



Cheshire Academies Trust
Collaboration and Creativity



PROBATIONARY POLICY

Next review date: Spring 2022

Introduction

- 1.1 It is Cheshire Academies Trust's policy to operate probationary periods for all new employees.
- 1.2 This policy allows both the employee and Cheshire Academies Trust to assess objectively whether or not the employee is suitable for the role. Cheshire Academies Trust believes that the use of probationary periods increases the likelihood that new employees will perform effectively in their employment.
- 1.3 The Principal (academy staff) /CEO (Principals and central Trust staff) is responsible for ensuring that all new employees are properly monitored during their probationary period. If any problems arise, the Principal/CEO should address these promptly and in accordance with the policy. The employee should be made aware that some aspects of their performance or conduct is unsatisfactory. This will help prevent the problem from escalating and hopefully lead to sufficient improvements.
- 1.4 Where the employee is the CEO, the Trust Board shall be responsible for managing the probation process and determining whether their employment is confirmed or their employment is terminated.

2. Length of probation

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

3. Extending probationary periods

- 3.1 Six months should be an adequate period of time to effectively assess an employee's suitability for the role. In exceptional circumstances, Cheshire Academies Trust may decide to extend an employee's period of probation. This will be limited to one extension and the total period of probation will be no longer than 12 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.
- 3.4 Before extending an employee's probationary period, the Principal may consult with the Chair of Governors, depending on who is making a decision to extend. If an extension to the probationary period is agreed, Cheshire Academies Trust 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.

4. 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, capability issues will be managed under this policy rather than the standard Trust HR policies.

4.2 The amount of notice that an employee must give to Cheshire Academies Trust if they wish to resign, and the amount of notice that Cheshire Academies 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 four week's notice unless otherwise varied by the contract. In the event that Cheshire Academies 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.

4.3 Once the probationary period has been completed, the notice periods will be as defined in the employee's contract of employment.

5. Line managers' responsibilities

5.1 Under this policy, the Principal/CEO has responsibility for monitoring a new employee's performance, conduct, attendance and progress during the probationary period. They 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.

6. Reviews during probation

6.1 The Principal/CEO 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.

6.2 During an employee's probation, the Principal/CEO 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. They are also responsible for providing guidance and support and for identifying and arranging any necessary support, training or coaching that is relevant to the role.

7. 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 (e.g. claiming qualifications they do not have or failing to disclose a material fact), Cheshire Academies Trust will terminate the employment without notice.

8. End of probation

8.1 Shortly before the end of the probationary period (or end of the extension, if applicable), [the Principal/CEO 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.

8.2 If the employee's performance is satisfactory, the Principal/CEO should notify the CAT Staff Contracts Officer in order to issue a letter of confirmation of appointment to the employee.

9. Termination of employment

9.1 Ordinarily it is Cheshire Academies Trust 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, the employment may be terminated early.

9.2 Performance

If an employee's performance while on probation has been unsatisfactory (despite support), 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.

9.3 Conduct

If an employee's conduct while on probation has been unsatisfactory (despite support) 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.

9.4 Attendance

If an employee's attendance while on probation has been unsatisfactory (despite support) and it is thought unlikely that further or 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.

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. Cheshire Academies 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.

10. Appeals against Termination of employment

10.1 Should an employee wish to appeal against a decision to terminate their employment they must write to the Principal (academy staff) / CEO (Principals and central Trust staff) within 5 working days of the decision to terminate the employment being communicated to them. The employee must state the grounds of their appeal in full. An appeal meeting will then be arranged with either the Principal/CEO (if not involved in the original decision to dismiss) or a panel of governors/trustees. The outcome of an appeal meeting will be confirmed in writing; this will make it clear that there is no further internal right of appeal. Where the employment of the CEO is terminated they should appeal to the Board of Trustees who will make arrangements for the appeal hearing.