



Probation Policy

EBN Trust

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Probation Policy and Procedure

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Policy

1. Aims and key elements of this policy and procedure

1.1. EBN Academy Trust aims to create a positive environment where everyone is enabled to work, fulfill their responsibilities and perform to the best of their ability to meet the needs of the academy as soon as possible.

1.2 It is the Trust's policy to operate probationary periods for all new staff. The period of probation will be set out in the contract of each member of staff. The Academy may extend the probationary period of a staff member at its discretion in line with this policy and procedure.

1.3 This use of probationary periods is intended as a constructive process to allow the probationer to:

- Understand the Academy, their department, their role and how these fit together;
- Understand the standards required for their role and to fulfill those standards in full.

The probationary period should allow both the probationer and their line manager to assess objectively whether or not the probationer is suitable for the role. The EBN Academy Trust believes that the use of probationary periods increases the likelihood that new staff will perform effectively in their employment.

1.4 The line manager is responsible under this policy for ensuring that the probationer is set objective standards of performance and wherever appropriate conduct (these are referred to collectively as "standards" at points in this document) and that these are properly monitored during their probationary period. If any problems arise, they should address these fairly, clearly and promptly with the probationer. This will ensure that the probationer is aware of any aspect of his/her performance or conduct that is unsatisfactory and what they need to do to rectify it.

1.5 The Academy expects the majority of its new staff to progress effectively and in a timely manner through its probation procedures to the full achievement of their roles. However it recognises that even with the highest standards of recruitment, selection and induction there will be situations where probationers are not able to achieve the standards expected and required of their new role. It is the Academy's policy that where it is identified that the probationer is not meeting the expected standards of their role, that this is explained to them

and that they are given an opportunity to make the necessary improvement within a defined time period.

1.6 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 Academy will unfortunately have no alternative but to terminate the employment of the probationer for reason of incapability. The Academy will ensure that all probationers are given the right to be accompanied at any meeting which may result in their dismissal (which is a statutory right) and to be given written notice of the meeting and a right of appeal in line with the ACAS Code of Practice on Discipline and Grievance.

1.7 This Policy and Procedure has been written in line with the ACAS Code of Practice on Discipline and Grievance to ensure that staff receive all their statutory rights.

1.8 On the successful completion of their probation period, the management of performance of the new member of staff will follow the Academy HR policies on Capability and Staff Development Performance Review.

2. Scope

2.1. The procedure below applies to all members of the Academy staff within their probationary periods with the proviso that for those staff covered by the provisions of Statute 25 (see Annex A) any necessary formal action (e.g. under paragraphs 6.6 to 7.4 below) will be taken in accordance with the relevant paragraphs of Statute 25 Parts III, and V (Appeal)

2.2 Probation processes for specified staff in the Education & Research job family are set out in the document [Career Progression in the Education & Research job family - Principles & Framework](#).

2.3 Serious disciplinary issues requiring formal investigation which arise during the probationary period will be managed in line with the Academy's Disciplinary Policy & Procedure. All other matters of conduct will be managed in line with this policy. Disciplinary warnings issued during probation will be taken into consideration in determining whether a probationer has passed their probation.

2.4 In this document the term line manager is used to describe any member of staff with managerial or supervisory responsibility for other staff.

Procedure

3. What the Academy expects from staff

3.1. The Academy expects all staff to:

Carry out their job to the standard that is expected of and required for the role as outlined in their job description.

Understand the impact of their job performance and conduct on colleagues, customers and the wider Academy Trust;

Clarify expectations, standards, tasks, objectives and behaviours with their line manager if they are unclear about them;

Engage fully in their induction, the setting of their objectives and standards and monitoring of their performance and conduct through this policy and develop their skills and knowledge to carry out their role to the highest possible standard;

Bring all relevant issues which may affect their work and performance to the attention of their line manager;

Attend meetings to discuss any aspects of their performance or conduct which are considered unsatisfactory as requested to do so and respond constructively to any feedback given;

Co-operate with their manager, undertake any agreed development activity and strive to help improve any aspects of their work, performance and / or conduct which are considered to be unsatisfactory;

4. What staff can expect from the Academy

4.1. Staff can expect the Academy to:

Treat performance and conduct issues occurring during their probation period promptly, fairly and consistently across the Academy in line with this policy and the procedure set out in section 6 below which has itself been written in line with the ACAS Code of Practice on Discipline and Grievance;

Provide them with clear and constructive feedback on their performance and conduct, clarifying any aspect which is considered unsatisfactory and give them an opportunity to rectify this.

Be clear about the required improvement and the relevant timescales;

Give appropriate support, help and where necessary and appropriate training, to improve their performance;

Dismiss them with appropriate notice if they do not perform their role to the required standards after being given an appropriate opportunity to improve as set out in this policy and procedure;

Give them the right to be accompanied at any meeting which may result in their dismissal, given written notice of the meeting and a right of appeal against dismissal.

5. What the Academy expects from line managers

5.1 The Academy expects all of its line managers:

Set objective standards / objectives of performance at the earliest possible opportunity and monitor these through the probation process for applicable staff, including conducting mid-probation and end of probation reviews, identifying areas of effective performance and any areas of performance that fall below the required standards.

Provide clear, specific and constructive feedback to staff on their performance and / or conduct against their set standards / objectives as soon as possible after that performance / conduct has occurred, praising good performance and identifying where performance / conduct is below required standards;

Identify where performance and / or conduct is not satisfactory at the earliest possible opportunity and to meet with the probationer being clear about the required improvement, the relevant timescales and any appropriate support or intervention to assist improvement.

Take advice from Human Resources – normally the Academy Business Manager

Manage probationers whose performance and / or conduct is below the required standards for their post in line with this policy and procedure.

6. Management of Probation Procedure

6.1. All staff within the Academy Trust are employed with a probation period that is specified in their contract of employment. These probationers are expected to achieve all of the required standards / objectives of performance and / or conduct for their role by the end of their probation period.

6.2 The line manager should meet with their new member of staff as soon as possible, preferably within their induction to set out a number of objectives and / or standards that they are required to meet by set dates within their probationary period.

6.3 The line manager should give feedback to the probationer wherever possible on any aspects of their performance or conduct that either meet or do not meet the set standards or objectives. This feedback should be clear, specific and constructive and should be given as soon as possible after the event on which they are feeding back.

6.4 Mid- and End-of-Probation Review - the line manager should carry out both a mid-probation and end-of-probation review with the probationer using the relevant Academy paperwork, giving clear, specific and constructive feedback to the probationer. The meeting with the probationer should operate as a constructive and positive process to give them the opportunity to understand the Academy, their department and their role and how they fit together and to achieve the identified standards and / or objectives for their role. The expectation of the Academy is that the majority of probationers will be able to successfully pass their mid- and end-of-probation reviews.

6.5 First Meeting - where the line manager has identified performance and / or conduct below required standards, they should meet confidentially with the probationer with a view to establishing the cause of the problem and how it can be resolved. This meeting should take place promptly and the line manager is not required to wait for the mid-probation or end-of-probation meeting, although they may use this meeting if it is timely. In this First Meeting the

line manager should be clear with the member of staff about the shortfall of performance / conduct that has been identified and the improvement required. They should set a reasonable time period within which the improvement is required to be achieved. The line manager should confirm a review date and agree any appropriate support or intervention (including training) to assist the probationer's improvement. This should be confirmed in writing to the probationer with the review date clearly identified.

6.6 Where the issues have been identified for the first time in line with paragraph 6.5 (above) at the mid-probation review these should clearly be identified in the mid-probation report, along with the improvement and timescale required. Where the issues have been identified for the first time in line with paragraph 6.5 at the probationer's end-of-probation review, it should be made clear that this review has not been passed and the date for the completion of end-of-probation should be extended to the review date confirmed.

6.7 Insufficient Improvement:

i. If the line manager considers that there has been insufficient improvement from the probationer by the review date then they should seek advice from an appropriate advisor in the Department of Human Resources (HR); normally from the relevant Human Resources Manager or Advisor.

ii. If the advice from the appropriate advisor in HR is that there is sufficient evidence of performance or conduct being below the required standards and / or objectives after a reasonable opportunity to improve, then a meeting under paragraph 6.9 (below) should be set up with the probationer at which they may be dismissed with the appropriate notice.

iii. The probationer should be given at least 5 working days' notice of the formal meeting which they (and their work companion) must make every effort to attend. The meeting will only be re-arranged (and if so only once) if the probationer can provide an appropriate and commensurate reason why they or their work companion are unable to attend.

6.8 Extension of Review Period - if the line manager and appropriate advisor in HR conclude there has been a significant but not quite sufficient improvement and that a reasonable extension of the review date would be likely to result in the probationer meeting the required standard of performance then they may confirm a new review date. This decision and extension of the review period should be confirmed in writing. If subsequent to the extension of the review date the required improvement is not achieved then the process would continue as per paragraph 6.9 onwards.

6.9 Formal Hearing - the probationer should be invited in writing in line with paragraph 6.7 iii above to attend a formal hearing under this policy and procedure at which their performance and / or conduct within their probation period to-date will be considered and at which their employment may be terminated with appropriate notice. The meeting should be chaired by the manager of the line manager, the Head of Department or another appropriate officer of the Academy Trust. There should be a Human Resources representative (normally a Human Resources Manager or Advisor) at the hearing to advise them. The line manager involved in the First Meeting with the probationer (as per paragraph 6.5) will also attend this meeting. The probationer must be given the opportunity to be represented or accompanied in the hearing by a work companion – either an accredited trade union representative or a fellow

member of staff. In the formal hearing the probationer will be given an opportunity to explain their performance and / or conduct before a decision is made.

6.10 Dismissal - where the chair of the Formal Hearing, having received HR advice concludes that the probationer's performance and / or conduct has been below the required standard and that this will not improve within a reasonable period of time they will dismiss the probationer with the appropriate notice as per their contract of employment. Details of notice periods are covered in staff' contracts and the relevant terms and conditions pages on the Academy's intranet – *insert link*.

6.11 Extension of Review Period - If the chair of the hearing concludes that a reasonable extension of the review date would be likely to result in the required standard of performance and / or conduct then they may confirm a new review date. The outcome of the formal review meeting should be confirmed in writing. If subsequent to the extension of the review date the required improvement is not achieved then the process would continue as per paragraph 6.9 onwards above.

7. Appeal

7.1 Any probationer / member of staff dismissed through this procedure should be given a right of appeal against that dismissal. They must submit their appeal in writing to the Academy Business Manager, within 5 working days of the receipt of their dismissal letter and must make clear the grounds of their appeal.

7.2 The appeal will normally be heard by the Executive Head Teacher, a member of the Senior Leadership Team and an independent member (provided they have not previously been involved in the case). The panel hearing the appeal will be assisted by the Academy Business Manager.

7.3 The probationer must be given the opportunity to be represented or accompanied in the appeal by a work companion – either an accredited trade union representative or a fellow member of staff.

7.4 The decision of the appropriate appeal body (communicated in writing to the probationer) will normally be communicated within 5 working days and shall be final within the procedures of the Academy.

8. Representation

8.1 The statutory rights of the probationer to be represented or accompanied in the formal hearing and appeal are set out in paragraphs 6.9 and 7.3 above. This is by a work 'companion' as defined by the ACAS Code of Practice – namely an Academy work colleague or a trade union representative. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany the probationer. In addition to these rights, the probationer may seek advice and guidance including from trade union representatives on a confidential basis outside of meetings.

9. Dismissals for Some Other Substantial Reason or Legal Reason

9.1 If issues arise during the probationary period that may result in a dismissal on the grounds of some other substantial reason (SOSR) or a legal reason these will be investigated by the probationer's line manager. It may be necessary to suspend the probationer during this investigation. It should be emphasised that suspension is a precautionary measure only in order to enable an investigation to be carried out and is not a sanction in itself. Where the investigation identifies a case to answer on either ground a formal hearing will be arranged that will follow the same basic process as set out in paragraph 6.9 above. Staff dismissed for SOSR or a legal reason will be given a right of appeal. This will be managed in line with section 7 above.

Signed:.....**(Chair) Date:**.....