

# **E-ACT POLICY**

## **PARKWOOD ACADEMY**

# **PROBATIONARY PERIOD OF EMPLOYMENT**

<b>Date agreed by Governors</b>	
<b>Date of review</b>	
<b>Responsible officer</b>	<b>Principal / Business Director</b>

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## **Introduction**

- 1.1 E-ACT have a probationary period of employment for new employees, in line with conditions of service for support staff. This applies to all new support staff within Academies – for example, caretakers, clerical staff, lunchtime supervisors and care staff.
- 1.2 Under the scheme, every new entrant is subject to a term of probation of 6 months, during which they are expected to demonstrate their suitability for the post. At the end of the probationary period, providing the Principal is satisfied with their performance, the individual will be confirmed in post.
- 1.3 The probationary period can only be applied to new entrants to the Academy. A new entrant is an individual who does not have continuous service with the Academy.
- 1.4 The probationary period is applicable to both full time and part time employees. New entrants on fixed term or temporary contracts are also subject to the probationary period, even if their initial contract is for less than six months.
- 1.5 Where an employee is not subject to the probationary period and there are concerns regarding conduct or capability these should be dealt with in accordance with the Academy's Disciplinary or Capability Procedures.
- 1.6 It is important that a fair and consistent approach is adopted when managing probationary periods. These guidelines are intended to help Principals and line managers in managing the process.

## **2. Employee Rights**

- 2.1 If an individual is dismissed with less than 12 months service he or she would not normally have the right to claim unfair dismissal. However, cases brought under sex, race, or disability discrimination or in relation to trade union activities or membership, are not subject to any service requirements.
- 2.2 Any termination of employment at the end of an unsuccessful probationary period would be defended by the Academy and authority on the grounds of reasonableness providing the process has been followed as outlined below.

- 2.3 The main emphasis in the guidelines covers the procedure for managing employees who are giving cause for concern during the probationary period. It is important however, that all new starters are given an induction, and supported during and after the probationary period. They should also be given appropriate support and training. Periodic reviews and appraisals should be undertaken for all staff, not just those who are giving concern.

### **3. Procedure**

- 3.1 It is important that appointments are made on the basis that the interviewers are confident of the likely suitability of the selected candidate. When an offer of appointment is made, if the successful candidate is a new entrant to local government, he or she should be informed by the Principal that there is a 6 month probationary period and failure to satisfy the stipulated requirements during this period may lead to termination of the contract. A statement relating to the probationary period will be inserted in the letter of appointment and contract.
- 3.2 Principals should ensure appropriate training and support is given to new employees including an induction programme. Monitoring of performance and the maintenance of records are necessary. It is also important that any concerns are addressed at an early stage.

### **4. Formal Reviews**

- 4.1 Regular review of performance should take place and be recorded during the probationary period. These reviews should cover all aspects of the employee's work and performance including time keeping, attendance and ability to do the job.
- 4.2 Where there are concerns it is important that these are put in writing and a copy given to the employee. The employee should be given the opportunity to comment on his/her progress and raise any matters of concern, including any issues impacting on their performance or attendance. The line manager should also detail any action taken to assist the employee meet the required standard.
- 4.3 Where there are no concerns the employee should be informed that their performance is satisfactory and the probationary period is progressing well.

- 4.4 Ongoing reviews will either continue to confirm satisfactory progress or address concerns.
- 4.5 If performance and/or attendance continue to be unsatisfactory following support, a meeting should be arranged with the individual and their line manager to discuss termination of the contract. The individual is entitled to be accompanied by their trades union representative or colleague at this meeting. It is not necessary to wait until the end of the 6 month period before calling this meeting if the problems are severe, providing that reasonable opportunity to improve has been given.
- 4.6 At the meeting concerns will be outlined by the manager and comments from the individual and their representative will be sought. If, after consideration of all the points the manager considers that the employee has not successfully completed the probationary period, he or she will be informed that a hearing will be called of the Staff Dismissal Committee of the Academy Governing Body.

## **5. Gross Misconduct**

If an individual is alleged to have committed an act of gross misconduct this will be dealt with in accordance with the Academy Disciplinary Procedure.

## **6. Hearing**

- 6.1 The procedure and timescales to be following at a hearing or appeal are as outlined in the disciplinary procedure.
- 6.2 At the hearing an E-ACT representative are entitled to attend and advise on the case.
- 6.3 At the hearing the Principal will outline the concerns and action that has been taken to assist the employee. The employee will be entitled to be represented by a trades union representative or colleague and will be given the opportunity to respond.
- 6.4 Following an adjournment to consider the information presented, the governors on the Staff Dismissal Committee will give their decision on whether the contract should be terminated.
- 6.5 If the decision is to dismiss the employee, he or she must be informed in writing within three working days of the right to appeal to the Appeals Committee of the Governing Body. Following an appeal, if the

decision is to dismiss the employee, or, if the employee chooses not to exercise their right to an appeal, the decision to dismiss will be notified to E-ACT HR.

6.6 E-ACT will issue the dismissal notice within 14 days of receipt of this notification.

6.7 Employees will normally be entitled to one month's paid notice. This may be paid in lieu depending on the circumstances of the case.

## **7. Extension of the Probationary Period**

In exceptional circumstances, the probationary period may be extended to nine months. This may be considered if it has not been possible to assess the employee's performance on the full range of duties over the six months. A decision to extend the probationary period should only be used in exceptional circumstances, for example, where the individual has taken maternity leave or extended sick leave during the probationary period, or where it has not been possible to provide the necessary training. Extensions to the probationary period should not be regarded as an automatic right.

## **8. Successful Completion of Probationary Period**

An employee who has successfully completed the probationary period should be informed of the decision verbally and in writing by their line manager at the end of the six month period. A copy of this letter should be sent to Education Human Resources for inclusion in the employee's personal file.