

PROBATIONARY PERIOD POLICY

**Created: November 2019
Reviewed: December 2021
Next Review Due: January 2024**

A further probation period will not apply to staff changing roles across the Trust.

1. Introduction

- 1.1 The contents of this policy apply to all permanent and fixed term/temporary employees with a contract of employment with the Trust, irrespective of career path or pay level, including apprentices, with the exception of Early Career Teachers who are subject to their own induction period. Certain aspects of these probation arrangements differ by staff group; the specific arrangements applying to particular staff groups are detailed in Section 4 of this policy. These groups include centrally employed staff.
- 1.2 The Trust's probationary period policy is designed to:
- i. Support new members of staff while they are settling into their employment in Trust;
 - ii. Give the Trust time to assess the suitability of new members of staff for continued employment;
 - iii. Give the staff member the opportunity to assess their suitability for the post and for continued employment; and
 - iv. Provide a framework within which areas of concern can be identified, addressed and resolved by the Trust and employee.
- 1.3 This policy sets out the Trust's probationary arrangements. The policy is non-contractual and sets out how the Trust will normally operate the policy.

Potential employees need to be fully aware before they start their role with the Trust, that a probationary period applies to them and that they can be dismissed for failing to achieve the necessary standards of performance within that period. This should be made clear in the recruitment pack for the post and within the post's job description.

1. Relationship with other policies

- 2.1 This policy is intended to replace appraisal and capability procedures for employees during their probationary period. It is not intended that this policy will replace the disciplinary or attendance management policies during any probationary period.
- 2.2 Probationary periods will be suspended during periods of maternity, adoption and shared parental leave, and in some cases of long term sickness absence. In such circumstances the relevant policy and procedures should be applied (see also Section 6).
- 2.3 All new employees should be provided with an effective programme of induction in their first weeks of employment. This includes local induction activities as well as any appropriate Trust induction days and welcome events.

3. General principles of probation applicable to all probationers

- 3.1 Each probationer will have a designated line manager with responsibility for providing advice, support and feedback to them on their progress during their probationary period.
- 3.2 Line Managers should ensure the following general principles of probation are applied to all staff groups:
 - Probationers should be made fully aware of the Trust's expectations of them.
 - Probationers should be provided with clear, written objectives for their probationary period, as well as a description of how their performance will be assessed. These are not objectives which are additional to their appraisal.
 - Probationers should receive regular feedback on their progress. Regular reviews of progress should take place at clearly defined intervals during the probationary period.
4. **Specific arrangements applying to particular staff groups**
 - 4.1 Probation arrangements for **teachers (including SLT appointments)**:
 - Standard probationary period: first school term of employment with BDAT. If the teacher starts part way through a term, then the first full term of employment with BDAT will be the probationary period.
 - 4.2 Probation arrangements for **Headteachers**:
 - Standard probationary period: the first six months of employment will be the probationary period.
 - 4.3 Probation arrangements for **support staff**:
 - Standard probationary period: first school term of employment with BDAT. If the staff member starts part way through a term, then the first full term of employment with BDAT will be the probationary period.
 - 4.4 Probation arrangements for **senior support staff**:
 - Standard probationary period: the first six months of employment with BDAT (excluding school holiday periods for term-time only staff)
 - 4.5 Probation arrangements for **central team staff**
 - Standard probationary period for executive leaders: the first six months of employment (excluding school holidays for term-time only staff).
 - Standard probationary period for central support team: the first three months of employment (excluding school holidays for term-time only staff).

- 4.6 Notice period during probation will be in accordance with an employee's contract of employment.
- 4.7 Probation arrangements for **existing employees transferring between posts** within the Trust:
- Formal probationary periods do not apply to existing employees transferring between posts within the Trust.
 - In all cases, an appropriate induction and training programme should still be provided for the employee in their new post.
 - Notice periods will be in accordance with contracts.
- 4.8 Probation arrangements for apprentices:
- These will be in accordance with the probation arrangements applicable to the career pathway and level as described above from the date of appointment in role as an apprentice. Where an apprenticeship requires the apprentice to attend training or education in full-time blocks prior to physically starting work with the Trust, the apprentice's probationary period will commence from the first day of work, rather than their first day of employment.
- 5. Assessing progress during probation**
- 5.1 The progress of the probationer should be reviewed and discussed at clearly defined intervals between the probationer and their line manager throughout the probationary period. A template for recording these meetings is at Appendix A to this policy. Each case should be assessed on its merits, taking into account the nature of the role and the various duty requirements throughout the different stages of the academic year. This may involve (in consultation with the probationer) adding, adjusting, or restricting objectives to reflect the probationer's abilities and performance, or changing external factors. These are not objectives which are additional to their appraisal. The outcome of these periodic reviews should be recorded in accordance with normal performance management procedures.
- Where concerns have been raised about the probationer's performance, the line manager of the post should discuss these fully and openly with the probationer and an action plan to remedy the problems should be agreed and documented.
- 6. Suspension of probationary period**
- 6.1 Where the probationer is required to take an extended period of absence during the probationary period due to maternity, adoption or shared parental leave, the probation period should be paused.

- 6.2 In some circumstances, extended periods of absence due to ill-health (subject to management discretion), may result in the probationary period being paused. In such cases the appropriate line manager should seek advice from Human Resources.
- 6.3 During any period in which the probationary period is paused, the probationer is subject to the appropriate maternity, adoption, shared parental leave or absence management policy.
- 6.4 On returning to work from the absence, the probationary period may be extended by the Trust to provide the probationer time to meet their probation objectives by either:
- The corresponding period of the absence/pause, or;
 - The remaining period of probation, whichever is the shorter.

7. Concluding probationary period

- 7.1 Before the end of the probationary period, the appropriate line manager (see the Responsibilities section at the end of this document) will decide, based on the reports completed during the probationary period, whether the probationer should:
- Have their appointment confirmed (confirmation of appointment – see Section 8), or
 - Have their probationary period extended to provide additional support (extension of probationary period - see Section 9), or
 - Have their appointment terminated (non-confirmation of appointment – see Section 10).

8. Confirmation of appointment

- 8.1 Based on the probationer's progress against probationary period objectives (and as recorded in the regular probation review/reports), if the appointment is to be confirmed, the appropriate line manager should inform the probationer and then Human Resources who will arrange for a confirmation letter to be issued.
- 8.2 On confirmation of appointment, the individual becomes subject to appraisal, capability and disciplinary procedures, as normal. The appraisal process and objectives should be adjusted accordingly to reflect the proportion of the appraisal cycle remaining, depending on when the probationary period is signed-off.
- 8.3 Should the probationer fail to be issued a confirmation letter then the probationary period will be deemed to have been successfully completed.

9. Extension of probationary period

- 9.1 If there are concerns about the performance, conduct, or capability of the probationer at any time during the probationary period, the line manager should seek to proactively address these issues with the probationer throughout the probationary review period.
- 9.2 However, in exceptional circumstances, the line manager may determine that it would be appropriate to extend the probationary period to see if the probationer can meet the requirements of the role before a decision is taken as to whether to confirm their appointment or not. In such cases the appropriate line manager should seek advice from Human Resources.
- 9.3 Any intention to extend the probationary period due to concerns about performance, conduct or capability should be discussed with the probationer before the original probation period's end date. A letter should be sent to the probationer advising them that their probationary period may be extended, and inviting them to a meeting to allow them to set out any reasons why they believe that either their probation should not be extended or that their appointment should be confirmed. Such meetings should be scheduled to take account of the relevant notice periods defined in Section 4 of this policy. The probationer may be accompanied at the meeting by either a colleague or trade union representative. The meeting should be conducted by the line manager. Any intention to extend the probationer's probationary period should be supported by appropriate evidence from the probationary review meetings held throughout the probationary period.
- 9.4 Any intention to extend the probationary period following a suspension of the probationary period covered by Section 6 of this policy should be discussed with the probationer as part of that process and managing the probationer's return to work. The length should not exceed 50% of the initial probation period.
- 10. Non-confirmation of appointment**
- 10.1 Where the employing department believes the appointment should be terminated, during the probationary period, the appropriate line manager should seek advice from Human Resources.
- 10.2 Any intention to not confirm appointment after the probationary period, and the reasons for this, should be discussed with the probationer before the original probation period's end date. In ordinary circumstances, a letter should be sent to the probationer warning them that their employment may not be confirmed and inviting them to a meeting to allow them to set out any reasons why they believe that either their probation should be extended or that their appointment should be confirmed. Such meetings should be scheduled to take account of the relevant notice periods defined in Section 4 of this policy. The probationer may be accompanied at the meeting by either a colleague or trade union representative. In such circumstances, the meeting should be conducted by the line manager who may be accompanied by a representative of Human Resources. Any intention to not confirm the probationer's appointment after the probationary period should be supported by

appropriate evidence from the probationary review meetings held throughout the probationary period.

- 10.3 If the decision is made that the appointment will not be confirmed, this should be confirmed in writing within seven working days.

Appeals

While a probationer cannot claim unfair dismissal during their probationary period, they can claim for wrongful dismissal. This could occur if the probationer feels they were dismissed without going through a fair process. Should the probationer wish to appeal on the grounds of wrongful dismissal. They should submit an appeal in writing to the Chair of Governors against non-confirmation of the appointment within 3 working days of the outcome of either meeting.

A template form for making an appeal is at Appendix B to this document.

The Trust will endeavor to hold a meeting within 5 working days of receipt of the appeal.

The appeal meeting will be heard by a panel of school governors and the probationer may be accompanied by a trade union representative or work colleague. For central team staff, the appeal meeting will be heard by a panel of Trustees.

The possible outcomes of this meeting are:

- The probationer's dismissal is upheld and they are informed of this in writing within five working days.
- The probationer's employment is reinstated and their probationary period is extended for a further period of time.

11. Reporting

- 11.1 The Headteacher/Principal, HR and either the BDAT CEO or Director of Operations should be informed by the line manager at the earliest opportunity if consideration is being given to either extending a probationary period or terminating a staff member's employment during probation. Only the Headteacher can authorize the decision to terminate employment during the probationary period, and this must be discussed in advance with HR, the Trust CEO and the Chair of Governors. This is to ensure that staff are treated fairly and equitably across the Trust.

12. Responsibilities

Line Manager

- It is recognised and accepted that the 'role of the line manager' is a broad and generic term and that the exact definition (i.e. who would deliver the role of the line manager in each process) may vary across different schools and departments within schools, as well as across different processes.
- Practical day to day management responsibility for providing advice, assistance and guidance, in as helpful and comprehensive way as possible, is likely to rest with the line manager. This role will most likely be the probationer's immediate line manager, supervisor or other nominee. For the purpose of this policy and guidance, references to 'line manager' should be read as the designated person within these parameters.
- The line manager is responsible for consulting with HR prior to and then notifying HR of the outcome of all probation reviews, including confirmation, non-confirmation, extension or suspension of the probationary period.

Employee (Probationer)

- If the probationer has any concerns about their own learning or development experiences, or their ability within the role, they are also responsible for raising this with their line manager for consideration within the probationary period.

APPENDIX A TO
PROBATIONARY PERIOD POLICY

PROBATION REVIEW FORM

Line managers should ensure that the employee is given a copy of this document at each stage of their probation and should retain the original to monitor progress against set objectives at follow-up meetings.

Probation Record

Employee name:		
Job Title:		
Post Start Date:		
Line Manager/Reviewer:		
Probation Period:		
	Date Due	Please tick when completed
Initial Meeting		
Interim review:		
Final review:		

PART 1: INITIAL MEETING

This section should be completed by the line manager within a week of the employee commencing their employment.

SECTION A: Objectives

The line manager should identify specific objectives for the employee. These will be statements of what should be achieved during the probationary period, including indicators of success and timescales for achievement.

SECTION B: Development Plan

To support the employee in achieving these objectives, the line manager should identify any training and development needs and specify how and when these needs will be addressed during the probationary period.

Employee's Signature:	
Manager's Signature:	
Date:	

PART 2 – INTERIM REVIEW

To be completed by the Line Manager in discussion with the employee.

<i>(please tick)</i>	Improvement required	Satisfactory	Good	Excellent
Quality and accuracy of work				
Efficiency				
Attendance				
Time Keeping				
Work relationships (team work and interpersonal communication skills)				
Competency in the role				
If any areas of performance, conduct or attendance require improvement please provide details below.				
Where concerns have been identified, please summarise how these will be addressed during the remaining period of probation.				
Summarise the employee's performance and progress over the period				

Have the objectives identified for this period of the probation been met?	YES / NO	If NO, what further action is required?	Review Date
Have the training / development needs identified for this period of the probation been addressed?	YES / NO		
Employee's Signature:			
Manager's Signature:			
Date:			

PART 3 – FINAL REVIEW

To be completed by Line Manager in discussion with the employee.

<i>(please tick)</i>	Improvement required	Satisfactory	Good	Excellent
Quality and accuracy of work				
Efficiency				
Attendance				
Time Keeping				
Work relationships (team work and interpersonal communication skills)				
Competency in the role				
Have the objectives identified for the probationary period been met?	YES / NO	If NO, please provide details		
Have the training / development needs identified for the probationary period been addressed?	YES / NO			
Summarise the employee's performance and progress over the period				
Is the employee's appointment to be confirmed?				YES / NO

If NO, please provide reasons below and summarise what action has been taken to address any difficulties which have arisen during the probationary period.

The employee may provide any comments about their experience of the probationary process here.

Should the employee's probationary period be extended?

YES / NO

If YES, please provide reasons and, where appropriate, specify any areas of improvement required and how these will be monitored.

Length of the extension (max 3 months):

New Probation Period completion date:

Employee's signature:

Manager's signature:

Date:

The employee has received a letter confirming his satisfactory completion of probation period

YES

NO

APPENDIX B TO
PROBATIONARY PERIOD POLICY

APPEAL AGAINST (Insert relevant decision/procedure)

This form will help you with your appeal and will speed up the process

Name				
Post Title				
School				
Date of decision letter				
I wish to be represented by a Trade Union <i>(tick as appropriate)</i>	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
My representative is				
Name of Trade Union				
I wish to appeal because <i>(tick as appropriate)</i>				
<input type="checkbox"/>	The decision was too harsh			
<input type="checkbox"/>	The proper procedures were not followed			
<input type="checkbox"/>	New evidence has come to light			
<input type="checkbox"/>	The decision was unsound			
<input type="checkbox"/>	Other			
I intend to call witnesses <i>(tick as appropriate)</i>	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Please provide the name(s) of any witness(es) that you wish to call in the space provided below <i>(if applicable)</i>				

Whatever your reason for appeal, you should give details to support it in the space provided on the back of this form. **Failure to complete this section could result in your appeal being dismissed in accordance with the provisions of the appeals process detailed in the Probationary Period Policy. You do not, however, have to state your entire case - a summary of the relevant arguments will suffice.**

Please provide detail of the grounds for the appeal in the space provided below;

Signature of Applicant (person raising appeal)	
Date	
<p>Please return completed forms to: (Insert name of person making decision / the Chair of the Governors for School Name) This form should be returned within 3 working days of your receipt of the outcome.</p>	