



# The First Federation Trust Probationary Policy

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## **1. Introduction**

- 1.1 It is the First Federation Trust's policy to operate probationary periods for all new employees, and in some cases, at the Trust's discretion, in respect of employees who have been transferred or promoted into different posts within the Trust.
- 1.2 This policy allows both the employee and The First Federation Trust to assess objectively whether or not the employee is suitable for the role. The First Federation Trust believes that the use of probationary periods increases the likelihood that new employees will perform effectively in their employment.
- 1.3 The line manager is responsible for ensuring that all new employees are properly monitored during their probationary period. If any problems arise, line manager should address these promptly and in accordance with the policy. The employee should be made aware that some aspects of their performance or conduct or attendance is unsatisfactory. This will help prevent the problem from escalating and hopefully lead to sufficient improvements.
- 1.4 Where the employee is the Chief Executive, the Chair of Directors shall be responsible for managing the probation process and determining whether their employment is confirmed or their employment is terminated.
- 1.5 This policy does not form part of any employee's contract of employment and may be amended at any time.

## **2. Length of probation**

- 2.1 The length of the probationary period applicable to an employee will be as set out in the contract of employment of that employee.

## **3. Extending probationary periods**

- 3.1 Six months should be an adequate period of time to effectively assess an employee's suitability for the role. In exceptional circumstances, the First Federation Trust may decide to extend an employee's period of probation. This will be limited to one extension and the total period of probation will be no longer than 12 months.
- 3.2 An extension may be implemented in circumstances where:
  - (a) The employee's performance, conduct or attendance during probation has not been entirely satisfactory, but some improvement has taken place and it is thought likely that an extension to the probationary period may lead to satisfactory improvement.
  - (b) The employee or the line manager has been absent from the workplace for an extended period during the probation.
- 3.3 Before extending an employee's probationary period, the line manager may consult with a member of the Trust SLT, depending on who is making a decision to extend. If an extension to the probationary period is agreed, the First Federation Trust will confirm the terms of the extension in writing to the employee, including:
  - (a) the length of the extension and the date on which the extended period of probation will be reviewed and when it will end;

- (b) the reason for the extension and, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards;
- (c) the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;
- (d) any support, for example further training, that will be provided during the extended period of probation; and
- (e) a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, their employment will be terminated.

#### **4. Terms of employment during the probationary period**

- 4.1 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 below. During the probationary period, attendance, conduct (including matters that could potentially amount to gross misconduct), and capability issues will be managed under this policy rather than the standard school HR policies.
- 4.2 Except in the case of existing employees who have been transferred or promoted into different roles, the amount of notice that an employee must give to the First Federation Trust if they wish to resign, and the amount of notice that the First Federation Trust must give to the employee of dismissal are different during probation. During probation, either party may terminate the employee's contract of employment by giving one week's notice unless otherwise varied by the contract. In the event that the First Federation Trust decides to terminate the employee's employment, their employment will come to an end immediately and the employee will receive pay in lieu of the notice together with any outstanding holiday pay.
- 4.3 Once the probationary period has been completed, the notice periods will be as defined in the employee's contract of employment.
- 4.4 In the case of existing employees who have been transferred or promoted into different roles, the amount of notice that the employee must give to the First Federation Trust if they wish to resign, and the amount of notice the First Federation Trust must give to the employee of dismissal will be as defined in the employee's contract of employment.

#### **5. Line managers' responsibilities**

- 5.1 Under this policy, the line manager has responsibility for monitoring a new employee's performance, conduct, attendance and progress during the probationary period. The line manager should ensure that the employee is properly informed at the start of their employment about what is expected of them during probation, for example the required targets or standards of performance, and for putting in place a plan to support the successful start to any new role.

#### **6. Reviews during probation**

- 6.1 The line manager should review and assess the employee's performance, capability, conduct, attendance and suitability for the role on at least a monthly basis during the employee's probation, and again at the end of the probationary period. This will involve meeting with the employee (mid-review meeting) to discuss progress. The employee will be able to provide a

response to the matters raised. At the end of the meeting, the line manager will complete the probationary form and give a copy to the employee.

- 6.2 During an employee's probation, the line manager should provide regular feedback to the employee about their performance and progress, and, should there be any problem areas, raise these with the employee as soon as possible, allowing the employee to respond, with a view to resolving them. 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.

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

- 7.1 If, during an employee's probation, 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. If the evidence suggests that the employee misrepresented their abilities in any way, the First Federation Trust will terminate the employment giving one week's pay in lieu of notice. If the employee is an existing employee who has been transferred or promoted into a different role, the First Federation Trust's normal capability/dismissal procedure must be followed in full.

## **8. End of probation**

- 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 where both parties can discuss performance and progress throughout the period of probation, and the employee can respond to any matters raised. At the end of the meeting, the line manager will complete the probationary form, and give a copy to the employee.
- 8.2 If the employee's employment is satisfactory, the line manager should notify the HR Department in order to issue a letter of confirmation of appointment to the employee.

## **9. Termination of employment**

- 9.1 Ordinarily it is the First Federation Trust policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation 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 wholly unsuitable for the role or there are concerns that are unlikely to improve, the employment may be terminated early. This would also apply to incidents of gross misconduct that happen during the probationary period (see section 9.4).
- 9.2 During the probationary period, termination of employment will be with notice, as set out in the contract of employment, unless the employment is terminated for gross misconduct resulting in immediate dismissal without notice or without payment in lieu of notice (summary dismissal).

### **Performance**

- 9.3 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 period of probation or at an earlier point if appropriate.

### **Conduct**

- 9.4 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.
- 9.5 If during the probationary period, an allegation potentially amounting to gross misconduct is made, the facts or may be investigated and a meeting held with the employee to make a decision. Where the allegations are considered proven, the employment will be terminated with immediate effect and without notice or pay in lieu of that notice. Gross misconduct is a serious breach of contract and includes misconduct which, in the opinion of the First Federation Trust, is likely to prejudice its business or reputation or irreparably damage the working relationship and trust between the First Federation Trust and the employee. Although allegations of gross misconduct during the probationary period are dealt with under this policy, reference should be made to the examples of gross misconduct set out in appendix 1 of the First Federation Trust's disciplinary policy. However allegations in relation to safeguarding will be considered alongside and in accordance with our Allegations policy - Managing allegations of abuse against teachers and other staff.

### **Attendance**

- 9.6 If an employee's attendance while on probation has been unsatisfactory (despite support from the line manager), and it is thought unlikely that further or 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.
- 9.7 Where a decision is taken to terminate the employee's employment, a meeting will be held with the employee to inform them of the reason for the termination. The First Federation Trust will write to the employee confirming the termination and the reason for it. The employee will be given an opportunity to appeal the decision.
- 9.8 If the employee is an existing employee who has been transferred or promoted into a different role, the First Federation Trust normal capability/disciplinary / sickness absence /dismissal procedure must be followed in full.

## **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 Director of People and Operations within 5 working days of the decision to terminate the employment being communicated to them. The employee must state the grounds of their appeal in full. An appeal meeting will then be arranged with either a member of the Trust SLT (if not involved in the original decision to dismiss) or a panel of Directors. 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. Where

the employment of the Chief Executive Officer is terminated they should appeal to the Chair of Directors who will make arrangements for the appeal hearing.

## **11. Confidentiality and data protection**

- 11.1 It is the aim of the First Federation Trust to deal with matters under this policy sensitively and with due respect for the privacy of any individuals involved. All employees must treat any information communicated to them in connection with the process as confidential.
- 11.2 During any action under this policy, the First Federation Trust will collect, process and store personal data in accordance with our data protection policy. The data will be held securely and accessed by, and disclosed to, individuals only for the purposes of actions taken under the policy. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of the **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).

## **12. Review of policy**

- 12.1 This policy is reviewed and amended every three years by The First Federation Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.