

**Honiton Community College  
Academy Trust**



**This policy was adopted by the Governing Body of  
Honiton Community College Academy Trust  
on 13<sup>th</sup> February 2019 and will be reviewed every 3 years.**

# **PROBATIONARY POLICY FOR ASSOCIATE STAFF**

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## **A. INTRODUCTION AND PURPOSE**

### **A.1. Responsibility for the Application of the Policy**

It is the responsibility of the Governing Body and the Principal to ensure that they implement an effective probation period for all new probationers not covered by the statutory induction scheme for teachers. **Please note that associate staff who have transferred or been promoted into new posts are not contracted to a probationary period.**

The Governing Body is responsible for ensuring that the time frames detailed in the Probationary Policy for College associate staff are adhered to. The Governing Body will delegate this responsibility to the Principal who will, if appropriate, designate an appropriate manager to conduct the probation process for each new probationer who joins the college staff.

### **A.2. Consultation**

This policy has followed consultation with the recognised Trade Unions / Professional Associations. Should the Governing Body wish to make changes to this policy, the required consultation must be undertaken by the Governing Body with the County Officers of the recognised Trade Unions/Professional Associations.

### **A.3. Costs**

Schools that do not purchase HR advice from the DCC Schools' Personnel Service, must ensure that either they or their personnel service provider have adequate financial resources to cover any costs arising from any subsequent claims.

### **A.4. Legislative Base**

This policy takes into account the statutory requirements of the Employment Rights Act 1996 (Amended 2002).

### **A.5. Aim of the policy**

The probation period provides the Principal/designated manager with the opportunity to clarify what is expected of the probationer and to set the objectives and standards of the post.

It also allows both the Principal/designated manager and the probationer to assess objectively whether the probationer is suitable for the role, taking into account the individual's overall capability, skills, performance and general conduct in relation to the job in question.

**It is important that all new probationers are clearly informed that their employment may be terminated if they do not reach the required standards of performance within the stated probationary period.**

### **A.6. Coverage**

This policy applies to all new associate staff in the college, except those who have six months' or more continuous service under the terms and conditions of the National Joint Council (NJC) for Local Government Services and/or have completed the full 26 weeks probation period with a relevant employer under the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999.

This policy does not apply to those staff employed under the terms and conditions of the School Teachers' Pay and Conditions Document.

Associate staff probationers on temporary/fixed term contracts of 26 weeks or longer will be required to complete the full probation period. Where a probationer is on a temporary contract of less than 26 weeks, appropriate assessments in line with this policy should be undertaken during the whole of the employment. If a temporary/fixed term contract of less than 26 weeks is extended, the probation period will continue until 26 weeks service is complete.

This policy will be made available to every member of the associate staff through the College's internal systems and to new probationers during their induction.

#### **A.7. Contractual provisions**

New probationers are advised about their probationary status in their Statement of Particulars.

During this probation period the appointment will be terminable by either side giving the other two weeks' notice.

#### **A.8 Representation**

There is no right of representation at assessment meetings during the probationary period. However, there is no reason why a request to be accompanied by a representative, which can either be a work colleague or trade union/professional association representative only, should be unreasonably refused.

All probationers have a right to be accompanied at a meeting where termination of employment is being considered.

### **B POLICY**

#### **B.1 Application of the Policy**

This policy will be applied in a way that:

- is non-discriminatory and in accordance with the College's Equality policies;
- is consistent and fair across the College;
- shows respect for the confidentiality of individuals and in accordance with the Data Protection Act 2018;
- is based on open communication between members of staff and their managers;
- is explicit about the responsibilities for all involved;
- aims to be positive and identify support required by new probationers;
- takes account of the availability and duration of any training identified by the manager and probationer.

Timescales may be extended by mutual agreement but must be consistent with the spirit of this policy and any contractual arrangements.

### **C CONFIDENTIALITY**

The application of this policy and any information divulged as a consequence should be considered confidential by all parties involved. Disclosure of any information to any third party will be made in accordance with this policy and/or for the purposes of obtaining appropriate professional advice and/or as may be required by law.

The Principal/designated manager will ensure there are full, comprehensive records of each stage of the process which will be stored confidentially.

## **D EQUAL OPPORTUNITIES**

Members of staff, whether they are full or part-time, temporary or permanent, must be treated equally. The progress of all newly appointed staff, including those on a temporary contract, should be monitored equally.

This policy is based on best practice and is designed to promote a consistent and effective approach to probationary issues in the college. The Governing Body and Principal will ensure that the application of the policy will not disproportionately or unfairly affect any staff in the college recognising the diversity of the community. The designated manager has a particular responsibility to ensure that he/she manages the processes fairly, equitably and objectively.

## **E PROCEDURE**

### **E.1 Principal/Line Manager responsibilities:**

- The letter of appointment to all new associate staff will say that his/her employment will be subject to a probationary period of 26 calendar weeks.
- The new employee's roles and responsibilities will be clearly set out in the job description (this will form part of a planned induction programme)
- As part of the induction programme, the Principal/Line manager will have agreed a date (within one month) with the employee for the first probationary review meeting.
- Realistic and reasonable standards of performance will be set, which are consistent, and these must be explained to the new employee.
- Adequate support will be available to the employee, as well as feedback (both positive and constructive) on performance, so that he/she can reach the required standards of performance.
- Appropriate action will be taken under this procedure if performance is unsatisfactory during the probationary period. If there are concerns, these will be raised with the employee as soon as possible and not to wait until the-review meetings.
- Training needs will be assessed.
- The employee will be allowed the opportunity for improvement.

### **Employee Responsibilities:**

- To be aware of the performance standards expected of them and be committed to achieving them
- To verbally inform his/her line manager/Principal if he/she needs additional support in order to meet the required performance standards (i.e. coaching, training and development etc.). A duplicate in writing is required.
- To identify skills/development areas to pursue and undertake any appropriate training.

### **E.2 Timing of Probation Assessment Meetings**

It is recommended that formal probationary review meetings are held as follows:

- **First review** within 4 weeks (1<sup>st</sup> Month review)
- **Second review** within weeks 12 – 15 (3<sup>rd</sup> Month review)
- **Third and final review** meeting no later than 20 weeks after their start date (5<sup>th</sup> month review).

Consideration must be made to those employees on term time only contracts to ensure that their review meetings take place at an appropriate time in the college term. For example, term time employees whose first 8 weeks of employment include the summer holidays, the first (8 week) review will need to be adjusted accordingly.

This procedure is to be used in addition to normal supervisory arrangements. Review meetings will simply formalise feedback on performance/conduct the employee has already received via normal supervisory and management processes.

Additional assessment meetings will take place if either the manager or the probationer feels that additional support or guidance is needed to enable the probationer to reach the required standard at any time during the probation period. Any such meeting should be planned, and a written Probation Assessment Report completed (Appendix 1)s. A copy of the completed report should be retained by the designated manager in preparation for the next assessment. The probationer must also receive a copy.

It is important that the final (5<sup>th</sup> month) assessment meeting is held before the end of the agreed probation period and that the final Probation Assessment Report is completed. This provides an opportunity to bring any concerns to the probationers' attention and for an action plan to be established. **If the meeting does not take place by this date, the probationer's performance will be taken as satisfactory and the appointment confirmed.**

### **E.3 Format of Probation Assessment Meetings**

At each assessment meeting, the designated manager should aim to:

- Allow the probationer to comment on his/her progress;
- Review the probationer's capability, skills, performance and general conduct in relation to the job;
- Focus on successes as well as areas in need of improvement;
- Ensure the provision of any necessary training and coaching;
- Agree development activities and ensure that training or instruction is swiftly put into effect.

If there are concerns, the designated manager should:

- Explain clearly and in precise terms any areas in which the probationer is falling below the required standard, providing specific examples where possible;
- Establish any underlying reasons for any failure to meet the required standards;
- Allow the probationer to discuss/explain areas of concern;
- Agree a timescale within which improvements should be achieved, and arrange a date to review the probationer's progress;
- Clearly explain the consequences of underperforming to the probationer;
- Ensure the probationer understands that a continued failure to achieve the required standards could lead to his or her employment not being confirmed.

The assessment meetings should be a two-way process and provide both the manager and the probationer with the opportunity to discuss progress on a one-to-one confidential basis.

The job description and person specification are key documents and should be used during the probation programme.

For the probation period to be successful a comprehensive induction programme must support it.

#### **E.4 Addressing Issues during the probation period**

The designated manager is responsible for dealing with unsatisfactory performance as it arises, as dealing with problems at an early stage means that they are more likely to be dealt with successfully. It is important **not** to wait until the 1<sup>st</sup> month, 3<sup>rd</sup> month and 5<sup>th</sup> month assessment reviews are undertaken to make the probationer aware of any concerns. Regular line management meetings throughout the probation period will allow the probationer's performance and progress to be monitored on a 'little and often' basis. Less frequent meetings may result in important issues being overlooked or delays in the resolution of performance issues.

The designated manager should be prepared to provide reasonable support to give the probationer a fair opportunity to meet the required standards and to become a fully integrated and productive probationer of the college in the longer term. If the probationer is unsatisfied with the support received from their line manager, then they should contact a member of the ELT. In the case of the Principal being the line manager, the probationer should contact a Governor, through the Clerk.

#### **E.5 Sickness absence during the probation period**

Sickness absence during the probationary period should be managed in line with the Maximising Attendance and Managing Sickness Absence Policy.

Where a probationer has a substantial amount of absence due to sickness during the probation period this may lead to consideration of ceasing the employment or it may be appropriate to consider extending the probation period.

#### **E.6 Satisfactory Final (5<sup>th</sup> month) Assessment Meeting**

During the final (5<sup>th</sup> month) assessment meeting the Principal/designated manager and the probationer should:

- Review the probationer's progress;
- Identify and discuss areas in which the probationer requires further training or development after completion of the probation period;
- Check how the probationer feels about his/her employment in general;
- Explain how performance will be managed in the future through the college appraisal system.

If the probationer has shown during the previous five months that he/she has satisfactorily carried out the duties of the post, the Principal should issue a letter of confirmation of appointment to the probationer. Appendix 2.

#### **E.7 Unsatisfactory Final (5<sup>th</sup> month) Assessment Meeting**

If the designated manager identifies areas of concern during the probation period and by the final (5<sup>th</sup> month) assessment meeting the probationer has not shown that he/she is suitable for the post, and it is clear that further training or support is unlikely to alter the situation, a Formal Probation Review Meeting will take place.

#### **E.8 Unsatisfactory Performance Early in the Probation Period**

The above procedures do not preclude formal action being taken at any point during the probationary if it can be reasonably established that the probationer is totally unsuited to the work. If this is the case, then a Formal Probation Review Meeting will take place. However, an attempt

should be made to allow the probationer to try and remedy the situation by providing clear guidance/instruction of the requirements of the job and standard of performance necessary, if appropriate.

## **F FORMAL PROBATION REVIEW MEETING**

### **F.1 Considerations at Formal Probation Review Meeting**

If consideration is to be given to ceasing the employment, the probationer will be required to attend a Formal Probation Review Meeting with the Principal. (Appendix 3)

The probationer will be informed of his/her right to be accompanied by a work colleague or trade union representative and a reasonable period of notice will be given prior to attendance, within five working days

At the meeting, the Principal will ensure that:

1. everything possible has been done to try and improve the probationer's performance and that this can be evidenced;
2. the probationer is still in the probation period;
3. the probationer has been informed of how he/she has failed to meet the required standards
4. the employer has been made aware of the possible consequences of not meeting the required standards;
5. the probationer had been given an opportunity to respond.

Following consideration of the above points, the Principal will:

- consider the concerns about the probationer's performance/conduct/suitability for the post;
- consider the effect the probationer's performance/conduct is having on the college's ability to provide for the education and welfare of the students;
- provide the probationer with a full opportunity to put forward his/her version of events
- consider whether there are exceptional circumstances which may require an extension to the probation period (i.e. to give more time if it is deemed that remedial action will result in the necessary improvement)
- consider whether the probationer is likely to meet the required standards given further support and/or training and/or guidance by the end of the probation period.

### **F.2 Possible outcomes at Formal Probation Review Meeting**

The Principal may make one of the following determinations.

- **That the probationer has met the required standards** – the Principal will write to confirm the probationer's appointment as he/she has successfully completed his/her probation period (Appendix 2).

**That there are exceptional circumstances which require the probationer's probation period to be extended to allow a further assessment period (see F.3.)** – the Principal will specify;

- the required improvements during this period;
- how long the extended probation period will be; and
- when the progress will be reviewed at a reconvened Formal Probation Review meeting.

The Principal will inform the probationer of the decision orally and confirm it in writing. (Appendix 4)

**That the probationer has failed to meet the required standards despite being given appropriate training, support and guidance and that his/her appointment should not be confirmed** - the Principal will specify:

- How the probationer has failed to meet the required standards;
- What support, guidance and training was provided to enable the probationer to reach the required standards;
- That the probationer has not established his/her suitability for the post in line with the contract of employment and so his/her employment will not be confirmed;
- That the probationer's employment will end with a two week's notice being given in writing.
- That the probationer has the right to appeal to a Committee of Governors.

**That the probationer has demonstrated that they are totally unsuited to the work and has failed to meet the required standards early in the probation period (section E8) and that his/her appointment should not be confirmed** - the Principal will specify:

- How the probationer has failed to meet the required standards and why they are unsuited to the work;
- What support, guidance and training was provided to enable the probationer to reach the required standards;
- That the probationer has not established his/her suitability for the post in line with the contract of employment and so his/her employment will not be confirmed;
- That the probationer's employment will end with a two weeks' notice being given in writing.
- That the probationer has the right to appeal to a Committee of Governors.

The Principal will inform the probationer of the decision orally and confirm it in writing. (Appendix 5)

### **F.3 Exceptional Circumstances Leading to the Extension of the Probation Period**

The probation period should only be extended beyond six months if there are exceptional circumstances.

These circumstances may be:

- Where the required improvement has not been made and the appropriate training, support and guidance has not been provided and where further time, for example to attend appropriate training courses, will allow such improvement to happen;
- Where it has not been possible to assess a probationer's performance during the initial probation period of six months because the probationer has been absent for a significant proportion of this period. Consideration should be given to whether the probationer is likely to be covered by the Disability Discrimination Act and whether it would be a reasonable adjustment to extend the period.
- Other circumstances determined by the Principal at the Formal Probation Assessment Meeting to be exceptional.

Where a probationer's probation period is extended, written details of how and why performance has fallen short of the required standards should be attached to the terms of the extension **before** the end of the initial six-month probation period. Written confirmation will be sent (Appendix 4)

**The probationary period cannot be extended retrospectively.**

If the probation period has not been extended in writing to the probationer before the end of six months service then the probationary period ceases and the contractual notice period will apply.

## **G APPEAL**

### **G.1. Making an appeal**

If an employee wishes to appeal against the decision to terminate his/her employment, he/she will appeal in writing to the Clerk to Governors within five working days of receipt of his/her termination letter. He/she will arrange for three members of the Governing Body not previously involved, to hear the appeal. The appeal should take place without unreasonable delay.

If the probationer wishes to appeal against the decision of the Formal Probation Review Meeting, this must be done in writing to the Clerk to Governors within five working days of receipt of the letter confirming the decision of the Principal, giving reasons for the appeal.

The purpose of the Appeal Meeting is to give the probationer the opportunity to have the grounds of appeal considered by a committee of governors who have had no previous involvement.

The Appeal Committee will ensure that the meeting adheres to good personnel practice. The Committee will consider the case presented by the probationer and the evidence presented by the Principal/designated manager relating to the circumstances of the probation period.

Following an adjournment to allow the committee to consider the evidence and reach their decision, the Chair of the Committee will notify the probationer of the decision and the reasons for it. It is normal practice for the Personnel Adviser who has advised the Committee to be present during the decision making process.

The Committee may decide:

1. To uphold the appeal by determining that the Principal erred in judgement at the Formal Probation Review Meeting and that the employment should be confirmed. (Appendix 6)
2. To conclude that there are exceptional circumstances and that the probation period should be extended for a specified period, with specified support, training and/or guidance to be provided to give the probationer the opportunity to meet the required standards. A further date will be set for a Formal Probation Assessment Meeting at least two weeks before the end of the extended probation period. (Appendix 7)
3. To reject the appeal and the decision of the Principal stands. (Appendix 8)

The decision will be confirmed in writing within five working days.

**The Appeal Committee decision is final.**

## **H Annex 1 Formats for Probationary Meetings**

### **1. First Probationary Review Meeting (within 4 weeks)**

As part of the normal induction programme, the employee will have already met with their Principal/Line Manager to agree a set of key objectives, tasks and targets which will be documented in the Probationary Period Review form (appendix 1) and used throughout the probationary review process.

#### **1.1 First Probationary Review Meeting for Employees working at a Satisfactory Level.**

The Principal/ Line Manager will meet with the employee to discuss:

- Employee's performance
- Key objectives, tasks and targets
- Sickness/absences
- Any other concerns/relevant issues
- Areas for improvement/timescales and assistance offered

The Principal/ Line Manager will complete a Probationary Period Review Form (doc. 2 of toolkit) during the meeting and both the employee and line manager will be required to sign the form. A copy of the form must be placed on the employee's personal file and a copy given to the employee.

A date for the second Probationary Review Meeting will be arranged. This will take place no later than 15 weeks after the employees start date.

#### **1.2 First Probationary review Meeting for Employees working at an Unsatisfactory Level**

The Principal/ Line manager will meet with the employee to discuss:

- Areas of poor performance, unsatisfactory conduct.
- Detail of the help and support that will be provided
- Time period of expected improvement
- How improvement will be monitored and assessed
- Complete and sign the Probationary Review Report form (appendix 1)
- Complete a Probationary Period Joint Action Plan

It is advisable that targets given will follow the SMART target tool:

- **S**pecific
- **M**easurable
- **A**chievable
- **R**ealistic
- **T**ime-bound

The employee will be given the opportunity to explain any reasons why he/she may not be performing to a satisfactory level and will be asked what help or assistance he/she needs.

The Principal/Line Manager will complete the probation review form during the meeting and both the employee and line manager will sign the form. A copy of the form must be placed on the employee's personal file and a copy will be given to the employee.

The employee should be sent a copy of the Poor Performance letter (appendix 5) following the meeting.

A date for the second Probationary Review Meeting will be arranged. This will take place no later than 15 weeks after the employees start date.

## **2. Second Probationary Review Meeting (within 12-15 Weeks)**

### **2.1 Second Probationary Review Meeting for Employees working at a Satisfactory Level.**

The Principal/ Line Manager will meet with the employee to discuss:

- Employee's performance
- Key objectives, tasks and targets
- Sickness/absences
- Any other concerns/relevant issues
- Areas for improvement/timescales and assistance offered

The Principal/ Line Manager will complete a Probationary Period Review Form (appendix 1) during the meeting and both the employee and Principal/line manager will be required to sign the form. A copy of the form must be placed on the employee's personal file and a copy given to the employee.

A date for the Third and Final Probationary Review Meeting will be arranged. This will take place no later than 20 weeks after the employee's start date.

### **2.2 Second Probationary Review Meeting for Employees working at an unsatisfactory Level.**

This meeting will take place no later than 15 weeks after the employee's start date. The employee is entitled to bring with them a Union or Professional Association Representative or work colleague and no one else to this meeting.

If the employee's performance, conduct and or attendance remains unsatisfactory the same procedures as stated for the first probationary review meeting must be followed (see section 4.2). Following the meeting, the employee must be informed in writing that if his/her conduct/performance does not improve that his/her employment may be terminated. See Poor Performance letter, (appendix 5).

A date for the Third Final Probationary Review meeting will be agreed with the employee. This will take place no later than 20 weeks after the employee's start date.

## **3. Third (Final) Probationary Review Meeting (20-week review)**

This meeting will take place no longer than 20 weeks after the employee's start date.

### **3.1 Third (Final) Probationary Review Meeting for Employees working at a Satisfactory / Improved Level.**

If the employee's performance/conduct has continued to be acceptable or has improved to an acceptable standard and this is judged using the criteria set out at the first and second probationary review meetings, the Principal must record this on the Probationary Period Review form (doc. 2 of toolkit). The employee should receive a Successful Completion letter (doc. 8 of toolkit)

### **3.2 Third (Final) Probationary Review Meeting for Employees whose performance / attendance / conduct remains unsatisfactory**

If, prior to the third and final review meeting the reviewer is of the opinion that the employee's performance/conduct remains unsatisfactory, the Principal should attend the third and final review

meeting. The employee will be notified if the Principal will be in attendance, at least five working days, prior to the date of the Third (final) review meeting.

The employee is entitled to bring with them a union or professional association representative or work colleague and no one else to this meeting.

Where termination of employment is an option, an HR advisor may attend to guide the Principal.

The following areas must be considered by the Principal:

- Areas of poor performance and/ or unsatisfactory conduct and/or attendance;
- Areas in which the employee has failed to improve;
- Any reasons the employee presents as to why they are not performing to a satisfactory level.

Taking the above factors into consideration, the Principal will decide on whether to terminate the employee's contract of employment.

The employee will be informed verbally at the meeting of the decision taken and this decision will be confirmed in writing within five working days of the meeting (appendix 9)

If the decision is to terminate employment, the letter will serve the required notice on the employee and must state that the employee has a right of appeal (see section G). The notice period must be timed to ensure that employment ends before the expiry of 26 weeks' service.

I Appendices

**Appendix 1 – Probation Assessment Report**

**PROBATION ASSESSMENT REPORT - Confidential**

The designated manager completing this report should read the guidance notes at the end of the report.

<b>Personal Details</b>				
Probationer Name:				
Post:				
Permanent/Temporary:				
Start date:				
Designated Manager:				
Date of assessment:				
Next scheduled assessment date:				
Stage of process	1 <sup>st</sup> month assessment			
	3 <sup>rd</sup> month assessment			
	5 <sup>th</sup> month assessment			
	Additional assessment			
<b>Note: This assessment is intended to be carried out in consultation with the new probationer</b>				
Tick <u>one</u> box as applicable	<b>Improvement Required</b>	<b>Average</b>	<b>Good</b>	<b>Excellent</b>
<b>Quality &amp; accuracy of work</b>				
<b>Attendance</b>				
<b>Time Keeping</b>				
<b>Work Relationships</b>				
<b>Team work /interpersonal skills</b>				
<b>Communication skills</b>				
<b>Probationer’s views on the job, work environment and working conditions</b>				

**Manager's assessment of the probationer's performance in relation to the duties for the post.**

**Detail any plans needed to improve performance, include supervisory support, agreed development activities and the provision of any necessary training and coaching (include timescales):**

**Give details of training already undertaken:**

**Please make any further comments:**

**Outcome of Probation Assessment:**

The 1 <sup>st</sup> month probation period been completed <b>satisfactorily/unsatisfactorily?</b> (delete as appropriate)	Is the probationer suitable for employment in the post?  Yes <input type="checkbox"/> No <input type="checkbox"/>
The 3 <sup>rd</sup> month probation period been completed <b>satisfactorily/unsatisfactorily?</b> (delete as appropriate)	
The 5 <sup>th</sup> month probation period been completed <b>satisfactorily/unsatisfactorily?</b> (delete as appropriate)	
The additional probation period been completed <b>satisfactorily/unsatisfactorily?</b> (delete as appropriate)	
Designated manager's signature:	Date:
Probationer's signature:	Date:

## GUIDANCE NOTES

The content of the Probation Assessment Meeting should be fully and clearly documented. The Probation Assessment Report should provide an **accurate record** of what was discussed at the meeting, including any areas of concern, as well as a note of the areas in which the probationer is performing well.

The Probation Assessment Report should be completed and retained on the probationer's personal file with a copy provided to the probationer. If there are any areas of disagreement over what should be recorded on the form, the manager should try to resolve these with the probationer prior to the document being signed by both parties. If the probationer does not agree with the comments on the form, he/she can provide a statement to be attached to the form and retained on his/her personal file.

## UNSATISFACTORY PROBATION ASSESSMENT

When an **unsatisfactory** Probationer Assessment Report is submitted it is necessary for the following requirements to be met:

- The probationer **must** be made aware of any shortcomings, whether these relate to conduct or capability, at the earliest opportunity.
- The probationer must be offered suitable instruction, training, guidance or support in order to address and these shortcomings.
- The probationer must be warned that termination of his/her employment could occur if the required standards are not achieved.
- The probationer must be allowed time for improvement before further action is taken.
- The probationer must be given this information in writing as well as having it discussed with him/her personally.
- An extension to the probationary period should normally be sought only where there are exceptional circumstances justifying it. (See Section F.3)

**Appendix 2 - Letter informing a probationer of completion of a satisfactory probation period**

**PROBATION**

Letter must be personalised and sent on the college's headed notepaper by the Principal

[Name]  
[Address]  
[Address]  
[Address]  
[Date]

Dear

**Completion of a satisfactory probation period**

I am writing to you to confirm that you have successfully completed your probationary period, subject to the remainder of the six months' probation period being completed satisfactorily. Should any concerns arise during the remaining time, the right is reserved to reconsider this decision and take appropriate action.

In view of this, I have pleasure in confirming your appointment as ..... at Honiton Community College Academy Trust.

Under the terms of your contract your notice period will increase to { } months.

In all other respects your terms and conditions of employment remain unchanged.

I hope you will be very happy in your employment with us.

Yours sincerely

Principal

**Appendix 3 - Letter to invite a probationer to a Formal Probation Review Meeting following unsatisfactory final (5th month) Probation Assessment or Additional Probation Assessment meeting or Exceptional circumstances where the probationer has been suspended**

**FORMAL PROBATION REVIEW MEETING**

Letter must be personalised and sent on the college's headed notepaper by the Principal

PERSONAL AND CONFIDENTIAL

[Name]

[Address]

[Address]

[Address]

[Date]

Dear

I am writing to you further to the Probation Assessment Meeting(s) held on ...{date(s)}... with ...{name}..., your designated manager. The details of your performance/conduct which are unsatisfactory and were explained to you are in the attached Probation Assessment Report(s), which you have seen previously.

I am writing to require you to attend a Formal Probation Review Meeting which will be held on ...{date}... at ..{time}.. at ...{venue}.... A copy of the Probationary Policy for College Associate staff which has been adopted by the college's Governing Body is enclosed.

I will be accompanied at this meeting by {name} Human Resources Adviser. (Delete if not being accompanied). I shall be calling ...{name}., as the designated manager for your probation period, as a witness. (delete if not appropriate)

At this meeting I will:

1. consider the concerns about your performance/conduct/suitability for the post;
2. consider the effect your performance/conduct is having on the college's ability to provide for the education and welfare of the pupils;
3. provide you with a full opportunity to put forward your version of events
4. consider whether:
  - your employment should be confirmed; or,
  - there are exceptional circumstances which mean that your probationary period should be extended (i.e. to give more time to find if remedial action will result in the necessary improvement); or
  - you have not met the required standards and your employment should be terminated.

You may be accompanied at the meeting by either a trade union representative or work colleague if you wish and I have attached an additional copy of this letter for you to give to the person accompanying you. If you wish to submit any documentation, please provide this at least two full days in advance of the meeting so that I can consider it before the meeting. Please inform me of any relevant witnesses you wish to call.

Please confirm that you are able to attend the meeting. If you are not able to attend on this date, please advise me immediately.

You should be aware that if I decide that you have not met the required standards, that you will be given two weeks' notice of termination of your contract.

At the end of the meeting, I will consider what has been said and will inform orally you of my decision, unless we agree otherwise. You will receive written confirmation of my decision.

If you need any further information, please do not hesitate to contact me.

Yours sincerely

Principal

Enc

Probationer assessment report(s)

Copy letter

Probationary Policy for College Associate staff

## Appendix 4 - Letter informing a probationer of an extension to probationary period

### EXCEPTIONAL EXTENSION OF PROBATION PERIOD

Letter must be personalised and sent on the college's headed notepaper by the Principal

PERSONAL AND CONFIDENTIAL

[Name]

[Address]

[Address]

[Address]

[Date]

Dear

#### Exceptional Extension to Probationary Period

I am writing following the Formal Probation Review Meeting held on ...{date}...

I have determined that due to the concerns raised in the Probation Assessment Report(s), copies of which have been provided to you, it has not been possible to confirm satisfactory completion of your probationary period.

In view of .....{specify exceptional circumstances leading to the extension of the probation period}....., I have decided that your probation period will be extended by ..{number}... weeks until ...{date}...

.....{name}..., the designated manager for your probation period, will work closely with you to ensure you receive the necessary support to establish your suitability for this post. During this period you will be expected to address the following issues ....{details of the areas of concern, objectives/targets and action plans set and agreed }....

A Formal Probation Review Meeting will take place on .....{date}..... at which the Principal will consider if you have met the required standards.

If you fail to make sufficient progress by the end of your extended probation period, this is likely to result in your dismissal. As stated in your Statement of Particulars, issued to you on XXX, dismissals arising from unsuitability for confirmation of appointment can be made during the probationary period with the minimum statutory notice required. The period of notice of termination of your employment during your probation period will be two weeks'.

I hope that during the extension of your probation period you will be able to confirm your suitability for this post.

Please do not hesitate to contact me if you have any queries regarding the contents of this letter.

Yours sincerely

Principal/Chair of Committee (delete as appropriate)

**Appendix 5 - Letter informing a probationer of termination of contract on the grounds of not achieving the required standards/poor performance during the probation period**

**NOTICE OF DISMISSAL**

Letter must be personalised and sent on the college's headed notepaper

PERSONAL AND CONFIDENTIAL

[Name]

[Address]

[Address]

[Address]

[Date]

Dear

I am writing to you further to the Formal Probation Review Meeting held on ...{date}...

As you are aware, during the course of your probation period it was necessary for ...{name}..., the designated manager to make you aware of concerns in connection with your performance. These were documented in the Probation Assessment Report(s) of ...{dates}...

You were subsequently given support, including .....{details of support provided}..... to enable you to improve during the remainder of your probation period.

Despite this support you have not met the standards required in that you have not .....{details of where standards have not been met}..... For this reason you were required to attend a Formal Probation Review meeting to discuss your continuing unsatisfactory performance. Following that meeting, as I informed you, I have decided to terminate your employment.

I am giving you two weeks' notice of your dismissal, which will take effect on ...{date}...

**Or**

Your dismissal will take effect today, {... date...} and you will receive a payment in lieu of your two weeks' notice. Your employment will therefore cease today.

You have the right to appeal the decision to terminate your employment. If you wish to appeal, you should do so in writing within five days to the Clerk to Governors giving clear and specific reasons for the appeal.

Yours sincerely

Principal

## Appendix 6 - Decision of the Appeal Committee – Uphold the Appeal

To be sent by the Clerk to Governors after being signed the Chair of the Appeal Committee within five consecutive days of the Appeal, personalised and sent on the school's headed notepaper

Private and Confidential

[Name]  
[Address]  
[Address]  
[Address]

[Date]

Dear [Name]

I am writing to confirm the decision of the Appeal Hearing held on [date] at [venue] where you appealed against the decision of the Principal to terminate your employment as you had not met the required standards during your probation period.:

The Committee considered the following:

- Whether the probation process had been followed appropriately.
- Whether you had been given a reasonable opportunity to present your case and that your response was given fair consideration.
- Whether, taking into consideration all the circumstances, the decision of the Principal was reasonable.
- Any other issue(s) raised

As you were informed at the conclusion of the Appeal Hearing and after careful consideration of the facts of the case and all the evidence presented, the decision of the Committee was to uphold your appeal and to confirm your employment.

You will be reinstated on [full/half/nil\* delete as appropriate] and the Principal will be in touch with you shortly to discuss short and medium term arrangements.

Yours sincerely

[Name]  
Chair of the Appeal Committee

## Appendix 7 - Letter informing a probationer of an extension to probationary period

### EXCEPTIONAL EXTENSION OF PROBATION PERIOD

Letter must be personalised and sent on the college's headed notepaper by the Chair of the Appeal Committee

PERSONAL AND CONFIDENTIAL

[Name]

[Address]

[Address]

[Address]

[Date]

Dear

#### Exceptional Extension to Probationary Period

I am writing following the Appeal Meeting held on ...{date}...

Having considered all the evidence presented, the Committee has decided that it cannot uphold your appeal, due to the concerns raised in the formal Probation Review Meeting. However, in view of .....{specify exceptional circumstances leading to the extension of the probation period}....., the Committee has decided that your probation period will be extended by ..{number}... weeks until ...{date}...

.....{name}..., the designated manager for your probation period, will work closely with you to ensure you receive the necessary support to establish your suitability for this post. During this period you will be expected to address the following issues ....{details of the areas of concern, objectives/targets and action plans set and agreed }....

A Formal Probation Review Meeting will take place on .....{date}..... at which the Principal will consider if you have met the required standards.

If you fail to make sufficient progress by the end of your extended probation period, this is likely to result in your dismissal. As stated in your Statement of Particulars, dismissals arising from unsuitability for confirmation of appointment can be made during the probationary period with the minimum statutory notice required. The period of notice of termination of your employment during your probation period will be two weeks.

I hope that during the extension of your probation period you will be able to confirm your suitability for this post.

Please do not hesitate to contact me if you have any queries regarding the contents of this letter.

Yours sincerely

Chair Appeal Committee

## Appendix 8 - Decision of the Appeal Committee Rejecting the Appeal

To be sent, personalised and on the school's headed notepaper by the Chair of the Appeal Committee

Private and Confidential

[Name]

[Address]

[Address]

[Address]

[Date]

Dear [Name]

I am writing to confirm the decision of the Appeal Hearing held on [date] at [location] where you appealed against the decision of the Principal to terminate your employment as you had not reached the required standards during your probation period.

The Committee considered the following:

- Whether the probation process had been followed appropriately.
- Whether you had been given a reasonable opportunity to present your case and that your response was given fair consideration.
- Whether, taking into consideration all the circumstances, the decision of the Principal was reasonable.
- Any other issue(s) raised

The Committee took particular account of .....{detail areas of concern considered}.....

As you were informed at the conclusion of the Appeal Hearing and after careful consideration of the facts of the case and all the evidence presented, the decision of the Committee was to not uphold your appeal.

I confirm that your employment with [name] School as [job title] will be terminated on [date].

You have now exercised your right of appeal under the College's Policy and this decision is final.

Yours sincerely

Chair of Appeal Committee