

Wellspring Academy Trust
Probation Policy

Date Approved by Board:	July 2019
Date of Review:	July 2022
Responsible Department:	Human Resources
Policy Applies to:	Wellspring Trust and all Academies within the Trust

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- *eliminate discrimination and other conduct that is prohibited by the Act.*
- *advance equality of opportunity between people who share a protected characteristic and people who do not share it.*
- *foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.*

In the development of this policy due regard has been given to achieving these objectives.

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Appendix 1 Probation Review Form

Appendix 2 Probation Template Letters

Appendix 3 Probation Appeal Form

Appendix 4 Process at Probationary Appeal

1.0 Scope

- 1.1 This policy applies to **all** newly appointed staff whose contract of employment states that their appointment is subject to a Probationary Period.
- 1.2 This policy is not contractual and does not form part of an employees' terms and conditions of employment.

2.0 Principles

- 2.1 Wellspring Academy Trust recognises that a supportive and developmental probation process is vital in providing the appropriate level of support and training for new members of staff on commencement of their employment.
- 2.2 All newly appointed employees will be required to serve a 6 month Probationary Period before their appointment is confirmed. This includes employees appointed to a fixed term contract.
- 2.3 As part of their induction, new members of staff will be made aware of the performance standards expected of them and will be given support, training and feedback necessary to achieve these standards. The Probationary Period will be used to monitor the success of the new member of staff in achieving these standards.
- 2.4 The Probationary Period will also take into account other factors, for example, the employees timekeeping, attendance record and overall conduct.
- 2.5 All disciplinary matters will be dealt with in accordance with this policy during the Probationary Period.
- 2.6 This policy is a guide for employees and line managers and advice should be sought from HR should there be a requirement to end the Probationary Period early and to terminate a contract due to failure of the Probationary Period.

3.0 Aims

- 3.1 The aims of the policy are to help new employees settle into their new job, to allow time for managers to assess the new employees' suitability for the post and for the employee to consider whether the post is right for them.

4.0 The Performance Management Cycle

- 4.1 Before holding the first probationary review meeting, managers must ensure that they have made it clear to the new employee at induction what is expected of them so that they clearly understand the objectives that they are required to meet.
- 4.2 Managers will meet with the new employee and formally review their performance at intervals of 8, 16, and 24 weeks, unless there is a need to meet more frequently.
- 4.3 At the probationary review meetings, managers will review the employee's performance against specific objectives that have been set and in accordance with their Job Description and Employee

Specification. Feedback on progress will be provided, identifying any concerns and detailing the support given so that the employee is able to meet their objectives.

- 4.4 It is expected that the objectives are met within an agreed timescale and that the employee identifies at the earliest opportunity any difficulties they are facing.
- 4.5 These meetings will be recorded on the Probationary Review Form (**Appendix 1**). The details need to be accurate and clear, providing a comprehensive record of the probation review meeting and be signed by both parties at the end of each meeting.

5.0 Where difficulties arise during the Probationary Period

- 5.1 In circumstances where concerns arise during the Probationary Period, these should be raised with the employee at the earliest opportunity rather than waiting until the next probationary review meeting. The employee should be given an opportunity to respond and the actions required by the employee to address the problem should be clearly communicated.
- 5.2 The employee will be given dates by which the objectives are required to be met by and informed that failure to act on the concerns raised or to improve to the required standard may result in their dismissal.
- 5.3 A record of the concerns and the action taken/support put in place must be recorded on the Probation Review Form, ensuring that it is signed by both parties.

6.0 Where there are serious concerns during the Probationary Period

- 6.1 If there are serious concerns that arise at any time during the probationary review period, a meeting will be held with the employee to discuss the matter(s).
- 6.2 The employee will be invited to attend the meeting, giving 5 working days' notice and may be supported by a colleague or trade union representative.
- 6.3 Every reasonable effort should be made by the employee and representative to be available for the meeting. If the employee's representative is unable to attend on the specified date, the employee may request that the meeting be postponed. Provided that the new date and/or time is reasonable, and within 5 days of the original date this will be accommodated.
- 6.4 The Line Manager will go through the areas of concern and why they consider the objectives have not been met. The employee will be asked to respond and to provide reasons why they have not met the required standards.
- 6.5 Where appropriate, the employee may be given an opportunity to improve and be advised that should they not reach the required standards of performance/conduct /attendance at the end of a further review period, the Trust/Academy reserves the right to bring forward the final probationary review meeting and confirm dismissal.

6.6 Should the matter be considered as gross misconduct by the Line Manager, a meeting will be arranged with a member of the SLT and the employee where the matter(s) will be discussed and the employee given the opportunity to respond. The outcome may result in their dismissal. A record of the meeting must be taken and the outcome confirmed in a letter to the employee. HR must be consulted prior to this decision being taken.

7.0 Final Probationary Review Meeting

- 7.1 Where an employee has successfully completed the Probationary Period, this will be confirmed verbally at the final review meeting and also recorded on the Probation Review Form (**Appendix 1**). A letter will then be issued by the Line Manager confirming the employee's appointment (**Appendix 2**).
- 7.2 If the probationary reviews are unsatisfactory the Line Manager will arrange to meet with the employee, giving 5 working days' notice (Appendix 2). The employee may be supported by a colleague or trade union representative.
- 7.3 Every reasonable effort should be made by the employee and representative to be available for the meeting. If the employee's representative is unable to attend on the specified date, the employee may request that the meeting be postponed. Provided that the new date and/or time is reasonable, and within 5 days of the original date this will be accommodated.
- 7.4 The Line Manager will go through the areas of concern and why they consider the objectives have not been met. The employee will be asked to respond and to provide reasons why they have not met the required standards.
- 7.5 The outcome of the meeting will be either dismissal or extension of the Probationary Period for further improvements to be made. Specific objectives and timescales must be taken with the maximum extension being 4 weeks (with weekly reviews). A record of the meeting must be taken and the outcome confirmed in writing to the employee.
- 7.6 If a decision is made to dismiss, notice will be given in accordance with the employees' contract of employment.

8.0 Extension

- 8.1 An employee's Probationary Period may be extended if their Line Manager has identified areas of concern during the Probationary Period but thinks that there is a realistic chance of the employee achieving the required standard with extra time and further training. The Probationary Period may be extended for up to 4 weeks.
- 8.2 The Line Manager may also extend the Probationary Period in circumstances where due to sickness absence or other authorised absence, it has not been possible to assess an employee's performance.
- 8.3 Any decision to extend a Probationary Period must be discussed with the employee as soon as possible.
- 8.4 Weekly probationary review meetings must continue through the extended Probationary Period.

9.0 Appeals

- 9.1 Where an employee's employment has been terminated during their probation period they have a right to appeal against the decision to dismiss them. In order to appeal they should complete the Probation Outcome Appeals Form and forward this to their line manager within 10 working days' of their termination date.
- 9.2 The employee will be invited to attend an appeal meeting giving 10 working days' notice. Employees have the right to be accompanied to the appeal by a work colleague or trades union representative this right does not extend to professionals such as barristers or solicitors.
- 9.3 The Appeal will normally be heard by a more senior level member of staff.
- 9.4 The decision taken at the appeal hearing will be confirmed in writing and will be final.

10. Monitoring and Review

- 10.1 The policy will be monitored to ensure consistency of application and adherence to Equalities legislation.
- 10.2 The policy will be reviewed every three years.