

Bourne Education Trust Probation Procedure for All Employees

1. Terms of Reference

1.1. This procedure applies to all employees regardless of their permanent, fixed-term, full or part-time status. The only exception to this is NQTs for whom there are separate induction arrangements.

1.2. Definitions:

“Headteacher” also refers to any other title used to identify the Headteacher, where appropriate, or other Senior Manager delegated to deal with the matter by the Headteacher.

“Executive Group member” refers to any member of the Bourne Education Trust Executive Group, or other Senior Manager delegated to deal with the matter by them.

“Companion” refers to a person chosen by the employee to accompany them at a Formal Hearing, who shall be a trade union representative or a workplace colleague.

“Probationer” refers to the employee who is serving the probation period.

“Line Manager” refers to the person delegated to manage the probation period. This may be a Senior Manager other than the direct Line Manager.

“Governors Disciplinary Committee” may be convened for a Formal Hearing where the Headteacher considers that they must act in the role of Line Manager. In this event substitute ‘Headteacher’ with ‘Governors Disciplinary Committee’ throughout the procedure.

“Governors Appeal Committee” may be convened to hear an appeal against a decision to dismiss. Where possible the number of governors on the committee will be equal to, or greater than, the decision maker(s) of the case being appealed.

“Formal Hearing” a meeting at which a recommendation to dismiss the Probationer is considered.

In respect of non-school based staff, the word “Governors” should be substituted by the word “Trustees”.

2. Introduction

2.1. This procedure is non contractual and for guidance only, although reduced notice of termination provisions by the employer are covered in the contract of employment. The exception to this is substantiated allegations of gross misconduct, as outlined in paragraph 4.3 below, which normally warrants summary dismissal without notice.

2.2. It is the responsibility of the Line Manager to implement the procedure and to ensure that the procedure is communicated to Probationers and that it is applied consistently.

- 2.3. The probation period is for 26 weeks from the start date of employment and may be extended by an additional 6 weeks, or longer if the extension period includes school holidays (see section 4.8).
- 2.4. It may also be agreed at the outset of the employment that the probation period will be longer than 26 weeks where the Probationer is employed on a term time only contract and the probation period spans the school summer holidays.
- 2.5. The purpose of the probation period is to enable an assessment to be made regarding a Probationer's suitability for the job for which they have been employed.
- 2.6. The probation procedure provides a consistent and fair framework for:
 - 2.6.1. Monitoring and reviewing the performance of new employees in relation to:
 - Quality of work and understanding of role
 - Attitudes and motivation
 - Conduct and attendance
 - Compliance with all policies and procedures particularly those relating to safeguarding and promoting the welfare of children and young people
 - Health and safety.
 - 2.6.2. Providing feedback and opportunity for discussion.
 - 2.6.3. A structured approach to address any concerns linked to 2.6.1.
- 2.7. The capability, disciplinary and sickness absence policies and/or procedures do not apply during the probation period. If issues of conduct, poor performance or sickness arise during the probation period, the probation procedure will normally be used to address such matters. Where allegations have been made against a Probationer, a management investigation will be conducted into the matter. In cases of alleged serious misconduct or gross misconduct the Headteacher or Executive Group member (or person with delegated responsibility for suspension) will normally suspend the Probationer pending an investigation.
- 2.8. The following employees are excluded from a probationary period:
 - When transferring between the Trust's schools
 - Following an internal promotion
 - Following any variations to the terms and conditions of employment
 - Newly Qualified Teachers for whom separate arrangements exist.

3. Equality and Diversity

- 3.1. The procedure will be operated in accordance with our Equality and Diversity Policy. We are committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of the procedure will be monitored in accordance with the Equality Act 2010.

4. The Procedure

4.1. The Line Manager is responsible for ensuring that the Probationer is properly monitored during the probation period and meetings and paperwork are completed in a timely manner. The Probationer will be provided with a copy of the procedure and indicative dates for the probation meetings. In the event that the Probationer's standards fall below expectations, the Line Manager is responsible for initiating and taking action in accordance with this procedure.

4.2. The Line Manager should, in normal circumstances, conduct three reviews with the Probationer. Reviews should take the form of a confidential meeting between the Line Manager and the Probationer, in which there is opportunity for two-way discussion.

4.3. In exceptional circumstances, where there are serious concerns over the suitability of a Probationer, the Line Manager may decide to progress straight to the Final Review and omit the Second Review, or to reduce the time between the review meetings. Such concerns may include substantiated safeguarding or health and safety concerns or substantiated allegations that may constitute gross misconduct or during an extended probation period.

4.4. **The First Review:** To be completed within weeks four to six of the Probationer's start date.

The purpose of this meeting is for the Line Manager to evaluate the Probationer's performance and discuss any key issues. If improvements in performance are required, full details should be given, including appropriate management support/training.

Upon completion of this review meeting, the Line Manager should complete the appropriate section of the Probation Period Review Form (Appendix 1). This should be signed by the Line Manager and the Probationer. A copy should be given to the Probationer and a copy saved in the personnel file.

4.5. **The Second Review:** On completion of 13 weeks' service.

The purpose of this meeting is to review the Probationer's performance over the first 13 weeks. Where the First Review indicated that improvements in performance were required, the Second Review meeting should be used to consider the extent of any improvement that may or may not have taken place.

Where the Probationer has not met the required standards, they will be informed that continued failure to meet those standards could result in dismissal.

Upon completion of this meeting, the Line Manager should update the Probation Period Review Form (Appendix 1). This should be signed by the Line Manager and the Probationer, a copy should be given to the Probationer and the form saved in the personnel file.

4.6. **The Final Review:** On completion of 22 – 24 weeks' service.

Prior to the Final Review meeting, which normally takes place after the Probationer has completed 22 – 24 weeks of service, the Line Manager should decide whether:

4.6.1. The Probationer has passed probation or;

4.6.2. The probation period is extended due to exceptional circumstances. Consideration to extend may include the following, but this is not an exhaustive list:

- Performance concerns have not been fully addressed but there is a reasonable expectation that satisfactory performance standards may be met by the end of an extension of the probation period.
- The Probationer has had an extended period of permitted absence and it has not been possible to assess performance.
- Other exceptional circumstances.

4.6.3. Recommendation to the Headteacher or Executive Group member at a Formal Hearing that the Probationer is dismissed.

4.7. **The Probationer has passed probation**

Upon completion of the final review meeting, if the Probationer has passed probation the Line Manager will finalise the Probation Period Review Form (Appendix 1). This will be signed by the Line Manager and the Probationer. The form should be placed on the Probationer's personnel file with a copy provided to the employee.

The Probation period is extended

Where the decision is to extend the probation period, this will normally be limited to one extension and the extension will be no longer than 6 weeks unless the extension period includes school holidays, in which case it may be longer.

Before extending the probation period, the Line Manager will normally seek HR advice. The Line Manager will confirm the terms of the extension in writing to the Probationer, including:

- The length of the extension, the date on which the extension will end and dates of review meetings, adjusted according to the extension.
- 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 fully meet the required standards by the end of the extended period of probation, the employment will be terminated.

In all cases other than as a result of sickness absence, where an extension is deemed necessary a support plan will be put in place. (Please refer to Appendix 2 for a template of the BET probation support plan form).

There is no right of appeal to the extension of a probation period.

Headteacher/ Executive Group Member Formal Hearing

If the Line Manager decides to recommend to the Headteacher/Executive Group member at a Formal Hearing that the Probationer is dismissed then they will write to the Probationer (template letter included as Appendix 3) to inform them as soon as practicably possible at least 5 working days in advance, setting out:

- a) The date, time and place of the Formal Hearing.
- b) That the purpose of the Formal Hearing is to recommend dismissal and the reasons why.
- c) The Probationer’s right to be accompanied by a Companion.
- d) The titles of enclosed copies of any documents which may be considered.
- e) The name and position of any other person present at the meeting e.g. note taker or HR Advisor.

The Probationer must advise the Line Manager of the following at least 3 working days in advance of the Formal Hearing:

- a) The name and designation of any Companion.
- b) Any written documentation to be considered.

The Probationer, who may be accompanied by a Companion, will have the opportunity to state their case, before a decision is made.

The Headteacher/Executive Group member may decide:

- a) To terminate employment from the date of the Formal Meeting with probation period notice.
- b) Extend the probation period. This will revert the process back to the Line Manager.
- c) Consider deployment to a suitable available alternative post (in which case a new shortened probation period will be put in place and the schedule and number of review meetings adjusted accordingly).

The Headteacher/Executive Group member will write to the Probationer confirming the decision within 5 working days of the hearing.

5. Right of Appeal

- 5.1. The Probationer has a right of appeal against a decision to dismiss.
- 5.2. An appeal should be made in writing to the Clerk to the Governors, stating the grounds for appeal in full, within 5 working days of the date of the written decision.
- 5.3. An appeal will be heard by the Governors Appeal Committee, none of whom shall have any previous involvement in the case. The Governors Appeal Committee may have an HR Advisor present.
- 5.4. An appeal hearing will, in normal circumstances, be heard within 10 working days after receipt of the appeal. The Clerk to Governors will usually undertake administrative arrangements for any appeal hearing. The outcome will be confirmed in writing as soon as possible and usually within 5 working days of the appeal hearing. There will be no further right of appeal.

Date drafted:	Autumn Term 2020 (BET Executive Team)
Next review:	Autumn HT1 2023-34

Appendix 1 - Probation Period Review

Review Meeting:	First	Second	Third
Date:			

This form should be completed by the Probationer's Line Manager during each Review Meeting. This should be signed by the Line Manager and the Probationer, and the original placed in the personnel file with a copy to the Probationer. *Please note that although there is an expectation that all probationers will complete the review cycle in exceptional circumstances a Line Manager may decide to recommend a dismissal hearing at any stage during the probationary period.*

Probationer's Name:

Start Date:

Job Title:

Line Manager's Name & Job Title:

Review of:	Review meeting 1			Review meeting 2			Review meeting 3		
	Exceeds expectation	As expected	Below expectation	Exceeds expectation	As expected	Below expectation	Exceeds expectation	As expected	Below expectation
Quality & accuracy of work									
Efficiency/work rate									
Attendance									
Time keeping									
Work relationships (team work & interpersonal communication skills)									
Competency in the job									
Understanding of the job									

	Review meeting 1	Review meeting 2	Review meeting 3
Line Manager's comments:			
Probationer's comments:			
Objectives for next review:			
Sign & Date Line Manager			
Sign & Date Probationer			

Outcome after Final Planned Review

Probation Passed

Probation Extended

Probation Failed : Refer to the Headteacher/Executive Group

Appendix 2 – Support Plan for Probationary Extension

Support Plan -Concerns: LIST ANY CONCERNS YOU HAVE WHICH HAVE LED TO THE PROBATION EXTENSION.

1)

2)

3)

Target	Success Criteria	Target Date	Monitoring & Review	Training & Support
TARGET 1				
TARGET 2				

TARGET 3				

Line Manager's Signature: _____

Date: _____

Probationer's Signature: _____

Date: _____

Appendix 3 – Draft Letter of Invitation to Probationary Dismissal Hearing

[DATE]

Strictly Private and Confidential

NAME

ADDRESS

Dear

Probationary Period - Hearing to Consider Termination of Employment

Following your completion of [X] months service as [Job Title] at [Insert School/Academy] a hearing has been arranged on [DATE] at [TIME] in [PLACE] to discuss the outcome of your probationary period. I will recommend to the [insert name e.g. Headteacher/Principal/Governing Body] that your employment is terminated because you have not completed your probationary period satisfactorily, in accordance with the [title of procedure e.g. Probationary Procedure].

The reason[s] for this recommendation [is/are]: (insert reasons).

Copies of the following documents are enclosed and will be referred to at the hearing:

- Induction Plan
- Probation Period Review Form(s) dated DATE
- Contract of employment
- Probationary Policy (check title of procedure)

You may be accompanied by a workplace colleague or a trade union representative at the hearing. If the decision is to terminate your employment then you will have the right to appeal the decision to the Governors.

The [insert name e.g. Headteacher/Executive Group member] has the authority to terminate your employment or, if they believe the circumstances are exceptional, to extend your probationary period as specified in the school's procedure, or to confirm your appointment. Please confirm your attendance on receipt of this letter and do not hesitate to contact me should you have any questions in relation to its contents.

Yours sincerely,

TITLE OF LINE MANAGER

For and on behalf of [Name Academy/School]