationary period may be extended in circumstances where the employee has been absent from school for an extended period during the probation period for example ill health or maternity leave, or in exceptional circumstances where a further period is required to determine suitability. This should be done in consultation with the employee and confirmed in writing. An extension of an employee's probationary period will happen no more than once for a period not exceeding three months on the same terms and conditions as the original period.

## **7. End of probationary period**

At the end of the probationary period, the line manager should conduct a final review of the employee's performance and suitability for the job. This will involve a meeting with the employee to discuss their performance and progress throughout the period of probation. The review must be conducted on or shortly before the date on which the employee's probationary period comes to an end. If the employee's performance is satisfactory, the line manager should then issue a letter of confirmation of appointment to the employee.

## **8. Termination of employment**

If an employee's performance while on probation (or extended probation) has been unsatisfactory, and it is thought unlikely that further training or support would lead to a satisfactory level of improvement, the employment may be terminated.

Where a decision is taken to terminate the employee's employment, the employee must be met with and informed of the reason for the termination. The employee has the right to be accompanied at this meeting by a work colleague or professional association/trade union representative. The School will write to the employee confirming the termination, the reason for it, and the notice period they are contractually entitled to in accordance with their terms and conditions of employment. The employee will be given an opportunity to appeal the decision.

If an employee's employment is terminated after the expiry of the probationary period, or if the employee is an existing employee who has been promoted into a different role, the School's normal capability/disciplinary procedure must be followed in full.

## 9. Appeal

The Employee has a right of appeal against the termination of their employment whilst in their probationary (or extended) period.

Any appeal should be made to the person named in the formal termination letter, clearly stating the grounds for appeal. This must be done within seven calendar days of receipt of written confirmation of termination.

The appeal will be conducted by at least one member of the governing body as soon as is reasonably practicable following receipt of the appeal.

The outcome of the appeal will be confirmed in writing without unreasonable delay. There is no further right of appeal.

### **To be sent to employee after an unsatisfactory review meeting**

Date

[EMPLOYEE'S NAME AND ADDRESS]

Dear

I refer to our meeting on [DATE] at which your work performance during your probationary period was formally reviewed. Also present at the meeting were **[insert other attendees if applicable i.e. trade union representative/work colleague]**.

At this meeting, the necessary standards required for your role were explained. I confirm that the areas where you have failed to reach an acceptable standard are as follows:

**[Give details here of shortcomings and reminders of advice/warnings]**

In order to meet these standards, the following support and development has been mutually agreed:

**[Give details here of developmental opportunities and support that have been offered/organised]**

I would like to remind you that confirmation of your appointment is subject to your suitability for employment in this role. You need to demonstrate satisfactory performance and conduct throughout your probationary period. If you fail to meet the necessary standards outlined above your employment may be terminated. Your performance will be reviewed again formally at the final review meeting on [DATE] at which you have the right to be accompanied by a trade union representative or work colleague. I must remind you that if at the final review meeting, you have failed to meet the standards outlined above, the outcome of the meeting may be the termination of your employment.

If you have any questions please do not hesitate to contact me.

Yours sincerely

Mrs Maria Green  
/Headteacher

Date

[EMPLOYEE'S NAME AND ADDRESS]

]

Dear

Further to the final review meeting on [DATE] regarding your probationary period, which is due to end on [DATE] I am writing to confirm that it has not been possible to fully assess your suitability for the post of [JOB TITLE] This is due to [STATE REASON].

I am therefore offering you an extension [**enter agreed time NB: this should not be longer than 3 months**] to your probationary period. This will take you to [DATE]. It is felt that this would give you a more reasonable time to demonstrate your suitability for the role. This extension would constitute a mutually agreed variation to your contract of employment as issued to you on [**insert original contract date**].

During this extended probationary period the areas you need to concentrate on in order to reach an acceptable standard are as follows:

**[Give details here of shortcomings/areas which you have not been able to assess properly]**

In order to meet these standards the following training/support has been mutually agreed:

**[Give details here of developmental opportunities and support that will be offered]**

If you agree to this extension a final review of your performance will take place on [**insert date, time, location and name of reviewer**]. You may be accompanied by your trade union representative or a colleague if you wish. However, if you fail to successfully complete your extended probationary period you will only be given statutory notice of [**insert length**].

If you wish to accept this offer of an extended probationary period, please sign the letter overleaf and return to me. A second copy of this letter is enclosed for your records.

If you should choose not to accept this offer of an extension, I regret that your appointment cannot be confirmed as you have failed to reach and maintain a satisfactory level of performance. This letter would therefore act as notice that your employment with Aycliffe Drive School will terminate with effect from [DATE].

Yours sincerely

Mrs Maria Green  
Headteacher

Date

[EMPLOYEE'S NAME AND ADDRESS]

Dear.....

### **TERMINATION OF EMPLOYMENT**

I refer to the final probationary review meeting which took place on [DATE] with **[insert attendees]**. The meeting was arranged in order to formally review your performance at the end of your probationary period.

At this meeting you were informed of the areas of your job in which you have failed to reach a satisfactory standard during the probationary period:

**[Give details here of shortcomings and reminders of advice/warnings]**

After due consideration of all the evidence presented to me and of the responses from yourself **[and your trade union representative/work colleague – include if appropriate]**, I have decided that despite assistance being given to you over the past **[Insert number weeks/months]** you have failed to reach and maintain a satisfactory level of performance. I have therefore concluded that I must terminate your employment with Aycliffe Drive School on the grounds that you have failed to pass your probationary period on the basis of **[Failure to meet performance criteria, gross misconduct, misconduct, the headteacher reasonably concluding that you were unable to meet the requirements of the role]**.

Your dismissal will take effect on [DATE] which takes into account the [NUMBER] weeks' notice to which you are entitled. You will/will not **[delete as appropriate]** be required to attend work during your period of notice.

If you wish to appeal against this decision you should do so in writing to **<<insert name>>**, chair of governors, via the school within seven working days of receipt of this letter.

Yours sincerely

Mrs Maria Green  
Headteacher

Date

EMPLOYEE'S NAME AND ADDRESS]

]

Dear

Following your final probationary review meeting on [DATE] I am pleased to confirm you have successfully completed your probationary period and your appointment is now confirmed.

I would like to take this opportunity to offer my congratulations and to wish you continued success in your role.

Yours sincerely

Mrs Maria Green  
Headteacher