



The Rosary Trust

A Catholic Education Trust

Probation Procedure Policy

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Updates since last edition

3. Probation Period	Amended to 12 weeks in light of reduction in unfair dismissal rights period from 2 years to 6 months.
5. Probation Procedure	Changes as above.
Other sections	Some rewording/reformatting

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1. Introduction

- 1.1 This procedure sets out how probationary periods will be managed.
- 1.2 Probation is a period during which both the line manager and the employee can assess objectively whether the new recruit is suitable for the role, taking into account the individual's overall capability, skills, performance and general conduct in relation to the job.
- 1.3 All new employees' performance will be supported, monitored and assessed to ensure that they are able to fulfil their new role and responsibilities. This will include ensuring that new employees are provided with appropriate induction, training and support to enable them to properly carry out their duties and tackling any problems as and when they arise.

The performance management procedure will commence upon completion of the probationary period.

- 1.4 The following will be made clear to new employees at the outset of the probationary period:
 - job role / tasks, including any specific responsibilities;
 - any required standards of performance e.g. Teachers', HLTA and any other relevant Standards;
 - required standards of conduct and behaviour; and
 - their responsibility for their own continuous development,
 - any reasonable adjustments that are mutually agreed.

2. Scope

- 2.1 Probation periods apply to all new staff on a permanent or fixed term basis.
- 2.2 Probation periods will not apply to:
 - Appointments arising from a statutory transfer;
 - Internal promotions or changes in roles.

3. The Probation Period

- 3.1 The probation period is 12 weeks.
- 3.2 The 12-week probationary period will be calendar weeks except in the case of term-time only staff where it will be based on contracted working weeks.
- 3.3 During the probationary period, and before their start date, employment may be terminated on one week's notice by either party or, in the case of the employer, payment in lieu of notice.
- 3.4 Employees will be informed in writing if they have successfully completed their probationary period. If they do not receive any written confirmation, they should assume that the probationary period continues until either employment is confirmed or terminated in writing.
- 3.5 The probation period may be extended in exceptional circumstances at the employer's discretion (for example, where required improvements are evident or there have been significant absences – see 6 below).

- 3.6 If there is clear evidence, at an earlier stage, to suggest that the employee is wholly unsuitable for the role or incapable of performing the role (whether as a result of their conduct or lack of competence), and it is clear that further training or support is unlikely to alter the situation, the contract may be terminated at any point prior to the end of the probationary period (see 5.2.2).
- 3.7 If the employee decides they do not wish to continue in the role at any point during the probationary period they must give notice in line with their contract of employment. The Trust/academy may decide at its discretion, to waive this notice requirement.

4. Roles and Responsibilities

- 4.1 The probation procedure will be operated by the employee's line manager.
- 4.2 A decision to confirm, or not to confirm, the appointment pursuant to this probationary procedure will be taken by the person specified in the table below.
- 4.3 Any appeal against non-confirmation of appointment will be heard by the person specified in the table below.
- 4.4 All employees are expected to perform to the highest possible standards, to take responsibility for their own learning and development and to co-operate with strategies to support them.
- 4.5 Specific roles and responsibilities

NB1 the "initial decisions" could lead to a non-confirmation of appointment decision therefore the decision maker must have powers of dismissal under the Trust's scheme of delegation.

NB2 it is recommended that the Trust Board has direct representation on any appeal panel in cases of non-confirmation of appointment.

**A "Panel" can be a single individual or any number of individuals from the relevant group.

Employee	Manage procedure and make initial decisions (NB1)	Hear appeal (NB2)
Academy Employee	Line Manager Senior Manager Head of School Head teacher CEO	Head teacher CEO LGB Panel** Trust Panel**
Trust Employee (Central Services)	Line Manager Senior Manager CEO	CEO Trust Panel**

Note 1: The term "Head teacher" is used to identify the person with responsibilities of headship within each Academy, who may be referred to locally as Head Teacher, Principal, Executive Head Teacher, or Executive Principal.

5. The Probation Procedure

The procedure is summarised at Appendix 1.

5.1 Monitoring Performance

The employee's line manager will monitor and review performance on a day-to-day basis [and through the Performance Management process], providing feedback, direction and support on a regular basis. Managers are responsible for ensuring probation review meetings are held within the required timescales and appropriately documented.

Formal probation reviews will take place at appropriate intervals during the probation period. This will usually be at:

4 weeks

8 weeks

Prior to the final 12-week probation end date

These meeting intervals will be adjusted as necessary for term-time only staff to reflect working-weeks.

5.1.1 The following matters will be discussed at each review meeting:

performance against performance management objectives;

performance against any relevant Standards;

general competence, conduct, attitude/behaviour;

attendance; and

training and support provision and needs, including reasonable adjustments where appropriate for employees with a disability.

5.1.2. At any point where the employee's progress is unsatisfactory in any respect, this will be discussed with them as soon as possible – this may be outside the formal probation meetings. They will be advised verbally and in writing:

- of the areas where improvement is required;
- of appropriate training and support that has been identified;
- that failure to improve could result in termination of their employment.

5.1.3. The content and outcome of all meetings will be recorded, and a copy given to the employee.

5.2 Final review meeting

5.2.1 Successful probation period

The final review meeting will be conducted by the decision maker specified in section 4.2, or where agreed by that decision maker, the line manager.

- Where progress has been satisfactory, the probationary period will be formally signed off following the final review meeting. A letter will then be sent to the employee informing them that they have successfully completed their probationary period and confirming their appointment.
- Where the contract is confirmed, employees will then be subject to the capability and disciplinary procedures. Their performance will continue to be supported through the performance management procedure.

5.2.2 Unsatisfactory probation period

Where an employee's progress has not been satisfactory, the employee will be formally invited, in writing, to the final probation review meeting with the decision maker specified in section 4.2.

Prior to the meeting the line manager/decision maker will compile relevant documentation evidencing the concerns, actions taken and procedures followed and provide this to the employee with the meeting invitation letter, at least 5 days in advance of the meeting. The documentation will also be shared with the decision maker where they are not the line manager, in advance of the meeting.

The employee has a statutory right to be accompanied at this meeting by a trade union representative, an official employed by a trade union or work colleague. This right will be set out in the invitation letter. Employees are responsible for making their own arrangements for their chosen companion to attend the meeting and must confirm the name and status of their representative prior to the meeting. A request for a companion other than a trade union official or work colleague will be considered at the employer's discretion.

At the meeting the manager will set out where progress has been insufficient, with reference to previous review meetings. The employee will be given an opportunity to make representations verbally and/or in writing.

The meeting will be minuted and the minutes shared with employee after the meeting.

The decision maker will determine at the end of the meeting, whether to:

- confirm appointment; (See 5.2.1 above);

- extend probation; (See 6. below);

- not confirm appointment and terminate the contract. Notice will be given in line with the employment contract.

The decision will be confirmed in writing within 5 working days of the date of the meeting. Where the decision is non-confirmation, the letter will give notice of termination of employment and the right of appeal.

Where considered appropriate, the employee may be redeployed to other duties or not required to attend for work during the period of notice.

5.3 **Appeals**

Employees have the right of appeal against a decision to terminate their contract.

Any appeal must be lodged in writing within 5 working days of receipt of the letter of notice of termination of employment. The employee may provide written evidence in advance of the appeal meeting.

All appeals will be heard by the person or panel specified in section 4.3 and the Trust's Scheme of Delegation. The employee will be given at least 5 days' notice of the appeal meeting. The appeal panel will be provided with a copy of the paperwork referred to during the Final Review Meeting, and minutes of that meeting, the outcome letter and appeal letter.

The decision of the Appeal hearing will be confirmed in writing and will be final, subject to the employees' rights in law.

6. Extensions to Probation Periods

- 6.1 Extensions to the probationary period will normally only be considered where:
- the employee has been absent for at least 2 weeks during the probationary period
 - concerns have been identified and the employee has demonstrated some improvements but more time is necessary to assess whether they can achieve and sustain the required level of performance.
- 6.2 The decision to extend will usually be made at the final review meeting. The employee must consent to the extension as it represents a change to their contractual terms.
- Where the employee consents, extensions will not normally exceed 4 weeks.
 - Where the employee does not consent, the relevant decision maker specified in section 4.2 will decide whether to confirm or terminate employment.
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- 6.4 If an extension to the probationary period is agreed, the employer will confirm the terms of the extension in writing to the employee, including:
- the length of the extension and the date on which the extended period of probation will end;
 - 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;
 - the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;
 - any support or training that will be provided during the extended period of probation; and
 - 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.

The employee will be required to sign acceptance of the extended probation period.

7. Records and Data Protection

- 7.1 A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an alternative person arranged to take notes. The Trust/academy processes any personal data collected during the probationary procedure in accordance with its data protection policy.
- 7.2 Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the probationary procedure. On the conclusion of the procedure, data collected will be held in accordance with the school's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Appendix 1 Summary Probation Procedure

*if there is clear evidence to suggest the employee is wholly unsuitable for the role/incapable of performing the role at an earlier stage, the contract may be terminated prior to the end of the probationary period (see 3.4 and 3.5 in the procedure).

