



**Bath & Wells Multi Academy Trust
Probation Procedure**

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1. Purpose

Probation Procedure

- 1.1. The purpose of this procedure is to provide a structure for the effective management of probationary periods, probationary assessment and where appropriate, the management of unsatisfactory conduct and/or performance during the probationary period.
- 1.2. A probationary period helps support employees and enables them become fully integrated and productive from the earliest opportunity. It provides an important opportunity for employees to familiarise themselves with their job and for Line Managers (Executive Principal/Principal/Headteacher) to clarify what is required, set standards and encourage development.
- 1.4. This procedure aims to ensure that all employees are clear on what to expect during their probationary period and to ensure fairness and consistency in the management of employees during this period.
- 1.5. This procedure is effective from 1 April 2013 as approved by Bath & Wells Diocesan Academies Trust, trading as the Bath & Wells Multi Academy Trust (hereafter referred to as the MAT).

2. Applicability

- 2.1. This procedure applies to all new members of support staff of the MAT in their first 6 months of employment. All employees are included, whether permanent or on a fixed term contract. It does not apply to contractors or volunteers.

3. Roles and responsibilities

- 3.1. For the purpose of this policy the person managing the employee, including Executive Principals, Headteachers and Principals will be referred to as the Line Manager. Line Managers are responsible for ensuring this policy is applied consistently and in a way that does not discriminate. They are responsible for monitoring the progress of new employees during a probationary period to provide feedback; ensuring training and development needs are identified and met; and that the employee is given opportunity to demonstrate their relevant skills, experience and knowledge. Any concerns or problems should be identified, and support and encouragement put in place to enable sustainable improvements to be made if necessary. Line Managers need to ensure:
 - 3.1.1. That new employees are clear about what is expected of them in terms of performance and behaviour.
 - 3.1.2. That appropriate induction activities are carried out with the employee.
 - 3.1.3. That all new employees are familiar with the standards of performance and conduct required of them.
 - 3.1.4. Arranging individual meetings with probationary employees and holding two probationary assessment meetings with employees at the specified intervals.
 - 3.1.5. That the performance and progress of the probationary employee is continuously kept under review in order to provide any necessary encouragement and/or advice and to ensure that he/she becomes an effective and efficient employee.

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- 3.1.6. Agreeing performance targets with new employees.
- 3.1.7. Assessing whether an employee has met the standards of performance and conduct required for confirmation of appointment at the end of the probationary period.
- 3.1.8. Deciding to convene a probationary hearing to consider the termination of employment in cases of failure to meet the required standards.
- 3.1.9. Completing probationary assessment paperwork, ensuring written records are kept and confidentiality is maintained (assessment form attached at Appendix 1).
- 3.2. Employees within their probationary period are responsible for;
 - 3.2.1. Complying with the expected standards of performance required by the line manager.
 - 3.2.2. Complying with the expected standards of conduct
 - 3.2.3. Undertaking any training activities agreed with the line manager to support achievement of the required standards.
 - 3.2.4. Attending individual and probationary assessment meetings with the line manager and be amenable to and available for training and development consistent with their job
 - 3.2.5. Employees are responsible for performing their duties in accordance with their contractual obligation e.g. exercising care in the performance of their duties; treating colleagues, children and visitors with honesty, respect and dignity; being honest, trustworthy, co-operative and acting reasonably.
- 3.3. Human Resources are responsible for:
 - 3.3.1. Ensuring managers are provided with appropriate advice and guidance on the use of this procedure.
 - 3.3.2. Provide timely advice and support to Line Managers, the Directors of the MAT and Governing Bodies on all aspects of the Probationary Procedure.
 - 3.3.3. Providing support to Managers in managing individual cases where necessary.
 - 3.3.4. Providing guidance before any termination of employment is considered.
 - 3.3.5. Attending formal probationary hearings or a probationary appeal hearing for the purposes of providing advice.
 - 3.3.6. Ensuring this policy complies with legislative requirements and good employment practice.
- 3.4. Members of the Local Governing Body will attend formal probationary hearings and appeal hearings when necessary to form part of the panel and to make a fair decision in relation to the specific case.

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3.5 Director(s) of the MAT will attend a formal probationary hearing where the outcome could result in dismissal and appeal hearings where the employee has been dismissed. The overall decision to dismiss an employee sits with the MAT.

4. Principles

4.1. The appointment of every new employee is subject to successful completion of a formal probationary period. The probationary period provides employees with the opportunity to familiarise themselves with their job and for line managers to clarify what is required and to set standards. During a probationary period line managers will make an assessment of performance and conduct to determine whether the employment will be confirmed.

4.2. The manager will provide employees with an appropriate induction to help them to settle into their new environment and learn the responsibilities and rules relating to their employment.

4.3. The probationary period for new permanent employees will last for six months. In some specified circumstances it may be necessary to extend the probation period further, up to an additional 3 months (see section 10 below). Appointment of employees on fixed-term contracts will be subject to a probationary period as set out in the table below unless otherwise agreed in writing and after advice has been taken from Human Resources.

Length of Fixed Term Contract	Recommended Probationary Period
3 months or less	4 weeks
Up to 6 months	12 weeks
Up to 9 months	16 weeks
12 months or more	26 weeks

4.4 Any disciplinary and capability issues during the probationary period should be addressed under this policy.

4.5 It is expected that the majority of new staff will progress effectively and in a timely manner through their probation period. However, it is recognised there will be situations where probationers are not able to achieve the standards expected and required of their new role. Where this occurs, it is the MAT's policy to explain the areas of concern and ensure that they are given an opportunity to make the necessary improvement within a defined time period.

4.6 Where the probationer has been given the opportunity to make the required improvement but has failed to do so within the time period set, the MAT will unfortunately have no alternative but to terminate the employment of the probationer.

4.7 If there are serious concerns about performance and/or conduct at any point during the probationary period, and the manager considers that sufficient improvement is not likely to be made, employment may be terminated before the end of the probationary period. See section 9 below.

4.8 Before an employee's employment is terminated he/she will be able to present his/her case at a probationary hearing, at which he/she may be accompanied by a trade union representative

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or work colleague (see section 12 below). There is a right of appeal against a decision to terminate employment.

4.9 The timescales within this procedure may be changed in exceptional circumstances.

5. Probationary assessment

5.1. The way in which work performance and behaviour is assessed will vary depending on the responsibilities of each employee's job, grade and work environment and will include:

- Quality of work performance
- Quantity of work
- Flexibility
- Attendance, timekeeping and health record
- Reliability
- Relationship with other employees
- Initiative

5.2. Performance and behavior will be assessed at regular probationary review meetings and other meetings. It is suggested that the Line Manager meets with the employee after the first 4 weeks to review the induction period and then as a guide probationary review meetings will take place, at 12 weeks and 20 weeks. A pro-forma is available at appendix 1 and should be used to record the main points of the meeting and a copy should be given to the employee, with a copy placed on the employee's personal file in school. This assessment form will be revisited during further probationary assessment meetings. The meetings provide an opportunity for Line Managers to clarify any standards that are not clear, hear an employee's view on what they feel will assist their work performance and behavior and discuss measures that may be taken to assist the employee in reaching the standards required and any training or development needs.

5.3. Where a probationary period is less than 6 months (as outlined in the Table above) it is envisaged that two reviews would be undertaken within a reasonable timeframe depending on the length of the Probationary period, with the exception of a 4 week probationary period, when only a final review would be held

5.4. If the Line Manager has concerns about an employee's performance and/or conduct they must arrange a meeting to discuss their concerns with the employee as well as at the probationary review meetings, the main points discussed during any meetings should be recorded in writing and at probationary assessment meetings. Targets for performance and/or conduct will be set, standards explained and reasonable additional support and/or training will be given as appropriate to assist the employee in achieving an acceptable level of performance and/or conduct. Progress against targets will be reviewed regularly and at the final probationary assessment meeting.

6. Successful completion of probation

6.1. If an employee's performance and conduct has been satisfactory his/her appointment will be confirmed in writing at the end of his/her probationary period by the school (see Appendix 2 for model letter).

7. Failure to reach required standards

- 7.1. If, at any stage during the probationary or review period an employee's work is considered not to meet the required standard, the employee must be informed how their performance is to improve. Objectives/standards for achievement should be set for the forthcoming month and a written action plan agreed detailing how progress will be jointly reviewed and monitored. In addition, all necessary training, support and supervision will be provided to assist in effecting an improvement. The Line Manager should also explore other reasons or mitigating circumstances which may be affecting the employee's performance at work and provide support as appropriate. If the employee has demonstrated an acceptable level of improvement, which is felt by the manager to be sustainable, they should be confirmed in post. If performance fails to improve, further additional formal review meetings should be held and consideration shall be given to extending the probationary period.
- 7.2 Where at any stage of this procedure there are concerns that an individual will not meet the required standards and it is felt that the employee is not suitable for the post or unlikely to be confirmed in post/able to meet the improvements required, the Line Manager should consult with Human Resources who will advise the most appropriate course of action in order to ensure a fair and legally compliant procedure is followed in relation to the potential/actual dismissal of the Employee. It is likely that a probationary hearing will be arranged to consider termination of employment (dismissal), see section 12.
- 7.3. If there are serious concerns about the employee's performance and/or conduct at any point during his/her probationary period, and the employee's Line Manager considers that sufficient improvement is unlikely to be made, a probationary hearing may be held earlier in the employee's probationary period and the employment may be terminated before the end of the probationary period.

8. Extension of probationary procedure

- 8.1. A decision to extend the probationary procedure may be made in the following circumstances. The decision should normally be made no later than the final probationary assessment meeting (normally five months after appointment).
 - 8.1.1 If the employee's performance and/or conduct does not reach the standards required by the end of the probationary period and there is evidence to support this, but the Line Manager decides that there is a good chance of the required improvement being achieved, the probation period may be extended for a maximum of three months.
 - 8.1.2 If it has not been possible to make a fair assessment of the employee's performance and/or conduct within the probationary period for good reason, the line manager may decide to extend the probationary period for a maximum of three months.
 - 8.1.3 If an employee is absent for a substantial part of their probationary period, for example, due to sickness, the Line Manager may also consider extending the probationary period. This will enable the employee's actual work performance in the job to be assessed over a length of time equal to the prescribed probationary period.
 - 8.1.4 Where an employee has not met the required standards of performance and this may be due to a disability, then appropriate advice will be sought and action taken.

Where the employee's disability is affecting performance, the manager will meet the employee to consider whether there are any reasonable adjustments that can be made to assist him/her in achieving the required standards within his/her role. The probation period may be extended for a maximum of three months.

- 8.2 Any extension to the probationary period must be fully explained to the employee, setting out the following reasons (see Appendix 3 for model letter):
- Length of the extension
 - Identify training that will be given
 - Areas for improvement and how this will be monitored/measured
 - What may happen at the end of the extension

9. Misconduct and incapability during the probationary period

- 9.1. Minor misconduct and/or lack of capability will be dealt with as part of day to day management, one-to-one meetings and probationary reviews.
- 9.2 If the Line Manager decides based on evidence and that the conduct and capability of an employee does not reach the standards required at the end of the probationary period, they should escalate the issue to the Headteacher/Executive Principal and Human Resources for discussion if they are not already involved. If the Headteacher/Executive Principal and Human Resources agree based on evidence that the employee does not reach the standards required then the employee will be asked to attend a probationary hearing at which their future employment will be discussed and may result in their dismissal.
- 9.3 Any allegation of serious or gross misconduct or of serious incapability should be investigated. If the manager considers that the employee is unlikely to meet the required probationary standards as a result of the alleged misconduct, or because of persistent minor misconduct, a probationary hearing should be arranged as set out in section 12 below.

10. Probationary hearing

- 10.1. The probationary hearing will be convened to consider the dismissal of an employee who has failed to meet the required standards of performance and/or conduct. It may be arranged;
- 10.1.1. At the end of the probationary period;
 - 10.1.2. At the end of an extension of probation; or
 - 10.1.3. Before the end of probation where serious concerns are raised about performance and/or conduct.
- 10.2. The employee will normally be given 10 working days notice in writing of a probationary hearing. The chair of the hearing will write to the employee to confirm:
- The full reasons and concerns regarding the employee's performance/conduct and/or attendance
 - The date, time and location of the hearing.
 - The name of the person (or panel chairing the hearing)
 - The right to be accompanied by a trade union representative or a work colleague.
 - The requirement to provide the chair hearing the case with a copy of the documents that he/she will be relying upon and the names of any witnesses that he/she will be calling at the hearing at least 5 working days before the hearing

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- Advise the employee that the hearing could result in his/her employment being terminated.
- 10.3. Copies of documents that the presenting manager will refer to at the hearing, and names of any witnesses that they will call will be included with the notification.
 - 10.4 At the hearing both the management side and the employee will be given the opportunity to state their case, call witnesses and ask questions. Human Resources will attend the hearing to provide procedural advice.
 - 10.5 The hearing will normally be adjourned whilst the chair/panel hearing the case reaches a decision.
 - 10.6 The outcome of the hearing may be either an extension of probation or dismissal. The employee will be notified in writing of the outcome normally within 5 working days. If the outcome is dismissal the reason for this must be included in the outcome letter.
 - 10.7 A postponement may be granted if the employee or their representative is unable to attend on the proposed date. A postponement should not be for more than 5 working days after the original date proposed, however, an extension to this time limit can be made by mutual agreement. Where a hearing is rearranged and the employee is unable to attend a second time, the hearing will normally convene, as arranged, and a decision taken in the employee's absence.
 - 10.8 Where employment is terminated during the probation period the employee shall receive one month's notice which may be paid in lieu of notice.

11. Appeals

- 11.1. An employee is entitled to appeal against dismissal or any formal decision taken by the probationary hearing.
- 11.2 The appeal must be made in writing, addressed to the Clerk of Governors, stating the grounds for the appeal, within 5 working days of being advised in writing of the decision of the probationary hearing.
- 11.3 The probationary appeal hearing will be heard as soon as possible and not normally later than 6 weeks after being received.
- 11.4 The appeal will be heard by a panel that have not previously been involved in the case (see authority to act table). Human Resources will attend the hearing to provide procedural advice
- 11.5 The employee will normally be given 10 working days notice, in writing, of the date of the appeal hearing. This notification will give the name of the person chairing the hearing, and the names of panel members. It will remind the employee of his/her right to be accompanied at the hearing by either a trade union representative or work colleague.
- 11.6 If the employee gives a valid reason for not being able to attend the hearing one alternative date will be arranged

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- 11.7 Both parties must indicate at least 5 working days in advance of the appeal hearing which, if any, witnesses they wish to call and provide copies of any documentation that will be relied upon at the hearing,. In exceptional circumstances an alternative time-scale may be agreed.
- 11.8 The chair of the probationary hearing will attend the appeal to present the management case.
- 11.9 The employee will be able to present evidence that is directly relevant to the grounds of the appeal. Management will have the opportunity to respond.
- 11.10 The appeal hearing may confirm or overturn the decision of the probationary hearing. It may result in the probationary period being extended.
- 11.11 The employee will be informed of the appeal decision in writing, normally within 5 working days. The decision of the appeal hearing is final.

12 Disclosure & Barring Service

- 12.1 There is a statutory requirement to refer an individual to the Disclosure & Barring Service in circumstances where an employee has been dismissed, or who resigns in circumstances which may have lead to dismissal or where a disciplinary has occurred on grounds of misconduct which harmed or placed a child at risk of harm.
- 12.2 Human Resources should also be notified in these circumstances.

13. Authority to act under the probationary procedure

Formal action concerning	Authority to suspend an employee	Carry out the probation process (including any necessary investigation)	Chair the hearing	Chair the appeal hearing
All support staff employees	Executive Principal/ Headteacher/ Principal	Either the Principal/ Headteacher or an employee authorised by them of at least line management level	Panel of three, two from the Local Governing Body and one MAT Director	Panel of three, two from the Local Governing Body and one MAT Director who have not previously been involved

14. Review

- 14.1. This procedure will be reviewed to respond to any changes in the employment legislation, and at least every three years.

Appendix 1 – Probationary Assessment Form



Probationary Assessment Form

This form is to be used to assess and monitor the performance of all new entrants to the Multi Academy Trust during their probationary period. **The form should be completed by the Headteacher/appropriate Manager** by ticking the ratings considered appropriate. Assessments should be based on the requirements of the job and the employee’s performance. Each assessment must be discussed with the employee.

Employee Name	
School	
Start Date	
Job Title	
Assessment Date (delete as appropriate):	12 Weeks / 20 Weeks

Performance Indicators	Assessment after 12 weeks	Assessment after 20 weeks
Work Performance: Meeting targets, learning by experience, understanding information & instruction, making judgments.	A B C D E	A B C D E
Motivation: Enthusiasm, initiative, showing interest, asking questions, following through on tasks.	A B C D E	A B C D E
Co-operation: Working with colleagues, dealing with customers, following instructions, willingness to work.	A B C D E	A B C D E
Self Discipline: Punctuality, attendance record, dress, demeanour, attitude, sense of responsibility.	A B C D E	A B C D E

A= Very Good, B= Good, C= Satisfactory, D= Poor, E= Very Unsatisfactory.

12 week actions - Actions Required
20 week actions - Actions achieved from previous meeting and any further actions required

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12 week training needs - Training Needs after 12 week review meeting
20 weeks training needs - Training needs achieved from previous meeting and any further training required.
Review Date/s:

Has the employee satisfactorily completed their 12 week review? YES / NO

If no, reasons why and further action to be taken (for example: extension of probationary period or termination of contract)

Signature of Line Manager Date:

Print Name

Signature of employee..... Date:

Has the employee satisfactorily completed their Probationary Period (20 weeks)? YES / NO

If no, reasons why and further action to be taken (for example: extension of probationary period or termination of contract)

Signature of Line Manager Date:

Print Name

Signature of employee..... Date:.....

Copies of completed form to: Individual School File

Appendix 2 – Probationary Period Confirmation Letter

Letter to be sent to confirm satisfactory completion of probationary period.



SCHOOL NAME
SCHOOL ADDRESS

Personal and Confidential
Employee's name
Address]

DATE

Dear NAME

Probationary Period

Further to our meeting of [*date of follow up interview*] I am writing to confirm that you have satisfactorily completed your probationary period with effect from [*date*] and your employment is confirmed in the post of [*post title*].

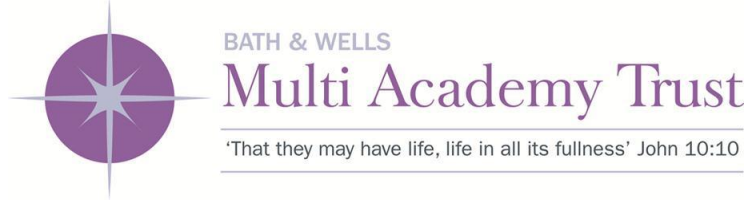
Headteacher/Manager to insert own sentence in here, for example: I am really pleased that you have fitted into the role and the team so well and look forward to working with you into the future.]

Yours sincerely

Headteacher/Manager

Appendix 3 – Extension of Probationary Period letter

Letter to be sent to confirm the extension of the probationary period.



SCHOOL NAME
ADDRESS

Personal and Confidential
EMPLOYEES NAME
ADDRESS

DATE

Dear NAME

Probationary Period

Further to the meeting on [date] at [location], I am writing to you to confirm that we will be extending your probationary period for [period of time] until [date].

As confirmed in our meeting, the reason for the extension of your probationary period is due to you not meeting the required standards in the following areas:

The following training and support has been identified to enable you to achieve the required standards in the above areas:

At the end of the extension of your probationary period, a further assessment will take place. If the outcome of this review is successful your appointment will be confirmed. If, following the assessment, standards have not been met you may be dismissed from your post.

If you have any other queries, please do contact me.

Yours sincerely

Headteacher/Manager