



Probation Policy

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| Policy Code: | HR25 |
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1. Introduction

- 1.1 CIT operate a probationary period at the start of employment for all new employees. In some cases, the Trust may also apply a probationary period to employees who have been transferred or promoted into different posts within the Trust. In these circumstances their original post would normally be filled on a fixed term basis.
- 1.2 The probationary period is a two-way process and is designed to enable the Trust to assess a new employee's suitability and ability to perform in their role and for the employee to judge if the requirements of the role meets the expectations they have.
- 1.3 CIT believe that the effective use of probationary periods greatly increases the likelihood of new employees performing effectively in their new role.

2. Purpose

- 2.1 The probation procedure allows line managers to monitor, formally review and provide feedback to new employees.
- 2.2 The following areas will be reviewed:
 - Quality and quantity of work;
 - Conduct and attendance;
 - Compliance with policies and procedures;
 - Attitude and motivation;
 - Leadership and management (if appropriate).
- 2.3 More detail of these criteria and expectations are shown in Appendix A.

3. Scope

- 3.1 This procedure applies to all new employees.
- 3.2 Performance of ECTs (Early Career Teacher) and Apprentices must be managed in coordination with the relevant provider.
- 3.3 During their probationary period employees will be subject to the terms and conditions of their contract with the exceptions of the terms detailed within this policy.
- 3.4 During this period disciplinary, capability and absence will be handled under the terms of this policy and not the CIT Absence Management, Capability and Disciplinary policies.
- 3.5 Any period of absence recorded during a probation period will count towards an employee's ongoing absence record and may be used in future absence management procedures.

4. Equal Opportunities

- 4.1 The probationary procedure must always be applied fairly and in accordance with employment law and CIT Equal Opportunities and Diversity Policy.

5. Other relevant Policies

- 5.1 This policy should be read in conjunction with the following CIT policies:

- Staff Code of Conduct;
- Induction Policy;
- Data Protection Policy;
- NQT/ECT Induction Policy;
- Performance Management Policy.

6. Responsibilities

6.1 CIT HR is responsible for establishing and maintaining fair, consistent and objective procedures for matters relating to employee probation.

6.2 Each Head of School has overall responsibility for the completion of probation periods for staff within their schools.

6.3 For centrally employed staff department heads have overall responsibility for the completion of probation periods for staff within their department.

6.4 Line managers have responsibility for the following:

- Making sure the employee is aware of and has read this Probation Policy.
- Setting out clearly the expected standard of performance, how this will be assessed and the expected standards of conduct.
- Arranging, completing and documenting the probation reviews required under this policy.
- Identifying any areas of performance or conduct that are a concern and raising this in a timely manner with the employee.
- Informing the relevant Head of School, Department Head or member of ELT of any concerns.
- Working with the employee to establish support that can be provided to assist the employee in reaching the required standards.

6.5 All new employees have responsibility for the following:

- Reading and understanding this policy and procedure.
- Ensuring that the required standards and expectations of performance are understood.
- Working with their line manager and engaging with any support provided.

7. Notice Periods

7.1 The notice period for all employees during their probation period is two weeks.

8. Procedure

8.1 The probation period for all new staff will last for 6 months commencing on the date of employment. All employees will be assigned a Probation Manager, which will normally be their immediate line manager, who will conduct their probation reviews.

8.2 All new employees will have a formal induction meeting on their first day. This meeting will set out the Probation Process for the employee.

8.3 During the probation period there are three official meetings that will take place between the Probation Manager and new employee:

- Initial Meeting – week one;
- Interim Review – 3 months;
- Final Review – 6 months.

8.4 The review meetings are a confidential meeting between the employee and Probation Manager and must assess the current performance of the new employee, discuss objectives and progress towards these and identify training and or support that may be required.

8.5 The associated paperwork must be completed by the Probation Manager following any official meeting.

8.6 If, during the interim meeting the level of performance of the new employee is a concern, it must be made clear that if the required improvements are not made before the final review meeting their contract may be ended.

8.7 Alongside these official review meetings Probation Managers should have regular informal meetings with new employees to continually assess performance. Although these meetings are informal, it is good practice to keep notes of any minor concerns raised or additional support provided.

9. Performance Concerns

9.1 Performance concerns should be raised with the employee by the Probation Manager as soon as they are identified. This will be done at an informal review where the concerns will be discussed and support and training will be identified. An informal support plan will be completed that clearly states the required expectations from the employee and document the support that has been provided.

9.2 Employees and Probation Managers will agree an appropriate timescale for the improvements to be achieved. Failure to reach the agreed expectations or additional concerns being identified may require an additional informal review meeting.

9.3 Informal performance concerns meetings will normally be conducted by the Probation Manager, but they can also be conducted by a Senior Manager, Head of School, Department Head, ELT or the Trust Board.

9.4 If it is not possible to reach the required expectations following these informal processes, it may be necessary to convene a Formal Probation Review Meeting, see section 12.

10. Conduct Concerns

10.1 Conduct concerns should be investigated informally as soon as they are identified and a fact-finding exercise conducted. This fact-finding evidence will be reviewed by HR and one of the following options will be chosen:

- No Further Action;
- Informal Management Guidance;
- Formal Investigation Required.

10.2 If a Formal Investigation is required this will be conducted by the Probation Manager, a Senior Manager, Head of School, Department Head, ELT or the Trust Board.

- 10.3 Investigations can be conducted by an individual from a different school or department.
- 10.4 It may be necessary to gather evidence as part of the investigation including witness statements and physical evidence such as CCTV.
- 10.5 Employees and witnesses will not normally have the right to be accompanied at any investigation meeting.
- 10.6 There is no requirement for prior notice to be given before any investigation meetings.
- 10.7 Following the completion of this Formal Investigation a Formal Probation Review Meeting may be required, see section 12.
- 10.8 If concerns are of a safeguarding nature it may be appropriate to inform the LADO.

11. Suspension

- 11.1 There may be instances where it is necessary to consider whether an employee should be suspended from the workplace. The organisation will only consider suspension in the following circumstances:
 - Where there are reasonable grounds for concern that evidence may be tampered with/destroyed;
 - Witnesses may be pressurised;
 - There is a potential risk to the organisation or other employees in allowing the employee to remain at work;
 - The allegations are so serious that they would constitute gross misconduct if proven.
- 11.2 Suspension will not be an automatic response and a decision to suspend will only be taken after careful considerations of all alternatives to suspension such as re-organisation of duties, work location or temporary redeployment to another role. Suspension does not in itself constitute disciplinary action or imply any decision or judgement as to guilt.
- 11.3 During suspension, or alternative duties, the employee will continue to receive their normal pay. However, the Trust reserves the right to withhold pay in exceptional circumstances.
- 11.4 The decision whether or not to suspend will be made by the CEO or Director of Education with advice from the Central HR Team. Any decision to suspend without pay must be formally agreed by the CEO and HR Director. The discussions must include consideration of alternatives to suspension, prior to a decision being made. In all cases suspension will be kept under review and will be kept as short as possible.
- 11.5 If the CEO is unavailable to make a suspension without pay decision then a majority ELT agreement will be required.
- 11.6 If suspension is deemed necessary, an appropriate manager must be identified to act as the named contact for the employee for the duration of their suspension.
- 11.7 At the meeting the employee will be told the following:
 - The basic allegation and why a suspension is regarded as being necessary;

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- Who their named contact will be for the duration of the suspension, if known. If this has not been established yet, the employee will be informed that they will be told this as soon as the named contact has been identified;
- That they will remain on full pay, or
- That the Trust has exercised its right to withhold pay in exceptional circumstances;
- That their suspension will be confirmed in writing.

11.8 Full details of the suspension must be confirmed in writing following the meeting.

11.9 If the allegation is against the CEO any decision to suspend must be made by the Chair of the Trust Board. A decision to suspend without pay would require a majority Board agreement.

12. Final Review

12.1 The final review period must be held before the 6-month anniversary of the employee's start date. If an employee passes their 6-month anniversary without a final review meeting they will be deemed to have successfully passed their probation.

12.2 During the final review meeting the employee's performance will be discussed and a decision made about their suitability to continue in the role.

12.3 There are three potential outcomes at the final review meeting:

- Employment confirmed following successful completion of probation period;
- An extension to the probationary period;
- Recommend the employee's contract to be terminated following failure of probation period.

13. Employment Confirmed

13.1 Decision confirmed in writing following Final Review Meeting. Employee will move into normal performance management procedure and suitable objectives will be set.

13.2 If employment is to be confirmed then there is no requirement for any prior notice of the Final Review Meeting to be given, but 5 working days is good practice.

13.3 Employees have no right to be accompanied at a Final Review Meeting where employment is to be confirmed.

13.4 Final Review meetings where employment is to be confirmed will normally be held by the Probation Manager, but they can also be held by Senior Managers, Head of School, Department Heads, ELT or the Trust Board.

14. Extension

14.1 CIT HR must be contacted before any probation period is extended. Probation periods should only be extended where either:

- Concerns have been raised with the employee previously and although the required standard has not been met, significant improvement has been seen;
- Recent concerns have been raised with the employee and there has not been sufficient time for improvement to be evidence;

- There have been sustained periods of absence or school closure, where it has not been possible to assess performance but future attendance is not anticipated to be a concern.

14.2 The outcome will be confirmed in writing following the Final Review Meeting.

14.3 A probation period can be extended by a maximum of 6 additional months.

14.4 If a probation period is to be extended then there is no requirement for any prior notice of the Final Review Meeting to be given, but 5 working days is good practice.

14.5 Employees have no right to be accompanied at a Final Review Meeting where the probation is to be extended.

14.6 Final Review meetings where a probation period is to be extended will normally be held by the Probation Manager but they can also be held by Senior Managers, Head of School, Department Heads, ELT or the Trust Board.

15. Ending probation

15.1 If an employee's attendance, capability or conduct is not at the expected level by the end of their probation period, or any extended period, their employment may be terminated with appropriate notice given.

15.2 It is normal practice to allow an employee to complete the full duration of their probation period; however, where there are serious concerns around conduct, capability or attendance the probation period can be ended early. CIT HR must be contacted in all cases where termination of employment under the Probation Policy is likely.

15.3 Where dismissal is a possible outcome the employee will be invited in writing to attend a Formal Probation Review meeting. The letter must contain the following:

- The date, time and location of the meeting, giving the employee a minimum of 5 working days' notice;
- The concerns that have been identified that will be discussed at the review meeting;
- The employee's right to be represented at the meeting by a Trade Union representative or work colleague;
- That dismissal is a possible outcome and the name of the Chair.

15.4 This meeting will be chaired by either the Probation Manager or an appropriate senior member of staff who will be either a Senior Manager, Head of School, ELT, Local School Board member or member of the Trust Board.

15.5 A member of CIT HR may also be present at these meetings along with a note-taker.

15.6 During the meeting the Chair will set out the performance concerns to the employee. The employee will be given the opportunity to address these concerns or provide any mitigating circumstances.

15.7 The Chair will decide the outcome of the meeting which may be:

- the dismissal of the employee;
- issuing of a management guidance;

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- a warning;
- the extension of the probation;
- a performance improvement support plan;
- another suitable alternative measure.

15.8 It may be necessary for the meeting to be adjourned before a decision is made.

15.9 The Chair can issue a first warning or final warning as appropriate. Any warning will count in any future probation review meetings or disciplinary actions. Warnings will stay live on an employee record for the following time periods:

- First warning – 6 months;
- Final Warning – 9 months.

15.10 The Chair will confirm the decision in writing following the conclusion of the meeting.

16. Appealing

16.1 An employee has the right to appeal any of the following decisions made in a Formal Probation Review Meeting:

- Dismissal;
- First warning;
- Final warning.

16.2 The employee must put their appeal in writing to either their Head of School, the Director of HR, Clerk to the Local School Board or Clerk to the Trust Board within 10 working days of the outcome being confirmed in writing. Appeals received after this deadline will not be heard.

16.3 The appeal must fully set out the grounds for the appeal.

16.4 Appeals against warnings will be heard by an appropriate senior member of staff who will be either a Senior Manager, Head of School, member of the Executive Leadership Team, Local School Board member or member of the Trust Board.

16.5 Appeals against a dismissal will be heard by a panel, of at least 2, made up of staff who will be either a Senior Manager, Head of School, member of the Executive Leadership Team, Local School Board member or member of the Trust Board.

16.6 Appeals will normally be chaired by a member of staff more senior than the individual who chaired the Formal Probation Review meeting.

16.7 An appeal meeting will be convened as soon as is reasonably practicable and the employee will be given at least 5 working days' notice. Employees will have the right to be accompanied by either a Trade Union representative or a work colleague.

16.8 All paperwork from the original probation review meeting will be provided to the employee and panel prior to the appeal hearing.

16.9 The Chair of the probation review will be present at the appeal to present the case for their decision.

16.10 A member of CIT HR will be present at any appeal meeting along with a note-taker.

16.11 The outcome of the appeal will be one of the following:

- Uphold the original decision;
- Revoke the original decision;
- Substitute a lesser penalty;
- The appeals panel's decision is final.

Appendix A - Examples of Effective Behaviours (this list is not exhaustive and should not be used as a checklist)

1. Quality and quantity of work

- 1.1 Agreeing targets with line manager and successfully achieving or working towards their completion.
- 1.2 Ability to solve routine problems independently as required.
- 1.3 Developing ideas for improvement and contributing to the overall strategy of the school or Trust.
- 1.4 Managing own workload effectively and supporting other team members.
- 1.5 Meeting the majority of deadline set and producing work at or above the required standard.

2. Attitudes and motivation

- 2.1 Displaying the values of ethos of CIT in their daily practice.
- 2.2 Building and maintaining effective positive relationships with colleagues.
- 2.3 Accepting responsibility for tasks.
- 2.4 Fully committing and engaging with CPD.
- 2.5 Having a flexible and supportive approach to work.
- 2.6 Working cohesively with others to resolve issues and problems.

3. Conduct and attendance

- 3.1 Conducting themselves in a professional manner at all times (in line with the staff code of conduct).
- 3.2 Being respectful of the needs and feelings of others.
- 3.3 High level of attendance at work.
- 3.4 Outstanding timekeeping.

4. Compliance with policies and procedures, for example

- 4.1 Finance.
- 4.2 Health and Safety.
- 4.3 HR.
- 4.4 IT.
- 4.5 Data protection and confidentiality.

5. Leadership and management (if appropriate)

- 5.1 Managing the workload of employees effectively.
- 5.2 Showing a commitment to the development of their team.
- 5.3 Establishing a working environment where staff feel able to challenge and contribute.
- 5.4 Effectively and proactively managing staffing issues.
- 5.5 Empowering and motivating staff.

Appendix B - Expected Conduct

1. Standard of Expected Conduct

- 1.1 As employees represent the Trust, the highest standards of conduct are required at all times to ensure the organisation retains its high reputation. This includes maintaining high levels of both professional and personal conduct.
- 1.2 Specific examples of conduct expected by the Trust are listed below (please note the list is not exhaustive). Breaching any of these standards will be classed as misconduct and depending on the seriousness of the breach may ultimately be deemed as gross misconduct. The Trust will consider the implications of any breach of conduct on an employee's continued employment on a case by case basis.
- 1.3 In some cases, employee conduct outside of work may be considered as misconduct or gross misconduct for the purposes of their employment contract. Examples include the inappropriate use of social media which names CIT or colleagues in a derogatory way, Police investigations or safeguarding concerns.

2. Maintaining Confidentiality

- 2.1 All staff must treat sensitive, personal information with respect and confidentiality and not disclose it unless required to do so by their employer or by law. Staff must adhere to the data principles in the Data Protection Act. Further information on this can be accessed via the Data Protection Officer.

3. Attending Work

- 3.1 All employees must attend work in accordance with their specified working pattern and hours, be punctual, and follow School or Departmental procedures for booking annual leave, requesting other time off, reporting sickness absence and recording hours worked.

4. Dressing Appropriately

- 4.1 All employees must ensure that their overall appearance is appropriate to their role, smart, clean and tidy. Employees must not present themselves in a way that might undermine confidence in the Trust or its services.

5. Observing Policies, Procedures and Rules

- 5.1 A number of policies, procedures and rules exist to ensure the safety of students and staff or to ensure the smooth running of the Trust.
- 5.2 Employees must ensure that they have read and understood all of the Trust Policies and Procedures and are required to comply with all of the Policies and Procedures.

6. Behaving Appropriately

- 6.1 Employees should maintain appropriate standards of conduct and behaviour both inside and outside the Trust and never behave in a way that might bring the Trust into disrepute. If they do, disciplinary action may be taken, even if the behaviour occurs outside of work.
- 6.2 Employees should work co-operatively within teams and respect the skills, expertise and contributions of their colleagues.

6.3 Employees are expected to comply with all reasonable management requests.

6.4 Employees must make sure they do not use inappropriate or offensive behaviour including using obscene language and gestures, victimisation or harassment of other members of staff.

7. Reporting being arrested, cautioned, charged or convicted of a criminal offence

7.1 Employees arrested, cautioned, charged with or convicted of a criminal offence are required to report this to the Head of School, CIT HR or CEO at the earliest opportunity. In particular, employees should confidentially disclose any investigations or interventions that they are subject to outside of work which may call into question their suitability to work with children.

8. Use of Trust Property and Equipment

8.1 All employees have a general responsibility for the security of the property of the Trust, for avoiding loss, and for ensuring resources are used most economically.

8.2 Employees must ensure that any Trust equipment or property that they use is used properly for Trust activities. Equipment should not be used for work of a private or personal nature without prior permission and authorisation from an appropriate manager.

8.3 Employees must make sure they do not use the Trust's telephone's, email or internet use excessively for personal reasons.

9. Smoking

9.1 Employees are not allowed to smoke in no-smoking areas, this applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes) cigars and herbal cigarettes.

10. Gross Misconduct

10.1 An employee may be liable to summary dismissal without notice or pay in lieu of notice if they are found guilty of gross misconduct.

10.2 The following are examples of issues which might constitute gross misconduct.

10.3 These are illustrative only and do not constitute an exhaustive list:

- A fundamental and/or wilful breach of the Trust rules, regulations and policies;
- Gross negligence or dangerous behaviour, which causes or may cause unacceptable loss, damage or injury;
- Grossly indecent or immoral behaviour;
- Abuse, or any other inappropriate behaviour or action, involving children whether this is inside or outside of the Trust, during work time or out of work time.
- Threatening or violent behaviour, fighting or physical or verbal assault;
- Fraud:
- Deliberate falsification of any records (e.g. time-sheets) in respect of the employee or any fellow employee;

- Making false declarations on applications for employment in the Trust which could lead to gaining employment by deception. Examples include false declarations of previous employment, referees or qualifications.
- Failure to declare a financial interest in contracts deemed a conflict of interest
- Making false declarations or failing to disclose required information on a DBS check.
- Making a false declaration or failing to disclose information in relation to the disqualification from childcare requirements, or becoming disqualified from providing childcare;
- Undertaking private work on the premises and/or during working hours and wilful disregard of duties or instructions;
- Breaching student or Trust confidentiality without lawful reason, for example the unauthorised use or disclosure of confidential information or failure to ensure that confidential information is kept secure.
- Theft or misappropriation of money or property whether belonging to the Trust, another employee or a third party;
- Unauthorised consumption of alcohol on the premises, or reporting for work under the influence of alcohol or controlled drugs;
- Any taking or possession of controlled drugs or stimulants, which have not been prescribed by a registered medical practitioner;
- Destruction/sabotage of Trust property or any other property on the premises;
- Serious Health and Safety breaches;
- Gross insubordination and/or refusal to obey legitimate instructions given by any members of the Senior Leadership Team;
- Repeated or serious failure to obey instructions, or any other serious act of insubordination;
- Any breach of a legal statute, which has a direct effect on the employee's ability to undertake stated duties and/or on the desired characteristics of his or her position;
- Allowing or assisting any unauthorised person to gain entry to the premises;
- Any fundamental and/or substantial breach of trust or unauthorised disclosure of information relating to the Trust's affairs to third parties.
- A substantial failure to meet expected standards of work and/or behaviour amounting to serious neglect of duty;
- Deliberately driving on Trust business without an appropriate licence and/or the appropriate insurance;
- Discrimination or harassment or other breaches of the Trust's Equal Opportunities and Diversity Policy;
- Failure to inform the Senior Leadership Team of any criminal charges/convictions or police cautions that are relevant to the employee's employment;
- Serious breaches of the Trust's Safeguarding and Child Protection Policy and Procedure;
- Inappropriate conduct with children or young people, including failing to maintain appropriate professional boundaries;
- Serious breaches of the Trust's External Communication Policy, Data Protection Policy, Acceptable use of the Internet Policy; and Photography & Social Media Policy;
- In respect of teaching staff, a serious breach of the standards of professional conduct as set out in the Teacher's Standards.
- Any conduct which indicates that the employee no longer intends to be bound by his or her duties or which calls into question the mutual bond of trust and confidence that must exist between the employer and the employee.

- Making a disclosure of false or misleading information under our Whistleblowing Policy maliciously, for personal gain, or otherwise in bad faith;
- Making untrue allegations in bad faith against a colleague;
- Victimising a colleague who has raised concerns, made a complaint or given evidence information under the Whistleblowing policy, Grievance Procedure, Disciplinary Procedure or otherwise;
- Undertaking unauthorised paid or unpaid employment during your working hours;
- Unauthorised entry into an area of the premises to which access is prohibited.