



# Probationary Policy

<b>Last policy review date:</b>	<b>September 2020</b>	
<b>Next policy review date:</b>	<b>September 2023</b>	
<b>Policy Owner:</b>	<b>COO</b>	
<b>Policy approval:</b> <i>i.e. Trust board or delegated to subcommittee or individual</i>	<b>Trust Board – September 2020</b>	
<b>Cross references</b> <i>i.e. with other Trust policies</i>		
<b>Statutory Policy?</b>	<b>YES</b>	

## **Introduction**

It is the Trust's policy to operate probationary periods for all new staff.

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.

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 is unsatisfactory. This will help prevent the problem from escalating and hopefully lead to sufficient improvements.

Where the employee is the Head Teacher or Head of School, the CEO/ Executive Headteacher shall be responsible for managing the probation process and determining whether their employment is confirmed or their employment is terminated.

## **Length of probation**

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

## **Extending probationary periods**

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 will be no longer than 9 months.

An extension may be implemented in circumstances where:

- 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.
- The employee has been absent from the workplace for an extended period during the probation.

Before extending an employee's probationary period, the line manager may consult with the Head Teacher/Head of School. If an extension to the probationary period is agreed, the Trust will confirm the terms of the extension in writing to the employee, including:

- the length of the extension and the date on which the extended period of probation will be reviewed and when it will end;
- 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;
- the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;

- any support, for example further training, that will be provided during the extended period of probation; and
- 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.

### **Terms of employment during the probationary period**

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 school HR policies.

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 month'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.

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

### **Line managers' responsibilities**

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.

### **Reviews during probation**

The line manager 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.

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.

### **Irregularities discovered during the probationary period**

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, the Trust will terminate the employment giving one month's pay in lieu of notice.

### **End of probation**

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.

If the employee's performance is satisfactory, the line manager should notify HR department in order to issue a letter of confirmation of appointment to the employee.

### **Termination of employment**

Ordinarily it is the Trust'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, the employment may be terminated early.

### **Performance**

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**

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.

### **Attendance**

If an employee's attendance while on probation has been unsatisfactory (despite support from the line manager), 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. 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.

### **Appeals against Termination of employment**

Should an employee wish to appeal against a decision to terminate their employment they must write to the Headteacher or Head of School within 10 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 Headteacher or Head of School (if not involved in the original decision to dismiss) or the CEO/Executive Headteacher.

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 Head Teacher/Head of School is terminated they should appeal to the Chair of Trustees who will make arrangements for the appeal hearing.

#### **Confidentiality and data protection**

It is the aim of the Trust 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.

During any action under this policy, the Trust will collect, process and store personal data in accordance with data protection legislation. 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 the requirements of the **Data Protection Legislation** (being (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulation ((EU) 2016/679) 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).

#### **Review of policy**

This policy is reviewed, every 3 years or earlier if there are changes in legislation, by Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.