



Probationary Policy

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Adopted by (body): Chair of Staffing & Remuneration Committee

WELLBEING POLICY
DEVELOPMENT
STRATEGY HUMAN PEOPLE
RESOURCES
CHANGE MANAGEMENT
SUCCESSION PLANNING
CONFIDENTIALITY

Collaborate Ability to work effectively as a team

Empower Ability to take initiative and problem solve in order to improve performance

Lead To lead by example and achieve shared goals

Transformation Ability to recognise a need for change and adapt accordingly



CELT Vision

Our vision is for our trust to be a learning organisation in the truest sense.

At the heart of our vision for education is a self-improving school-led system which has the best evidence-led practice and in which every child fulfils their potential. This is a learning community in which:

- Our leaders are driven by moral purpose. They are outwards focused and not afraid to take risks to achieve system transformation. The focus of policy is on continually improving the quality of teaching.
- Our teachers strive to be outstanding. They work across organisational boundaries to promote a collective sharing of knowledge, skills, expertise and experience in order to deepen pupil learning.
- The individual talents and strengths of our pupils are recognised and nurtured. A passion and curiosity for learning is sustained in every child from the moment they join us. A CELT pupil leaves our family of academies with a purpose, and the confidence to fulfil that purpose.
- Our parents are engaged in our learning community and actively work in partnership with us to raise the level of attainment and aspiration of every child.

CELT Mission

“Learning together to help every child achieve more.”

We believe there is no limit to what every child can achieve, and that every child deserves the chance to fulfil their potential.

As a learning community we are on an ambitious journey. We want to deliver a model for education in the 21st century which instils curiosity and a love for learning in every child so that they develop into young adults who contribute to humanity, follow their passions, and think for themselves.

By learning and improving together – as part of a global learning community – we create much richer and more sustainable opportunities for rigorous transformation than can be provided by any one of our academies alone.

**COLLABORATE
EMPOWER
LEAD
TRANSFORM**

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Introduction

- 1.1 It is Cornwall Education Learning Trust (CELT) policy to operate probationary periods for all new employees, and in some cases, at the Trust's discretion, in respect of employees who have been transferred or promoted into different posts within the Trust.
- 1.2 This policy allows both the employee and Trust to assess objectively whether or not the employee is suitable for the role. The Trust believes that the use of probationary periods increases the likelihood that new employees will perform effectively in their employment.
- 1.3 The line manager is responsible for ensuring that all new employees are properly monitored during their probationary period. If any problems arise, the line manager should address these promptly and in accordance with the policy. The employee should be made aware that some aspects of their performance or conduct or attendance is unsatisfactory. This will help prevent the problem from escalating and hopefully lead to sufficient improvements.
- 1.4 Where the employee is the Head Teacher or Principal, the Deputy Trust Lead (Operations) and Trustees shall be responsible for managing the probation process and determining whether their employment is confirmed or their employment is terminated.

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Length of probation

- 2.1 The length of the probationary period applicable to an employee will be as set out in the contract of employment of that employee.

3

Extending probationary periods

- 3.1 Three/six months should be an adequate period of time to effectively assess an employee's suitability for the role. In exceptional circumstances, the Trust may decide to extend an employee's period of probation. This will be limited to one extension and the total period of probation extension will be no longer than 6 months.
- 3.2 An extension may be implemented in circumstances where:
 - (a) the employee's performance, conduct or attendance during probation has not been entirely satisfactory, but some improvement has taken place and it is thought likely that an extension to the probationary period may lead to satisfactory improvement.
 - (b) the employee has been absent from the workplace for an extended period during the probation.
- 3.3 Before extending an employee's probationary period it needs to be authorised by the line manager or senior member of staff. If an extension to the probationary period is agreed, CELT will confirm the terms of the extension in writing to the employee, including:
 - (a) the length of the extension and the date on which the extended period of probation will be reviewed and when it will end;
 - (b) the reason for the extension and, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards;
 - (c) the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;
 - (d) any support, for example further training, that will be provided during the extended period of probation; and
 - (e) a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, their employment will be terminated.

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Terms of employment during the probationary period

- 4.1 During the probationary period, employees will be subject to all the terms and conditions of their contracts of employment with the exception of those terms noted below. During the probationary period, attendance, conduct (including matters that could potentially amount to gross misconduct), and capability issues will be managed under this policy rather than the standard school HR policies.
- 4.2 The amount of notice that an employee must give to the Trust if they wish to resign, and the amount of notice that the Trust must give to the employee of dismissal are different during probation. During probation, either party may terminate the employee's contract of employment by giving one week's notice unless otherwise varied by the contract. In the event that the Trust decides to terminate the employee's employment, their employment will come to an end immediately and the employee will receive pay in lieu of the notice together with any outstanding holiday pay. This paragraph does not apply to existing employees who have been transferred or promoted into different roles. Please see 4.4 for existing employees.
- 4.3 Once the probationary period has been completed, the notice periods will be as defined in the employee's contract of employment.
- 4.4 In the case of existing employees who have been transferred or promoted into different roles, the amount of notice that the employee must give to the Trust if they wish to resign, and the amount of notice the Trust must give to the employee of dismissal will be as defined in the employee's contract of employment.

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Line managers' responsibilities

- 5.1 Under this policy, the line manager has responsibility for monitoring a new employee's performance, conduct, attendance and progress during the probationary period. The line manager should ensure that the employee is properly informed at the start of their employment about what is expected of them during probation, for example the required targets or standards of performance, and for putting in place a plan to support the successful start to any new role.

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Reviews during probation

- 6.1 Line managers should review and assess the employee's performance, capability, conduct, attendance and suitability for the role on at least a monthly basis during the employee's probation, and again at the end of the probationary period. This will involve meeting with the employee (mid-review meeting). At the end of the meeting, the line manager will complete the probationary form and give a copy to the employee.
- 6.2 During an employee's probation, the line manager should provide regular feedback to the employee about their performance and progress, and, should there be any problem areas, 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 support, training or coaching that is relevant to the role.

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Irregularities discovered during the probationary period

- 7.1 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, 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, CELT will terminate the employment giving one week's pay in lieu of notice. If the employee is an existing employee who has been transferred or promoted into a different role, CELT's normal capability/dismissal procedure must be followed in full.

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End of probation

- 8.1 Shortly before the end of the probationary period (or end of the extension, if applicable), the line manager should conduct a final review of the employee's performance, conduct, attendance and suitability for the job. This will involve a meeting with the employee to discuss their performance and progress throughout the period of probation. At the end of the meeting, the line manager will complete the probationary form, and give a copy to the employee.
- 8.2 If the employee's employment is satisfactory, the line manager should notify the HR Department in order to issue a letter of confirmation of appointment to the employee.

Termination of employment

- 9.1 Ordinarily it is CELT's policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation has come to an end. This is to give the employee a full opportunity to come up to the required standards. If, however, there is clear evidence prior to the end of the period of probation that suggests the employee is wholly unsuitable for the role or there are concerns that are unlikely to improve, the employment may be terminated early. This would also apply to incidents of gross misconduct that happen during the probationary period (see section 9.4).
- 9.2 During the probationary period, termination of employment will be with notice, as set out in the contract of employment, unless the employment is terminated for gross misconduct resulting in immediate dismissal without notice or without payment in lieu of notice (summary dismissal).

Performance

- 9.3 If an employee's performance while on probation has been unsatisfactory despite support from the line manager, and it is thought unlikely that further training or support would lead to a satisfactory level of improvement, the employment will be terminated at the end of the period of probation. Where the concerns are considered serious and have not improved despite support, then the employment may be terminated prior to the end of the period of probation or at an earlier point if appropriate.

Conduct

- 9.4 If an employee's conduct while on probation has been unsatisfactory despite support from the line manager, and it is thought unlikely that further training or support would lead to a satisfactory level of improvement, the employment will be terminated at the end of the period of probation or at an earlier point if appropriate.
- 9.5 If during the probationary period, an allegation potentially amounting to gross misconduct is made, the facts will be investigated and a meeting held with the employee to make a decision. Where the allegations are considered proven, the employment will be terminated with immediate effect and without notice or pay in lieu of that notice. Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of CELT, is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between CELT and the employee. Although allegations of gross misconduct during the probationary period are dealt with under this policy, reference should be made to the examples of gross misconduct set out in CELT's disciplinary policy. Allegations in relation to safeguarding will be considered alongside and in accordance with the disciplinary policy - Managing allegations of abuse against teachers and other staff

Termination of employment

Attendance

- 9.6 If an employee's attendance while on probation has been unsatisfactory despite support from the line manager, and it is thought unlikely that further support or reasonable adjustments would lead to a satisfactory level of improvement, the employment will be terminated at the end of the period of probation or at an earlier point if appropriate.
- 9.7 Where a decision is taken to terminate the employee's employment, a meeting will be held with the employee to inform them of the reason for the termination. The Trust will write to the employee confirming the termination and the reason for it. The employee will be given an opportunity to appeal the decision.
- 9.8 If the employee is an existing employee who has been transferred or promoted into a different role, CELT's normal capability/disciplinary / sickness absence / dismissal procedure must be followed in full.

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Appeals against Termination of employment

- 10.1 Should an employee wish to appeal against a decision to terminate their employment they must write to CELT stating the full grounds of appeal and within 10 working days of the date on which the employee was informed of the decision.
- 10.2 The date on which dismissal takes effect will not be delayed pending the outcome of the appeal. However, if the appeal is successful they will be reinstated with no loss of continuity or pay and benefits.
- 10.3 If any new matters are raised in the appeal hearing further investigation may need to be carried out. The Chair may adjourn the appeal hearing if there is a need to carry out any further investigations such as re-interviewing witnesses in the light of any new points that have been raised at the hearing. If any new information comes to light this will be provided to the employee with a summary including, where appropriate, copies of additional relevant documents and witness statements. The employee will have a reasonable opportunity to consider this information before the hearing is reconvened.
- 10.4 The employee must be given written notice of the date, time and place of the appeal hearing. This will normally be arranged within 10 working days. The employee has the right to bring a companion to the appeal hearing.
- 10.5 Where possible, the appeal hearing will be conducted by a panel of a minimum of two and a maximum of three, consisting of a Senior Manager and/or LGB/ Trustees not previously involved in the case. The hearing may be a complete re-hearing or it may be a review of the fairness of the original decision in the light of the procedure that was followed and any new information that may have come to light (in which case the format would be reversed so that the appellant would present their appeal first). The format of the meeting would be at the employee's request. In any event the appeal will be dealt with as impartially as possible.
- 10.6 The employee will be informed in writing of the decision and the reasons for it, usually within 5 working days of the appeal hearing. Where possible this information will also be explained to the employee in person. There is no further right to appeal

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Confidentiality and data protection

11.1 It is the aim of CELT to deal with matters under this policy sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with the process as confidential.

11.2 During any action under this policy, CELT will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of actions taken under the policy. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).

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Review of policy

This policy is reviewed and amended annually by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively. Consideration of the equality impact of this policy will be given to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

Appendix History of Changes

Version	Date	Page	Change	Origin of Change
1.0	30.11.2022		Original Draft	