



# Beacon Academy Trust

A COMPELLING VISION FOR SUCCESS

## PROBATION POLICY AND PROCEDURE

<b>Approving Body</b>	Trust
<b>Date of Last Review</b>	March 2019
<b>Due for Review</b>	March 2022
<b>Statutory (Y/N)?</b>	N
<b>Responsible Officer</b>	BMAT CEO, for and on behalf of the Trust.

## **I. INTRODUCTION - PURPOSE, SCOPE AND GUIDING PRINCIPLES**

1. This Policy aims to:
  - a. Support the recruitment and development of an outstanding workforce. Evidence shows that probationary periods increase the likelihood of success for new employees.
  - b. Achieve value for money for a public sector employer, in a challenging economic climate;
  - c. Provide a clear framework for assessing the capabilities, reliability and suitability of new employees;
  - d. Enable managers to deal with legitimate concerns about the performance, conduct or capability of new employees swiftly, fairly and effectively; and
  - e. Guide and challenge new employees to fulfill their potential, to deliver their best and to assess whether BMAT is their employer of choice.
2. This policy has been developed by the Trust Executive and should be read alongside:
  - a. Role profiles and/or job descriptions;
  - b. Contracts of employment;
  - c. The standards set out in the Education (School Teachers' Appraisal) (England) Regulations 2012 (for members of teaching staff); and
  - d. Relevant BMAT policies and procedures, available [here](#).
3. This Policy is not contractual and may be amended through normal BMAT procedures
4. Subject to the terms and conditions of individual contracts of employment, this Policy applies to:
  - a. All newly appointed members of teaching staff but not to existing members of BMAT teaching staff who have been appointed or promoted to new roles, unless their contract of employment specifically states that they will be subject to a probationary period;
  - b. Members of teaching staff in the process of completing their NQT year will be subject to the Education (Induction Arrangements for School Teachers) Regulations 2012, as amended; the full BMAT probationary period will commence after successful completion of the NQT year.

- c. All newly appointed members of support staff, but not to existing members of BMAT support staff who have been appointed or promoted to new roles, unless their contract of employment specifically states that they will be subject to a probationary period in the appointed/promoted role.
5. Roles and Responsibilities:
- a. The BMAT Trust Executive have lead responsibility for the oversight and implementation of this Policy.
  - b. Day to day responsibility rests with all managers, who must be familiar with implement this Policy so that all employees in a probationary period are managed fairly, consistently and effectively.
  - c. Employees on probation share responsibility with their managers for ensuring that the terms of this Policy are adhered to (e.g. to arrange and attend meetings).
6. Equal Opportunities: This Policy will be applied in line with the Equality Act 2010 and will not be used to discriminate against employees because of a protected characteristic.
7. Confidentiality: All information resulting from the procedures set out in this Policy will be treated confidentially and in line with data rights and obligations, as set out in the Data Protection Act 2018 and the [BMAT Data Protection Policy](#).

## **II. PROCEDURE**

8. Teaching Staff:
- a. Subject to contract, a probation period of two full school terms applies to newly appointed teachers. This does not include existing members of teaching staff who are appointed or promoted to new roles, unless their new contract of employment specifies a probation period. Probation periods for existing members of staff who are appointed or promoted to new roles will be applied fairly and consistently.
  - b. Members of teaching staff in their NQT induction year will be subject to the Education (Induction Arrangements for School Teachers) Regulations 2012, as amended.
9. Support Staff - Subject to contract, a probation period of six months applies to all newly appointed members of support staff. This does not include existing members

of teaching staff who are appointed or promoted to new roles, subject to contract (i.e. unless their new contract of employment specifies a probation period). Probation periods for existing members of staff who are appointed or promoted to new roles will be applied fairly and consistently.

10. During the probation period:

- a. The procedure set out in this Policy will be followed by all to whom it applies.
- a. The provisions of the [BMAT Disciplinary Policy and Procedure](#) and the [BMAT Capability Policy and Procedure](#) are not applicable. Concerns relating to conduct and capability that arise during a probation period will be dealt with in line with this Policy.
- b. The provisions of the [BMAT Appraisal Policy and Procedure](#) are not applicable. During the application of a probationary period, performance will be managed in line with this Policy.
- c. Staff will not be entitled to salary progression at least until successful completion of their probation period.

11. Managers responsible for members of teaching staff on probation will conduct two lesson observations; one in each term of the probation period. See Appendix A – Template Lesson Observation Form.

12. Managers responsible for employees serving a probationary period will schedule at least two probation review meetings during that period:

- a. Probation review meetings enable employees to respond to feedback and to track their progress.
- b. For teaching staff, probation review meetings should be contemporaneous with lesson observations.
- c. Teaching staff - see below for a guide to the suggested structure and focus for probation review meetings; and see [Appendix B - Template Probation Review Forms for Teaching Staff.](#)

PROBATION REVIEW MEETING	FOCUS OF MEETING
First half term (e.g. between September start date and October half term).	<ul style="list-style-type: none"> <li>• Set standards of performance and conduct required.</li> <li>• Set short term and long-term targets for the year.</li> <li>• Review initial performance and conduct; discuss any 'teething' issues.</li> <li>• Educate employee on common problems and useful strategies for overcoming them.</li> </ul>

<b>PROBATION REVIEW MEETING</b>	<b>FOCUS OF MEETING</b>
Second half term (e.g. between October half term and the Christmas/New Year Break).	<ul style="list-style-type: none"> <li>• Review performance and conduct since first probation review meeting.</li> <li>• Discuss ways in which positive performance and conduct should be maintained.</li> <li>• Set targets for improving/overcoming any concerns regarding performance and/or conduct, including success criteria and timescales where appropriate.</li> </ul>
Third half term (e.g. between the Christmas/New Year Break and February Half Term).	<ul style="list-style-type: none"> <li>• Review targets set in second probation review meeting (has positive performance and conduct been maintained; have targets been met and have concerns been overcome?)</li> <li>• If appropriate, give employee an oral but non-binding indication of whether s/he would pass his/her probation period based on current performance and/or conduct.</li> <li>• Set final targets for the maintenance of positive conduct and/or performance; and the continued improvement of any concerns regarding conduct and/or performance.</li> </ul>
Fourth half term (e.g. between February Half Term and the Easter/Spring Break).	<ul style="list-style-type: none"> <li>• Review overall performance and conduct since the employee started working for BMAT or started in his/her new role.</li> <li>• Discuss targets that were set and whether they were met.</li> <li>• If appropriate, give employee an oral but non-binding indication that s/he has passed his/her probation period.</li> </ul>

d. Support staff - See below for the suggested structure and focus for probation review meetings; and Appendix C – Template Probation Review Forms for Support Staff.

<b>PROBATION REVIEW MEETING</b>	<b>FOCUS OF MEETING</b>
Meeting One: Within first two weeks of employment.	<ul style="list-style-type: none"> <li>• The manager will meet formally with the employee to set the standards of performance and conduct required.</li> <li>• These should be put in writing, countersigned and retained by the manager and employee.</li> </ul>

PROBATION REVIEW MEETING	FOCUS OF MEETING
Meeting Two: Three-month employment assessment.	<ul style="list-style-type: none"> <li>• Review performance and conduct since first probation review meeting.</li> <li>• Discuss ways in which positive performance and conduct should be maintained.</li> <li>• Set targets for improving/overcoming any concerns regarding performance and/or conduct, including success criteria and timescales where appropriate.</li> <li>• If appropriate, give employee an idea of whether s/he would pass his/her probation period based on current performance and/or conduct output.</li> </ul>
Meeting Three: Six month employment assessment.	<ul style="list-style-type: none"> <li>• Review overall performance and conduct since the employee started working for BMAT or started in his/her new role.</li> <li>• Discuss targets that were set and whether they were met.</li> <li>• If appropriate, give employee an oral but non-binding assurance that s/he has passed his/her probation period.</li> </ul>

13. Managers will keep a written record of these meetings, which will be stored by HR in the employee's personnel file or electronic record. A copy should be retained by the employee. The record should include:

- a. Any concerns about performance, conduct or ability, which should be supported by clear evidence and linked to objective standards of assessment (e.g. role profiles or job descriptions, the Education (School Teachers' Appraisal) (England) Regulations 2012), and other professional standards);
- b. Any response that the employee made to those concerns;
- c. Any agreed actions or targets set to manage those concerns, including how those targets will be assessed;
- d. Any relevant concerns raised by the employee; and
- e. Where concerns have been raised about performance, conduct or ability, confirmation that the employee has been informed that, if the required improvements are not made, his/her employment may be at risk of termination.

14. If concerns arise during a probation period, they should be raised at the earliest opportunity with the aim of supporting the employee to overcome the concerns. If, for example, concerns arise five weeks prior to a scheduled probation review meeting, the manager should not wait five weeks to inform the employee. The

employee should be informed as soon as reasonably practicable, but the concerns should still be discussed or reviewed at the probation review meeting.

15. Managers should seek advice from HR and their own manager or school principal, where appropriate.
16. In addition to probation review meetings, managers should meet informally with employees in probation as and when needed. Employees in probation are similarly encouraged to reflect on their own performance and raise concerns directly with their manager. In almost all cases, this will happen as part of day-to-day working.
17. After the final probation review meeting, BMAT will confirm in writing whether the employee has passed his/her probation:
  - a. Records from probation review meetings should provide a clear framework for the decision, particularly as a signed copy should have been retained by the employee.
  - b. Decision letters to employees who pass their probation may be brief. Information on pay progression may be included, as appropriate.
  - c. Decision letters to employees who fail their probation should state the date on which their employment will terminate; and clearly reference the standards expected, targets set and the ways in which the employee failed to meet them. This information should be easily accessible from the written record from probation review meetings. Employees should be informed of their right to appeal the decision, in accordance with Section VI of this Policy.
  - d. Confirmation of employment should not be assumed until a formal offer letter has been received and accepted, until all necessary conditions have been met, and until terms and conditions have been signed by the employer and the employee.

### **III. EXTENDING PROBATION PERIODS**

18. New staff are expected fulfill the demands of their role within two terms for teaching staff and six months for support staff.
19. Extensions may only be granted with the permission of the appropriate school principal and/or the BMAT CEO. Advice should be sought from the HR Director to ensure that extensions are granted fairly and consistently.

20. Extensions must not be granted because a manager feels sorry for an employee who has failed to meet the required standards. Extensions should only be granted in exceptional circumstances, for example, if the employee's role changed part way through their probation period due to operational need, or because other extenuating circumstances apply.
21. Upon granting an extension, final targets will be set in writing by the appropriate manager and the employee will be informed that a failure to meet them will result in a termination of their employment. This information will be countersigned by the employee and the manager.
22. Towards the end of the extension, a final probation review meeting will take place.
23. Where probation has been extended a salary progression increment will not be awarded.
24. No later than five school days after the final probation review meeting, managers will confirm in writing whether the employee has passed his/her probation. The written confirmation will comply with Paragraph 17 of this Policy. The deadline of five school days may be extended on notice to the employee, as appropriate (e.g. because the manager is absent).

#### **IV. TERMINATING EMPLOYMENT BEFORE THE END OF A PROBATIONARY PERIOD**

25. It is BMAT policy to allow new staff to complete their probation period before deciding whether they are suitable for the role in question.
26. However, if evidence comes to light during probation which shows that the employee in question is not suitable for his/her role, then BMAT may terminate the employee's employment prior to the end of his/her probation period.
27. Suspension may be considered pending investigation.
28. The employee will be invited to attend a probation hearing. Employees may be accompanied by a colleague or trade union representative (a companion), following a reasonable request. Companions may address the hearing, put the employee's case and confer with the employee in private. They may not answer questions on the employee's behalf, address the hearing against the employee's wishes or prevent either side from putting its case. If a companion cannot attend a meeting, the employee may request to postpone it to a convenient time, no later than five school days after the original date.

29. The outcome will be confirmed in writing to the employee within ten school days of the hearing. The written notification should comply with the requirements of Paragraph 17.c of this Policy.

## **V. APPEAL**

30. If an employee reasonably believes that a decision to dismiss them during or upon completion of their probation period meets at least one of the following criteria, they may appeal the decision:

- a. The decision was based on discrimination against the employee, because of a protected characteristic(s).
- b. The relevant manager was biased in his/her management of the probationary period.
- c. In reaching the decision, the manager failed to consider material evidence and/or considered immaterial evidence.
- d. The manager acted against the requirements of this Policy, this failure is not jointly attributable to the employee (see Paragraph 5.c of this Policy, and this failure is material to the decision to dismiss the employee upon completion of their probation period.
- e. The manager's decision is manifestly unreasonable in that no reasonable person could reach it.

31. Within five school/working days of receiving written notification of dismissal, employees must submit the Failed Probation Appeal Form (Appendix D) to the Clerk to the Trust ([clerk@beaconacademytrust.co.uk](mailto:clerk@beaconacademytrust.co.uk)).

32. The Clerk to the Trust will forward the appeal onto a governor of the appropriate local governing body or, if the employee provides services directly to the Trust, a trustee.

33. Appeals against dismissal during or following probation are considered on the papers alone; panel hearings are not arranged. The onus is on the appellant to establish the ground(s) of appeal on the appropriate form; materiality to the decision to dismiss; and the detriment they have suffered as a result.

34. In unique and exceptional cases, a hearing may be arranged. Reasons must be fair, consistent and not to the detriment of other appellants (e.g. it would be unfair if a hearing was arranged for one employee but not for another, despite similar circumstances and fact patterns).

35. Within 20 school days following receipt of a completed Failed Probation Appeal Form (Appendix D) by the Clerk to the Trust, the Appellant will be notified in writing of the outcome of his/her appeal.
36. This marks an exhaustion of the BMAT probation process. If further correspondence is received from an appellant after an unsuccessful appeal, they will be notified that it will be logged but not responded to.

## **APPENDIX A – LESSON OBSERVATION TEMPLATE**

Manager:

Employee:

Date and time of lesson observation:

**Reflections and Targets** *Use previous lesson observations and other evidence of teaching over time to determine areas for development. Ensure these relate to one or more of the Teachers' Standards.*

**Evidence of progress towards these targets in this lesson** - *Refer to the evidence that students make and the Teachers' Standards.*

**Did individuals /groups /the whole class make progress?**

- All pupils made good or better than expected progress (maximum impact)
- All pupils made at least expected progress (significant impact)
- The majority of pupils made at least expected progress (minimum impact)

**What evidence do I have for this? (Tick as many boxes as appropriate)**

- Pupil responses
- Pupils' work within the lesson
- Observation of pupils in the lesson
- Pupils' responses to feedback/marking
- Test results/assessment results
- Discussions with pupils
- Level of activity accessed by pupils

**Strengths of the lesson**

*In today's lesson students made progress because*

Standard 1-8 if applicable

**Areas for lesson development**

*In today's lesson pupil progress could have been improved by*

Standard 1-8 if applicable

**Observer's Signature**

**APPENDIX B – TEMPLATE PROBATION REVIEW FORMS FOR TEACHING STAFF**

**FORM FOR FIRST PROBATION REVIEW MEETING FOR TEACHING STAFF**

Date:

Manager:

Employee:

What are the expected standards of performance and conduct for the role (refer to teaching standards, job description and any department specific expectations, where appropriate)

**FORM FOR FIRST PROBATION REVIEW MEETING FOR TEACHING STAFF**

What are the employee's short term and long term targets for his/her probation period (provide a timeline for guidance, where appropriate)?

Are there any initial concerns regarding the employee's performance, ability or conduct (e.g. punctuality)? If yes, list them:

Yes

No

List any common problems encountered in the employee's role and any useful strategies for overcoming them.

**FORM FOR FIRST PROBATION REVIEW MEETING FOR TEACHING STAFF**

Has the employee raised any initial concerns about his/her role?

Yes

If yes, add manager's comments.

No

By signing this declaration, the parties confirm the accuracy of this form and that the employee serving a probationary period has been informed of:

- The standards of performance and conduct expected in his/her role;
- Any specific targets that s/he must meet;
- Any concerns regarding performance, conduct or ability; and
- That if s/he fails to meet the expected standards, then s/he will fail his/her probationary period, resulting in dismissal.

Manager's Signature:

Employee's Signature:

**FORM FOR SECOND PROBATION REVIEW MEETING FOR TEACHING STAFF**

Date:

Manager:

Employee:

Has a lesson observation taken place in the employee's first term of teaching, as required by this policy?

Yes

No

Is the employee meeting the expected standards? Refer to/attach lesson observation form if easier.

Yes

No

**FORM FOR SECOND PROBATION REVIEW MEETING FOR TEACHING STAFF**

Are there any concerns about the employee's performance, ability or conduct?

Yes

If yes, what are the employee's targets for improvement? Provide success criteria and a timeline, if possible.

No

Has the employee raised any concerns about his/her role?

Yes

If yes, add manager's comments.

No

By signing this declaration, the parties confirm the accuracy of this form and that the employee serving a probationary period has been informed of:

- The standards of performance and conduct expected in his/her role;
- Any specific targets that s/he must meet;
- Any concerns regarding performance, conduct or ability; and
- That if s/he fails to meet the expected standards, then s/he will fail his/her probationary period, resulting in dismissal.

Manager's Signature:

Employee's Signature:

**FORM FOR THIRD PROBATION REVIEW MEETING FOR TEACHING STAFF**

Date:

Manager:

Employee:

Are the targets set in the employee's second probation review meeting being met (has positive performance and conduct been maintained; have targets been met and have concerns been overcome)?

Yes

No

Please explain.

**FORM FOR THIRD PROBATION REVIEW MEETING FOR TEACHING STAFF**

What are the employee's final targets for the maintenance of positive conduct and/or performance; and the improvement of any concerns regarding conduct, performance or ability?

Has the employee raised any concerns about his/her role?

If yes, add manager's comments.

Yes

No

Has the employee been given an oral but non-binding indication that s/he would pass or fail his/her probationary period if s/he maintains his/her current standard of performance and conduct?

Yes

No

By signing this declaration, the parties confirm the accuracy of this form and that the employee serving a probationary period has been informed of:

- The standards of performance and conduct expected in his/her role;
- Any specific targets that s/he must meet;
- Any concerns regarding performance, conduct or ability; and
- That if s/he fails to meet the expected standards, then s/he will fail his/her probationary period, resulting in dismissal.

Manager's Signature:

Employee's Signature:

**FORM FOR FINAL PROBATION REVIEW MEETING FOR TEACHING STAFF**

Date:

Manager:

Employee:

Has the employee met his/her final targets as set in the third probation review meeting?

Please explain.

Yes

No

Have two lesson observations been held during the employee's probationary period (one in each term) and were the outcomes explained to the employee?

Yes (pass/fail – circle as appropriate)

No

**FORM FOR FINAL PROBATION REVIEW MEETING FOR TEACHING STAFF**

Summarise the employee's overall performance and conduct rating. Refer to Teachers' Standards, job description, lesson observations and any specific targets that were set in earlier meetings (include dates where possible).

Has the employee been given an oral but non-binding indication as to whether or not s/he has passed his/her probationary period?

- Yes (pass/fail – circle as appropriate)
- No

By signing this declaration, the parties confirm the accuracy of this form and that the employee serving a probationary period has been informed of:

- The standards of performance and conduct expected in his/her role;
- Any specific targets that s/he must meet;
- Any concerns regarding performance, conduct or ability; and
- That if s/he fails to meet the expected standards, then s/he will fail his/her probationary period, resulting in dismissal.

Manager's Signature:

Employee's Signature:

**APPENDIX C - TEMPLATE PROBATION REVIEW FORMS FOR SUPPORT STAFF**

**FORM FOR INITIAL PROBATION REVIEW MEETING FOR SUPPORT STAFF**

Date (within first two weeks of employment start date):

Manager:

Employee:

What are the expected standards of performance and conduct for the role (refer job description and any department specific expectations, where appropriate)

What are the employee's short term and long term targets for his/her probation period (provide a timeline for guidance, where appropriate)?

**FORM FOR INITIAL PROBATION REVIEW MEETING FOR SUPPORT STAFF**

Are there any initial concerns regarding the employee's performance, ability or conduct (e.g. punctuality)?

Yes

If yes, explain.

No

List any common problems encountered in the employee's role and any useful strategies for overcoming them.

Has the employee raised any initial concerns about his/her role?

Yes

If yes, add manager's comments.

No

By signing this declaration, the parties confirm the accuracy of this form and that the employee serving a probationary period has been informed of:

- The standards of performance and conduct expected in his/her role;
- Any specific targets that s/he must meet;
- Any concerns regarding performance, conduct or ability; and
- That if s/he fails to meet the expected standards, then s/he will fail his/her probationary period, resulting in dismissal.

Manager's Signature:

Employee's Signature:

**FORM FOR THREE MONTH PROBATION REVIEW MEETING FOR SUPPORT STAFF**

Date:

Manager:

Employee:

Has the employee met his/her final targets as set in the initial probation review meeting?

Please explain.

Yes

No

**FORM FOR THREE MONTH PROBATION REVIEW MEETING FOR SUPPORT STAFF**

Are there any concerns about the employee's performance, ability or conduct?

Yes

Please explain.

No

What are the employee's final targets, for the maintenance of positive performance and/or conduct; and the improvement of any performance or conduct related concerns.

Provide success criteria and a timeline, if possible

**FORM FOR THREE MONTH PROBATION REVIEW MEETING FOR SUPPORT STAFF**

Has the employee raised any concerns about his/her role?

Yes

If yes, add manager's comments.

No

By signing this declaration, the parties confirm the accuracy of this form and that the employee serving a probationary period has been informed of:

- The standards of performance and conduct expected in his/her role;
- Any specific targets that s/he must meet;
- Any concerns regarding performance, conduct or ability; and
- That if s/he fails to meet the expected standards, then s/he will fail his/her probationary period, resulting in dismissal.

Manager's Signature:

Employee's Signature:

**FORM FOR SIX MONTH PROBATION REVIEW MEETING FOR SUPPORT STAFF**

Date:

Manager:

Employee:

Has the employee met his/her final targets as set in the three month probation review meeting?

Yes

No

Please explain.

Summarise the employee's overall performance and conduct rating. Refer to job description, work observations and any specific targets that were set in earlier meetings (include dates where possible).

**FORM FOR SIX MONTH PROBATION REVIEW MEETING FOR SUPPORT STAFF**

Has the employee been given an oral but non-binding indication as to whether or not s/he has passed his/her probationary period?

Yes (pass/fail – circle as appropriate)

No

By signing this declaration, the parties confirm the accuracy of this form and that the employee serving a probationary period has been informed of:

- The standards of performance and conduct expected in his/her role;
- Any specific targets that s/he must meet;
- Any concerns regarding performance, conduct or ability; and
- That if s/he fails to meet the expected standards, then s/he will fail his/her probationary period, resulting in dismissal.

Manager's Signature:

Employee's Signature:

## **APPENDIX D – APPEAL FORM**

<b><u>APPEAL INFORMATION</u></b>	
Name	
Date	
Date of being notified of dismissal due to failed probation	
Name of manager responsible for the decision	
<p><b><u>Please explain:</u></b></p> <ul style="list-style-type: none"> <li>• The ground(s) of your appeal;</li> <li>• Their materiality to the decision to dismiss;</li> <li>• The unfair detriment you have suffered as a result;</li> <li>• Why the information contained in the written record from the lesson observations and probation review meetings that were conducted during your probationary period does not justify the decision to dismiss.</li> </ul> <p>If you object to the accuracy of any of the information contained in the written record of your probation review meetings, then you are expected to explain why you agreed to sign them, thereby declaring their accuracy.</p> <p>Provide as much detail as possible.</p> <p>Attach additional sheets if required</p>	
<p><i>Following the receipt of this form by the Clerk to the Trust (<a href="mailto:clerk@beaconacademytrust.co.uk">clerk@beaconacademytrust.co.uk</a>), your written appeal will be considered by a Governor or a Trustee; and you will receive a written decision within 20 school days.</i></p>	