

# Probation Policy

## Probation policy: document provenance

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| <b>Approver</b>                          | School and college trust leaders                                                                                                                                                                                                                                                                                                                                                     |
| <b>Date of approval</b>                  | July 2026                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Policy owner</b>                      | School and college trust leader: people                                                                                                                                                                                                                                                                                                                                              |
| <b>Policy authors</b>                    | Head of HR Centre of Excellence                                                                                                                                                                                                                                                                                                                                                      |
| <b>Version</b>                           | 2.0                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Date of next review</b>               | July 2029                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Summary of changes in this review</b> | <ul style="list-style-type: none"><li>• Changes to probation timescales to 3 months from 6 months in section 6 to comply with changes to ERA from 1 Jan 2027 reducing the period for unfair dismissal claims from 2 years to 6 months.</li><li>• Additional information on dismissals in section 9</li><li>• Changes to terminology related to updated operating structure</li></ul> |
| <b>Related policies and documents</b>    | <ul style="list-style-type: none"><li>• Green Book</li><li>• Standard trust terms</li></ul>                                                                                                                                                                                                                                                                                          |

Unless there are legislative or regulatory changes in the interim, the policy will be reviewed as per the review cycle. Should no substantive change be required at this point, the policy will move to the next review cycle.

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## 1. Policy statement

- 1.1. A new employee's line manager, or the principal for academy-based staff, is responsible for ensuring that all new starters receive a comprehensive induction to our trust and their role, which should include our mission and values. The line manager is responsible for monitoring the progress of the new member of staff through the probationary period, providing support and training and promptly addressing any issues that arise during the probationary period in accordance with the provisions in this policy.
- 1.2. The length of the probationary period applicable to an employee will be set out in their terms and conditions of employment.

## 2. Scope and purpose

- 2.1. The purpose of this policy is to provide a framework for ensuring new employees in our trust are supported to achieve the standards of performance and behaviour expected of their role during their initial probationary period. The policy also sets out a framework for objectively assessing whether the new employee is suitable for the role they have been recruited for.
- 2.2. It is our policy that a probationary period will form part of the terms and conditions for all new associate staff. The duration of the probationary period and the right of our trust to extend this period will be clearly detailed in the terms and conditions of employment provided as part of the appointment process.

## 3. Terms of employment during the probationary period

During the probationary period, employees will be subject to all the terms and conditions of their contracts of employment with the exception of those terms noted in section four below. As a separate framework exists for the identification of issues with performance, behaviour and attendance, the processes described in our trust disciplinary, capability and staff absence monitoring policies will not normally apply in an employee's probationary period.

## 4. Line managers' responsibilities

Line managers are responsible for monitoring a new employee's performance, conduct, attendance and progress during the three months probationary period. They should ensure that the employee is properly informed at the start of their employment about what is expected of them during the probationary period, for example, the required targets or standards of performance, and for putting in place a plan to support a successful start to any new role.

## 5. Reviews during probation

- 5.1. During a new employee's probationary period their line manager should ensure they are reviewing the employee's performance, capability, conduct, attendance and suitability for the role.
- 5.2. The line manager should meet regularly with the new employee to review provide feedback on their performance and progress and the trust will provide advice and guidance on the content and frequency of these conversations. Should there be any problem areas, these must be raised with the employee as soon as possible with a view to resolving them. This should be documented. The line manager is also responsible for providing guidance and support and for identifying and arranging any necessary support, training or coaching that is relevant to the role during their regular reviews of the individual's progress.

## 6. Extending a probationary period

- 6.1 In normal circumstances, three months is an adequate period to assess a new employee's suitability for the role they have been recruited for. However an extension may be appropriate, in situations where:
  - The employee's performance, conduct or attendance during the period of probation has not been entirely satisfactory, but some improvement has taken place, and it is felt a short extension is likely to lead to the necessary improvement; or
  - The employee has been absent from work for an extended period during the probationary period (including for term time employees where the summer school closure period falls mainly or wholly within the initial three months), this period may be extended by a period of up to two months subject to ensuring the completion of probation within 6 months inclusive of their notice period (one week).
- 6.2 In exceptional circumstances where a probationary period is interrupted by a particularly lengthy period of absence (typically exceeding six weeks), our trust reserves the right to exercise one of the following options:
  - **Early Confirmation:** our trust may confirm the appointment if at least two months of active service have been completed, performance to date has been exemplary, and the nature of the absence does not impact the long-term requirements of the role.
  - **Formal Exceptional Extension:** the probationary period may be extended by a period equivalent to the length of the absence subject to ensuring the completion of probation within 6 months inclusive of their notice period (one week). This ensures the new employee has a fair and full opportunity to demonstrate their suitability for the role.



Prior to any decision being made or communicated to the employee concerned, the line manager must discuss the circumstances and options with the HR centre of excellence.

## **7. Irregularities discovered during the probationary period**

- 7.1. If, during an employee's probationary period, it is suspected or established that the employee does not have the qualifications, experience or knowledge that they claimed to have at the time of recruitment, the matter will be discussed with the employee to establish the facts.
- 7.2. If the evidence suggests that the employee deliberately misrepresented their abilities; or if the lack of the relevant qualification/s, experience or knowledge disqualifies them from holding the post they have been appointed to, our trust will terminate their employment, giving one week's pay in lieu of notice.

## **8. End of probationary period**

- 8.1. Shortly before the end of the probationary period (or end of the extension, if applicable), the line manager should conduct a final review of the employee's performance, conduct, attendance and suitability for the job. This will involve a meeting with the employee to discuss their performance and progress throughout the period of probation.
- 8.2. If the employee's performance is satisfactory, the line manager will confirm this by issuing a letter of confirmation of appointment to the employee.

## **9. Ending employment during the probationary period**

- 9.1. Ordinarily, it is the trust's policy to allow the employee to complete the designated period of probation rather than terminating employment before the probationary period has come to an end. This is to give the employee a full opportunity to come up to the required standards. If, however, there is clear evidence prior to the end of the period of probation that suggests the employee is unsuitable for the role, the employment may be terminated early. In all cases the advice, and agreement of the HR centre of excellence should be sought before terminating an employee's appointment in probation.

### **Performance**

- 9.2. If an employee's performance while on probation has been unsatisfactory (despite support from the line manager) and it is thought unlikely that further training or support would lead to a satisfactory level of improvement, the employment will be terminated at the end of the period of probation. Where the concerns are considered serious and have not improved despite support, then the employment may be terminated prior to the end of the probationary period if appropriate.

### **Conduct**

- 9.3. If an employee's conduct while on probation has been unsatisfactory (despite support from the line manager) and it is thought unlikely that further training or support would lead to a satisfactory level of improvement, the employment will be terminated at the end of the period of probation or at an earlier point if appropriate.

### **Attendance**

- 9.4. If an employee's attendance while on probation has been unsatisfactory (despite support from the line manager) and it is thought unlikely that further support or reasonable adjustments would lead to a satisfactory level of improvement, the employment will be terminated at the end of the period of probation or at an earlier point if appropriate.

### **Process**

- 9.5. At the end of the probationary period, or earlier in exceptional cases, a meeting will be held to confirm whether employment will continue or be terminated. Where termination of employment is a possible outcome, the line manager should seek advice from the HR centre of excellence before writing to the employee to invite them to a final probation review meeting. The employee will be informed that termination is a possible outcome, given the right to be accompanied, and provided with a reasonable opportunity to respond to the concerns before any final decision is made. This ensures the trust follows a fair, transparent and consistent process.
- 9.6. Where probation is not completed within five months of an employee's start date, line managers must seek advice from the HR centre of excellence in any case where termination of employment is being considered.
- 9.7. In all cases, the employee will be given an opportunity to appeal against the decision.

## **10. Appeals against termination of employment**

- 10.1. Should an employee wish to appeal against a decision to terminate their employment, they must write to the principal, relevant functional lead or relevant school and college trust leader, within five working days of receipt of the decision to terminate the employment being communicated to them.
- 10.2. The employee must state the grounds of their appeal in full. An appeal meeting will then be arranged with a more senior manager, usually the principal, functional lead or school and college trust leader.



- 10.3. The outcome of an appeal meeting will be confirmed in writing. This will make it clear that there is no further internal right of appeal.

## **11. Review**

This policy has, at its formation, been subject to consultation with recognised trade unions, unless there are legislative or regulatory changes in the interim, this policy will be reviewed every 3 years; this will include consultation on any changes with recognised trade unions. Should no substantive change be required at this point, the policy will move to the next review cycle.