

# PROBATIONARY PROCEDURE STUPPORT STAFF

**Date of issue:** 01/05/2020

## 1. Purpose

- 1.1 Appointments for new support employees are subject to a normal probationary period of six months from the date employment commences during which their suitability for the position to which they have been appointed will be assessed. During this time all employees will receive an induction into their place of work and their role.
- 1.2 The purpose of a probationary period is to:
- ensure that a new member of support staff taking up a new appointment is, within a reasonable period of time, able to gain a full understanding of the requirements of the post and to achieve a satisfactory level of performance.
  - assist the manager to assess, in a structured way, a new employee's suitability for the post to which they have been appointed.

## 2. Scope

- 2.1 This procedure does not apply to:
- Qualified Teachers who have successfully completed the induction period do not need to serve a probationary period and Newly Qualified Teachers (NQTs) are subject to Education (Induction Arrangements for School Teachers) (England) Regulations 2012.
  - Existing employees who have already completed the probationary period do not have to serve another probationary period on changing role.
- 2.2 Probationary periods apply to fixed term contracts as well as permanent contracts.

## 3. Review periods

- 3.1 The six months probationary period applies to all new employees regardless of whether they are full or part time.
- 3.2 Consideration must be given to employees on term time only contracts to ensure that review meetings take place at an appropriate time during the school term. For example, term time employees whose first 8 weeks of employment include the summer holidays, the first (8 week) review will need to be adjusted accordingly.
- 3.3 Formal probationary review meetings will be held at intervals of 8 weeks, 14 weeks (if performance is not meeting standards at that point) and 20 weeks (the final review).
- 3.4 This procedure is to be used in addition to normal management arrangements and review meetings to formalise feedback which the employee has already received.
- 3.5 In the case of unsatisfactory performance, where a genuine opportunity exists for the employee to improve sufficiently to meet the standards required, the probationary period may be extended for up to a further 3 months with the agreement of both the Headteacher and the employee.
- 3.6 If performance does not warrant an extension to the probationary period and remains unsatisfactory, then employment may be terminated. In these circumstances the final review meeting will take place at a time that allows for the employee to be given their full notice so that employment will normally end by the twenty-sixth week of employment.

## 4. Roles and responsibilities.

- 4.1 The Headteacher:
- Has overall responsibility for the probationary procedure within their School / Academy although they will normally delegate the process of reviews and feedback to the relevant member of the Senior or Middle Leadership Team.
- 4.2 Line Managers:
- Ensure that the new employee's role and responsibilities are clearly set out as part of a planned induction programme
  - Set realistic and reasonable standards of performance, which are consistent and which are explained to the new employee



- Provide all necessary support including training to the employee with feedback so that they can reach the required standard of performance
- Take appropriate action if performance is unsatisfactory during the probationary period. Where there are concerns, these are raised with the employee as soon as possible and not postponed until the next formal review meeting and solutions are approached positively
- Ensure that at all stages any support given is geared towards enabling the employee to improve.

#### 4.3 Employees:

- To ensure they are aware of the performance standards expected and be committed to achieving them;
- To inform their manager if additional support is needed in order to meet the required performance standards;
- To identify skills or development areas in order to undertake appropriate training.

### **5. Employees who are performing at a satisfactory standard / better.**

5.1 Formal reviews will normally be held at 8 and 20 weeks of employment.

#### 5.2 First Formal Review Meeting (8 week review)

The manager will arrange to meet with the employee to discuss:

- Their performance
- Key objectives, tasks and targets to be achieved
- Absence (if applicable)
- Further training or support required (if applicable)
- Any other relevant issues (if applicable)
- Areas for improvement/timescales and assistance (if applicable)

5.3 The first stage probation review form will be completed during the meeting. Both parties will sign the form. A copy of the form will be placed on the employee's file and a copy given to the employee. A date for a Final Formal Review Meeting will be agreed with the employee which will normally take place no later than 20 weeks after the employee's start date.

#### 5.4 Final Formal Review Meeting (20 week review)

The manager will arrange to meet with the employee and follow the same process as at the 8 week review meeting.

During this review the employee's performance will be confirmed as satisfactory.

The employee will receive written confirmation of the successful completion of the probationary period within 5 working days.

### **6. Employees who are performing below the required standard.**

6.1 Formal reviews will normally be held at 8, 14 and 20 weeks of employment.

#### 6.2 First Formal Review Meeting (8 week review)

During the first 8 weeks of service, the manager will arrange to meet with the employee, having first highlighted that there are concerns. This invitation will be confirmed in writing. The employee will be informed that they have a right to be accompanied by a trade union representative or a work colleague at this meeting.

6.3 At the meeting, the following issues will typically be discussed and notes will be taken of the meeting:

- Areas of concern relating to performance or conduct and standards required.
- Any reasons why the employee may not be performing to a satisfactory standard.
- Any support or training to be provided.



- The time period to make improvements.
- How improvement will be assessed.

6.4 A first stage probation review form will be completed during the meeting. Both parties sign the form. A copy of the form and the notes taken at the meeting will be placed on the employee's file and a copy given to the employee.

6.5 A date for the second Formal Review Meeting will be arranged. This will take place no later than 14 weeks after the employee's start date.

6.6 Second Formal Review Meeting (14 week review)

The manager will arrange to meet with the employee. This invitation will be confirmed in writing. The employee will be informed that they have a right to be accompanied by a trade union representative or a work colleague at this meeting.

### **Improved Performance**

If the employee's performance has improved to an acceptable standard using the criteria set out at the first probationary review meeting, this will be recorded on the probation review form. A date for a Final Formal Review Meeting will be agreed with the employee which will normally take place no later than 20 weeks after the employee's start date.

### **Unsatisfactory Performance**

If the employee's performance remains unsatisfactory the same procedure as outlined for the first probationary review meeting should be followed. The employee will be informed in writing that if their performance does not improve that their employment may be terminated. A date for a Final Formal Review Meeting will be agreed with the employee which will normally take place no later than 20 weeks after the employee's start date.

6.7 Final Formal Review Meeting (20 week review)

The manager will arrange a meeting with the employee which will normally take place no later than 20 weeks after the employee's start date. This invitation will be confirmed in writing. The employee will be informed that they have a right to be accompanied by a trade union representative or a work colleague at this meeting.

6.8 If the employee's performance has improved to an acceptable standard using the criteria set out at the first probationary review meeting, this will be recorded on the probation review form. If this concludes the process to a satisfactory standard, the employee will receive written confirmation of the successful completion of the probationary period within 5 working days.

6.9 If the meeting is to consider the employee's continued unsatisfactory performance, the Headteacher will always conduct the meeting having received a report from the manager

containing the outcomes from the previous meetings and detailing the impact of support provided. This report will also be provided to the employee at least 5 working days before the meeting.

### **Unsatisfactory Performance**

- If the employee's performance remains unsatisfactory, the Headteacher will chair a probationary review meeting.
- The manager will outline the concerns to date as contained in their report, the actions taken and explain where the employee has failed to improve.
- The employee will have every opportunity to present their case or make representations why they believe the report to be inaccurate.
- Once all parties have made their case the meeting will adjourn.
- The Headteacher will make a decision on the next steps having listened to the representations. The employee will normally be informed verbally of the decision taken on the day of the meeting following an adjournment, alternatively following the final review hearing the employee will be notified in writing of the decision taken and the reasons for it within 5 working days.
- If the decision is to terminate employment, the letter will confirm the reasons why this decision has been taken, serve the required notice and inform the employee of their right of appeal.



- If the decision is not to terminate employment, consideration will normally be given to extending the probationary period for up to 3 months with a remedial action plan. At the conclusion of this review period the procedure in respect of the 20 week review will again apply.

## **7. Extension of the probationary period.**

- 7.1 There may be occasions when it is appropriate to extend the probationary period where exceptional circumstances make it difficult to properly assess an employee's performance or where performance is improving and there is a strong belief by all parties that standards will be reached given a further period of time.
- 7.2 The probationary period may only be extended once for up to 3 months (9 months in total from the employee's start date) with the agreement of both the Headteacher and the employee.
- 7.3 Any decision to extend the probationary period will normally be made no later than the 20 week review with the decision confirmed in writing to the employee.
- 7.4 Confirmation will explain:
- the reason/s why the probationary period has been extended
  - the date it has been extended to
  - the expected outcomes
  - any agreed support
  - that the employee has agreed to the extension
  - the date of the Final Formal Review Meeting
  - confirmation that the Headteacher will conduct the meeting
  - the potential outcomes
  - the right to be accompanied by a trade union representative or a work colleague at the Final Review meeting.
- 7.5 The procedure outlined at the Final Formal Review Meeting will be re-run where the probationary period has been extended.
- 7.6 If the employee does not agree to the extension where performance is unsatisfactory, the alternative is the termination of their employment following the contractual period of notice.

## **8. Notice periods**

- 8.1 Where an employee is given notice of dismissal, the Headteacher may decide whether the employee will work out their notice period or, more usually, if they will leave immediately with payment in lieu of notice.

## **9. Right of appeal**

- 9.1 An employee has a right of appeal against the decision to terminate their employment.
- 9.2 To appeal, the employee should set out and submit the reasons for their appeal to the Headteacher within 10 working days of being notified of the decision.
- 9.3 The date on which dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful the employee will be reinstated with no loss of pay.
- 9.4 The matter will be referred to a Governors' Panel comprising of at least two governors and ideally three governors but excluding Staff Governors.
- 9.5 An appeal hearing will normally be arranged within 5 working days and notice will be provided to the employee to include the date, time, location and name of the person conducting the appeal. The employee will be informed that they have a right to be accompanied by a trade union representative or a work colleague to the meeting
- 9.6 The decision of the hearing will be notified to the employee in writing within 5 working days of the hearing and the employee will be advised that this decision is final and there is no further right of appeal.



## 10. General Data Protection Regulation

10.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

