

# POLICY

## TEACHER PROBATION

Responsibility of: Human Resource Services  
Effective Date: January 2011  
Next Review Date: January 2013  
Actual Date Reviewed

DET File: 2005/2542  
DOC 2009/06581

VERSION NUMBER: 3

### 1 POLICY

This policy outlines the key principles, responsibilities and requirements which govern the Department of Education & Training's (DET) approach to teacher probation.

### 2 LEGISLATIVE BASIS

*Public Sector Employment and Management Act (PSEMA) sections 32, 33 and 59(1)(a)*  
*Public Sector Employment and Management Act (PSEMA) Employment Instruction 2-5*  
NTPS Teacher & Educators Union Collective Agreement 2008 – 2010 section 30  
NTPS Principles – Regulation 4  
Code of Conduct – Employment Instruction 13

### 3 BUSINESS NEED

Employment Instruction Number 2 - Probation sets out the minimum requirements for the development and implementation of probation processes in Northern Territory Government (NTG) agencies. DET views teacher probation as an essential component of organisational management and is part of the Accountability and Performance Improvement Framework (APIF).

### 4 RESPONSIBILITIES

Principals are responsible for:

- initiating and monitoring probation processes for new teachers in their school
- ensuring the appropriate composition of probation panels. This includes the delegation of chair responsibility monitoring the progress of the probationer towards the achievement of the competent level of teacher standards dealing with unsatisfactory performance from the probationer in a timely manner
- final decisions and recommendations on probation outcomes

Probation panels are required to:

- establish performance standards that align with organisational outcomes and expectations,
- monitor and assess the performance of teachers on probation, providing regular feedback and assistance. In the event of unsatisfactory performance a 'Performance Improvement Plan' may need to be actioned
- ensure that all paperwork is completed

Teachers on probation (referred to as probationers) are required to:

- actively participate in the probation process
- assess and monitor their own level of performance against the competent level of teacher standards
- maintain relevant documentation concerning the probation process including, but not limited to, performance standards and records of professional development attendance.
- seek regular feedback from peers and supervisors on specific aspects of their performance during the probation process.
- work collaboratively with their probation teacher mentor.

Probation Teacher Mentors are required to:

- provide professional and personal support to probationer, through the initial twelve months of probation.
- adhere to the probation mentoring policy

*Note:* A mentor is not a member of the probation panel.

## 5 DEFINITIONS

*Teacher probation (Probation)* – The process of monitoring, supporting and assessing the performance of probationers following initial appointment

*Feedback* – Clear information regarding observed work behaviours and performance provided to the probationer in written or oral form

*Workplace manager* – for the purpose of probation the workplace manager is the principal or delegate.

*Unsatisfactory performance* – performance below the standard expected of a competent teacher.

*Measurable performance criteria* – criteria articulated in the competent level of professional standards for teachers and included on probation forms B and C against which an probationer's displayed behaviour can be measured.

*Performance Improvement Plan (PIP)* – a written plan that clearly identifies areas of unsatisfactory performance, required performance outcomes, steps to be taken to improve performance including support requested and offered and timelines for the attainment of these outcomes.

## 6 RELATED POLICIES

Professional Learning  
Performance Management  
Inability – Preliminary and Formal  
Mentoring

## 7 REFERENCES

Employment Instruction Number 2 – Probation  
PSEMA – Determination No. 16 of 1993  
*Northern Territory Anti-Discrimination Act*

## Accountability and Performance Improvement Framework (APIF)

### 8 OVERVIEW

Teacher probation is a period of assessment of work performance (including conduct, performance and attendance) for new teachers for an initial period of 12 months. For experienced teachers, with at least 5 years of successful practice probation may be completed in a period of six months.

Probation aims to:

- ensure that newly appointed teachers are fully aware of the policies, standards and expectations of their work locations and DET;
- provide regular feedback, support and advice during the probation period; and
- ensure new teachers meet the required level of performance and conduct set out in the *Northern Territory Standards of Professional Practice for Competent Teachers*.

Probation is an important and mandatory employment process in the Northern Territory Public Sector, [Public Sector Employment and Management Act (PSEMA, 1993) Employment Instruction No. 2].

The probation process applies to all teachers in keeping with the following:

- Probation applies to all permanent teacher appointments and contract appointments providing that the term of any temporary appointment is of 20 weeks (one semester) or more in the same workplace. If a teacher takes up an appointment of less than 20 weeks and that appointment is subsequently extended beyond 20 weeks in the same workplace then the probation process will be put in place.
- Probation applies to an probationer who is taking up a teaching position with DET for the first time or returning to a teaching position after a break in service of three or more years.
- Probationers who may have previously undertaken probation within the Northern Territory Public Service (NTPS) and have subsequently trained as a teacher will need to complete teacher probation when they take up a teaching position for the first time.

### 9 PROCEDURES

#### Initiation of the probation process

The principal is responsible for:

- initiating the probation process when the teacher commences duty by completing and returning Form A to HR Services and establishing a probation panel as outlined below.
- chairing the probation panel. While the principal may delegate this task they retain the responsibility for the final recommendation regarding the teacher's completion of probation.

#### Probation Panel

The probation panel is responsible for:

- ensuring that the probation process is run in accordance with this policy
- written feedback reports for the probationer on their performance

- providing professional support and guidance to the probationer
- making recommendations to the principal in relation to the confirmation of appointment, extension of probation, or termination of the appointment.

At a minimum the probation panel should consist of:

1. Panel Chairperson – ST3 or above, and a
2. Senior Teacher – ST1 or above or experienced teacher

*Note:* Panel members must not be probationers themselves nor can a mentor undertake a dual role of panel member and mentor.

Every effort should be made to maintain the same panel members for the duration of the probation process to ensure consistency.

### Forms and Timelines

It is essential for each form in the probation process to be completed by the due date as outlined below:

<i>Probation Forms</i>	<i>Description</i>	<i>Timeframe</i>
Form A	Registration and formal commencement of the probation process	Within 2 weeks
Form A1	For current probationers commencing at a new workplace. To be completed within two weeks of commencement of duty at new school.	Within 2 weeks
Form B	Mid-point review (assessment) requirement	within 20 weeks
Form B1 (for experienced teachers only)	Can demonstrate successful teaching practice in previous settings for a minimum of five years and satisfies the requirements of Teacher Standards – Competent.	within 20 weeks
Form C	Final review (assessment) requirement to confirm appointment, continue probation (move on to Form D) or terminate appointment.	within 40 weeks
Form D (for PIP purposes only)	Extension of probation and the requirement to undertake a Performance Improvement Plan. To confirm appointment, continue probation or terminate appointment.	within 60 weeks
Form E	To confirm or terminate appointment.	within 80 weeks

The prompt return of forms during probation is critical to maintain the integrity of the probation process in line with the legislation.

### Form Rating Systems

Principals in association with the panel chair will rate the performance of probationers against the *NT Standards of Professional Practices for Teachers – Competent* outlined in Forms B and C. Sufficient evidence must be collected to assess whether performance is at an acceptable level.

Probation panels may suggest that a teacher on probation rate their own performance against the competent level of professional standards. This activity can help to develop closer agreement on specific aspects of current performance and developmental relating to the probationer's performance during probation.

In the event that the rating of the probationer's performance is unsatisfactory (1 or 2) specific details of the shortfall in performance must be recorded. This will need to be provided to the probationer through the feedback process. Continuous ratings of 1 or 2 in all rating sections will be deemed unsatisfactory and be grounds for termination.

### **Panel Recommendations**

#### *Continue Probation*

Probation is continued, in most circumstances, Form B is completed for a neophyte teacher or experienced teacher.

#### *Extend Probation*

Probation may be extended where the panel is of the opinion that the teacher has specific performance issues that may be resolved through an extended period of support. Probation can only be extended on one occasion, and it may not be extended for a period exceeding twelve months.

At the end of the extended period of probation, the appointment must either be confirmed or terminated. Approval to extend probation must be sought prior to the 40 week mark by Director Schools through General Manager HR Services.

#### *Confirm Appointment (Permanent Probationers Only)*

Appointment can be confirmed at the end of a twelve month probation period for neophyte teachers or at the end of a 6-month probation period for experience teachers with more than 5 years of satisfactory teaching experience.

\* Temporary appointments can satisfactorily complete probation but their appointment is not confirmed.

#### *Termination of Appointment*

At any time during probation, a teacher's appointment can be terminated due to unsatisfactory performance. Detailed reports that justify a recommendation to terminate would need to be completed by the principal and supported by the Director Schools Performance and the General Manager HR Services.

The principles of natural justice **must be** observed. The probation panel is required to advise the probationer that it is considering making a recommendation to terminate their appointment and invite the probationer's written submissions before making a decision. The probationer's submissions must be included in the documentation forwarded to the Director School Performance and General manager HR Services.

In the event that the panel considers recommending termination of appointment the panel chair must inform the principal of the intended recommendation and the principal must inform their HR consultant at the earliest opportunity, providing detailed information regarding the following: support provided to the probationer, meeting notes, feedback provided and records of classroom observations. The termination of appointment must occur within the probation timeframe i.e. a person's appointment cannot be terminated using the probation provisions if the probation period has expired.

### **Observed Teaching Sessions**

Leading on from the probation panel meetings, feedback and evaluation on the probationer's teaching practice is achieved through regular observed teaching sessions.

Taking place with the probationer's mentor, observation of five sessions is recommended over the probation period. One observation should be by someone other than the mentor.

Prior to the observation, in collaboration with the probationer, the mentor should:

- set and clarify the performance standards and expected outcomes
- provide an overview of the class, including:
  - details about the lesson / element of the NTCF/SSABSA being observed
  - how the work fits into short / long-term plans
  - an identification of learning outcomes
  - how the session would be expected to unfold
  - discussion of possible issues to be prepared for
  - whether the observer will take an active part in the class / take notes

### **After the Observed Teaching Session**

A post-observation meeting, no more than 24 hours after the observation should be scheduled and include:

- from the observer's perspective, a detailed explanation of how the lesson progressed and met the set objectives, including an opportunity for the probationer to explain why they worked in a certain way if the mentor's perception of the session is different to that of the probationer
- the identification of development needs
- identification of strengths and difficulties including strategies for improvement where appropriate

The probationer must be provided with a record of the session feedback. Information and evidence from these will form part of the panel report.

### **Regular discussion and ongoing, informal feedback**

The probation panel and probationer will meet regularly during the probation period to discuss progress in achieving the performance standards and any additional support or training required. Where necessary, outcomes may be updated to better reflect any changes to school plans and priorities.

### **Review meetings**

The probation review meetings should provide for open, honest communication and reflection on the achievement of the performance outcomes. The probationer should bring supporting evidence of their achievement to the meeting. The probationer will need to prepare and engage in a discussion with the probation panel regarding perceived successes and issues in achieving performance outcomes. The panel chair is required to provide clear and developmental feedback to the probationer regarding observed achievement during the probation period. The probationer has a right of reply in cases of disagreement with feedback provided.

### **Temporary suspension of probation**

Where a teacher in a contract position is on probation and the process has not been completed by the expiry of the contract term, then that teacher's probation will be temporarily suspended and will recommence the next time the teacher is employed (contract or permanent appointment). In effect, the teacher will carry "probation credits" until the process is completed providing that there is no break in service of three years or more. If there is a break of three years or more then the probation process will recommence from the start.

## **Conclusion of the Probationary Period**

Before the end of the probationary period the panel will meet with the probationer and determine the following possible outcomes:

### **Permanent Appointments**

- teacher's appointment is confirmed through successful completion of probation, or
- at the end of twelve months the teacher's probation is to be extended for a further period of up to 12 months, if the panel considers that the teacher can overcome performance deficiencies i.e. has displayed the potential capacity to improve their conduct or performance in identified areas, or
- the panel recommends that the teacher's appointment be terminated.

It is essential that a decision regarding the outcome of probation is made prior to the probation period expiring. If the probation period expires without a final decision being made the probationers' permanent appointment will be confirmed.

### **Temporary Appointments**

- probation is successfully completed, or
- at the end of twelve months the teacher's probation is to be extended for a further period of up to 12 months, if the panel considers that the teacher can overcome performance deficiencies i.e. has displayed the potential capacity to improve their conduct or performance in identified areas, or
- the panel recommends that the teacher's appointment be terminated.

## **Unsatisfactory Performance**

All teachers on probation must be considered against the appropriate standards for their prior training and experience. A teacher on probation who is exhibiting unsatisfactory performance compared to the competent level of professional standards must be given an opportunity to correct the deficiencies.

The panel should communicate to the probationer the way in which performance is not meeting expectations and illustrate this by using recent examples. Tools such as the job descriptors, key responsibility statement or professional standards may be useful. The panel must:

- allow the probationer to respond to the issues and give his/her reasons for their current performance
- be clear about performance expectations and how the probationer may work towards meeting these expectations
- inform the probationer that measurable performance outcomes will be set with mutually agreed timeframes for the improvement to take place
- negotiate possible support and training to assist the probationer to improve performance
- set a review date
- keep a record of the meeting and what was agreed. All parties in the meeting are to sign a record of the meeting and the agreed outcomes.
- explain to the probationer that if unsatisfactory performance does not improve then the panel may foreshadow the extension of the probation period and the commencement of a performance improvement plan or termination of appointment.

- provide the probationer with contact details for counselling services.

This process forms part of the regular probation process and it is designed to address specific performance deficiencies through guided action and support.

Workplace managers are advised to speak to their HR Consultant who can offer advice and guidance when they are considering using any process to address unsatisfactory performance and throughout the process.

It is important that the principles of natural justice are observed at all stages of the process. Probationers should contribute to the development of their Performance Improvement Plans (PIP) and are obliged to actively work towards achieving identified outcomes within the agreed timeframes.

### **Performance Improvement Plans (PIP)**

In the event that the panel forms the opinion that the probationer's performance is below that expected of a teacher then support through a PIP is required to support the probationer. The primary objective of the PIP is to provide guidance and support to the probationer to improve their performance to a satisfactory level.

### **Opportunity for Improvement**

Managers must consider all options that may assist an probationer to overcome performance problems including:

- temporarily reducing their workload
- team teaching with a Teacher of Exemplary Practice (TEP) or other highly competent practitioner
- opportunity to observe other teachers.

It is important that the probationer be afforded every opportunity to improve throughout the process.

### **Failure of Probation**

At any time during which a probationer is on probation the Chief Executive (or a delegate) may, in accordance with the following procedures, terminate a permanent probationer's appointment (section 32(5) and section 32(3) of the *Public Sector Employment Act* (PSEMA) or a temporary probationer's appointment (section 33 of the PSEMA).

Where all reasonable actions in assisting a probationer to reach a satisfactory level of performance have been unsuccessful, then the panel may

- i. decide that the probationer should fail probation and
- ii. recommend to the CE (delegate) that the probationer's appointment be terminated.

Prior to a panel deciding that a probationer's performance may warrant a recommendation that the probationer's appointment be terminated, the panel should;

- i. advise the principal of the panel's intention to recommend termination of appointment
- ii. foreshadow to the probationer in writing that they are considering recommending termination of the probationer's appointment, and advise the grounds upon which they are considering that action, and,
- iii. invite the probationer's written submissions on both the foreshadowed action and the grounds for same.



The panel is required to negotiate a reasonable time period that will enable the probationer to complete their submissions in relation to the issues raised.

Where a probationer's performance is such that there may be a risk to student safety and wellbeing if the probationer continues in the performance of their duties then they can be directed by the principal to perform alternative duties until such time as a decision is made by the panel. A principal should seek advice from their HR Consultant before deciding to direct a probationer to perform alternative duties.

The panel must carefully consider the probationer's submissions, if any, before deciding whether the probationer should fail probation and a recommendation should be made to terminate the probationer's appointment.

Where a panel recommends that a probationer's appointment should be terminated they must supply a report to the CE (delegate) detailing the following:

- i. a written statement setting out the details of the probationer's failure to meet the required standards of performance; (Note: - these same details should have been provided to the probationer for comment)
- ii. all relevant documentation in relation to (i) above
- iii. a chronological outline of procedures followed;
- iv. details of all assistance and support provided to the probationer, including any training recommended, and whether the training was undertaken, and if so the outcome of the training;
- v. any other relevant details relating to the probationer's unsatisfactory performance,
- vi. the reasons supporting the recommendation that the probationer's appointment be terminated – signed by all panel members, and,
- vii. The probationer's submissions in response to the panel's foreshadowed intention to recommend that the probationer's appointment be terminated as discussed above

The probationer should be advised that the panel has recommended that their appointment be terminated.

Given that it is the panel's view that the probationer is not performing or cannot perform their duties to the requisite level the probationer should be directed to perform alternative duties until such time at the CE (delegate) considers the recommendation and makes a final decision. Principals should discuss this aspect with their HR Consultant prior to directing the probationer.