PROBATION PERIODS POLICY AND PROCEDURE FOR SUPPORT STAFF FOR SCHOOLS

Adopted by

Langley Fitzurse CE Primary School

On

Xx/xxx/xx

This model policy will apply to support staff and has been agreed with the following recognised unions: Unison, GMB and Unite

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## Policy Statement

1. It is good employment practice to provide all new employees within local government employment, including schools, with a period of planned induction and training. Where an employee is recruited from outside the existing service of a Local Authority or the Local Authority’s schools, the use of a probationary period provides the ideal opportunity for a planned induction and training to take place.
2. This policy and procedure is recommended for adoption by the Governing Body. The policy and procedure must also be made known to all Support Staff in the school and provided to new staff during their induction period.

## Scope

1. The procedure will apply to all existing Support Staff newly appointed by the school including those who are managed centrally by a school to work across more than one school. The normal probationary period for all Support Staff in schools will be a period of 26 consecutive weeks.
2. The policy does not apply to transfers between roles within the school to employees with more than 26 weeks’ continuous service.
3. Employees who are part of an organisation which is transferred to the school under TUPE terms are also not expected to undertake a probationary period, if they have more than 26 weeks’ continuous service.
4. In addition, employees who have previously successfully completed a probationary period with another local authority, have moved between different local authorities and have continuous service confirmed in their contract of employment with the school will not be expected to complete a probationary period.
5. This policy applies to temporary and fixed-term employees. A shorter probationary period may be confirmed in these cases.
6. For the purposes of this procedure references to the Headteacher or Line manager should be taken to refer to the member of staff who has management responsibility for the employee concerned.

## Aims

1. The Headteacher or Line manager should ensure that all new employees have suitable, clear, work related development objectives during their probationary period, against which their performance can be measured. The objectives set should relate to the job description/person specification and probationary assessment form. During the probationary period new employees should have regular progress reviews with their Headteacher or Line manager and be provided with an induction, training and development support as appropriate to their needs.
2. It is important that new employees are made aware of the school’s expectations of their performance, conduct and attendance, also the possible consequences of falling below these standards.
3. The appointment must be formally confirmed and the procedure concluded after 26 weeks of a successful probation period or following any period of extended probation when the expected standards, performance, conduct and attendance have been achieved.

## Following the procedure

1. Throughout the probationary period supervision is important and must be on-going. In addition, more formal probation review interviews should be held at four weeks, twelve weeks, twenty weeks and twenty-six weeks. The procedure does not prejudge the outcome but indicates how to proceed where further action is considered necessary.  The use of one stage of the procedure does not mean that the next stage follows automatically.
2. It is important that time is set aside to carry out the probationary interviews and that there is detailed records of the actions agreed at each stage. Individuals should have advance notice of such interviews. It is good practice to schedule these in at the start of employment in order to ensure that timescales are adhered to. Where applicable, both positive feedback and areas of improvement should be given on all elements of the job. The probationary period assessment form should be completed at each interview and retained until the probationary period has been completed.
3. If there are on-going issues these need to be addressed more regularly outside the above framework, the Head teacher should discuss this with a Schools HR Advisor at the earliest opportunity.

## The Probationary Procedure

### Interviews at four weeks and twelve weeks

1. These interviews review the employee’s early conduct and performance. Employees should leave these interviews with a clear understanding of what is required of them and the standards that need to be achieved. Positive elements should be fed back to the employee and any training needs should be identified at this stage. Arrangements must be made by the Headteacher or Line manager to ensure these training needs are met.
2. Any areas for improvement should be clearly and constructively addressed. The dates and times of future meetings should now be arranged with the employee if not already done so. The Probation Period Assessment Form should be used for all probationary interviews.

### Interview at twenty weeks

1. The same procedure is maintained for the interview at week twenty, however, Headteachers or Line managers should bear in mind that new employees should normally be performing satisfactorily at this stage. If performance is not satisfactory, whilst their manager should already have made them aware of this, the following actions should be taken:
* A Schools HR Advisor should be informed of the fact that an employee is not performing to standard in order that appropriate advice and guidance may be given.
* The Headteacher (where not the line manager) should be informed and future action should be jointly planned.
* Employees must clearly understand how they are failing to perform to standard and what they must do in the next four weeks to address the situation. The Headteacher or Line manager should emphasise that this is the last opportunity for the employee to reach the required standard as a recommendation about whether performance is satisfactory or not will be made at twenty weeks.
* Confirmation of any concerns, and why this is not acceptable, together with the standards/actions to be taken must be put in writing to the employee within two working days of the interview. Simultaneously, a copy of the letter should be sent to the relevant Schools HR Advisor.

### Interview at twenty weeks: satisfactory performance

1. Employees who have reached a satisfactory standard of performance and conduct should be informed that their contribution is satisfactory. They should be reminded that they must maintain a satisfactory level of performance and conduct, and be advised that it is the Headteacher’s intention to confirm their appointment at week twenty six.
2. It is the school’s responsibility to then inform the Schools HR and Payroll Administration Team (or their alternative payroll provider) of this and to provide all the relevant paperwork in advance of the end of the twenty six week probation period.

### Confirmation at twenty six weeks

1. At twenty six weeks, providing the school has forwarded the relevant probationary paperwork, the Schools HR and Payroll Administration Team (or the alternative payroll provider) will write to the employee advising them that they have satisfactorily completed their probationary period.
2. The completed probationary assessment forms should be forwarded to the Schools HR and Payroll Administration Team (or the alternative payroll provider).

### Interview at twenty weeks: unsatisfactory performance

1. Where employees have failed to improve sufficiently, a decision will need be made to either extend the probation period or to refer to a Staffing Panel for action. This must happen before week twenty five.
2. Interviewing at twenty weeks allows sufficient time for one week’s notice to be served in the event that a decision is made not to confirm the employee in their appointment. Before such an interview it is advisable to contact a Schools HR Advisor so that further advice and guidance can be given.

### Right to be accompanied

1. There is no right to be accompanied before the twenty week interview. Where performance is unsatisfactory the Headteacher / Line manager should write to the employee asking them to attend a formal twenty week review interview. The letter must make clear that non-confirmation of employment is a possible outcome of the interview and that they have a right to be accompanied by a trade union representative or work colleague if they wish. The employee should have already been informed, in writing, from the last probation meeting, of the concerns and why this is not acceptable. The formal review interview will be with the Headteacher or Line manager.
2. The Headteacher or Line manager should outline the causes for concern, identify poor performance or attendance as appropriate. It should be emphasised that these are sufficiently serious for the Headteacher or Line manager to believe that the employee has not demonstrated their suitability for their post.
3. The employee and/or their representative should be given an opportunity to respond. The meeting will then adjourn for consideration. Following consideration the meeting will be reconvened and the employee advised of the Headteacher’s or Line manager’s recommendation.
4. If there is a recommendation that the appointment cannot be confirmed the employee should be informed that a statement to this effect will be sent to the Chair of Governors and that a Staffing Panel will be arranged.
5. If there is a recommendation that the probationary period is extended please refer to section “*extending the probationary period*” of the procedure.

## Wellbeing support for employees

1. It is recognised that an employee being supported through the probation procedure is likely to find the situation stressful, the Headteacher should make the employee aware of the wellbeing services offered by Wiltshire Council on 01225 713147. Full details are available on Schools HR online.

## Considerations for the Staffing Panel

1. In the event that a recommendation for confirmation of appointment cannot be made, the staffing panel members should review the whole of the probationary period and interview/question the employee to gather any further information. In deciding the staffing panel need to consider whether to endorse the decision not to confirm the appointment or to extend the probationary period. The Headteacher will present the evidence and the report to the staffing panel.
2. The decision will be confirmed in writing by the chair of the staffing panel.
3. The employee will be entitled to one week’s notice of the non confirmation of their employment. It may be more appropriate for an individual not to continue working during their notice period. In this case the employee may be given one week’s pay in lieu of notice and leave with immediate effect at the staffing panel’s discretion.

## Staffing panel procedure

1. The employee will be:
* given at least five working days’ written notice,
* advised of their right to be accompanied by a workplace colleague or trade union representative;
* informed of the nature of concerns, and;
* provided with all relevant evidence that will be discussed and referred to at the hearing, five working days in advance.
1. Evidence for the areas of concern will be presented to the staffing panel by the Headteacher, including how the probationary process was applied and the support and training given to the employee and the recommendations of the Headteacher.  The Staffing Panel will consider the matter and will afford the employee the opportunity, if the employee wishes, to make oral representations to the Staffing Panel.  The employee will have the right to be accompanied by a trade union representative or a work colleague at this meeting.  The Staffing Panel will consider the evidence regarding the employees’ performance, conduct and attendance and consider the recommendations and determine whether:
* to dismiss the employee with one weeks notice,
* to give the employee further time to improve by extending the probation period
* to withdraw from the procedure and confirm the employee’s appointment.
1. The staffing panel’s decision must be confirmed in writing within five days of the hearing.

## Extending the probationary period

1. The Headteacher can extend the probationary period, (generally of not more than three months), however, extending the probationary period should normally only be considered where there are exceptional circumstances outside the control of the employee, (e.g. absence through illness by the employee or their Line manager) or where the employee’s performance has improved, but not sufficiently to be confident of confirming him/her in the appointment. The reasons for the proposed extension should be clearly understood by the employee and a new end date, clear action plan, including any necessary training and standards required to be achieved by the new expiry date should be drawn up and confirmed in writing.
2. Extension of the probationary period by the Staffing Panel should only occur in consultation with the Headteacher where they can be satisfied that such an extension will, with further training and support, lead to the successful completion of the probationary period, (generally of not more than three months).  A new end date, clear action plan, including any necessary training and standards required to be achieved by the new expiry date should be drawn up and confirmed in writing. Dates and times of further review interviews should also be scheduled.
3. Whenever consideration of extending a probationary period is being made it is important that a Schools HR Advisor is contacted well in advance of the decision.
4. The process described above does not prevent action being taken to terminate employment prior to the expiry of twenty six weeks in exceptional circumstances. It is important that a Schools HR Advisor is contacted before any termination is formalised.

## Right of appeal

1. There is no right of appeal to a dismissal in the probationary period.

## Written Records

1. A record of the documentation relating to the case will be retained and will include:
* The details of the shortfall in performance, conduct or attendance
* The employee’s responses
* Findings made and actions taken and by whom
* Subsequent relevant developments
* Notes of any formal meetings
1. Records will be treated as confidential and be kept in accordance with the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act 2018. An employee has the right to request and have access to relevant information but, in certain circumstances the School may consider it appropriate to withhold certain information. Further details on how data is used and processed is provided in the school’s privacy notice.

## Guidance and other information

1. A comprehensive toolkit is available to support this Probationary Policy and Procedure:
* Toolkit 1 – Probation Period Assessment Form
* Toolkit 2 – Guidance notes for Managers
* Toolkit 3 – Probation Process Flowchart
* Toolkit 4 – Guidance notes for Employees
* Toolkit 5 – Tips for Review Interviews
* Toolkit 6 - Model staffing panel report
* Toolkit 7 – Model Letters

## Equality Impact Assessment

1. This policy has had an equality impact assessment conducted by a joint equality impact assessment panel and the results of these assessments are published on the Wiltshire Council website. If on reading this procedure you feel there are any equality and diversity issues, please contact a Schools HR Advisor who will, if necessary, ensure the policy/procedure is reviewed by the HR Policy team.