

Issue date: January 2018 (Effective for all new appointments from 1 March 2018)
Date adopted: January 2019
Signed by:
Approval committee: Governing Body

PROBATIONARY PROCEDURE FOR SCHOOLS' SUPPORT STAFF

Burton CE Primary School

Based on DCC Model Procedures

1. Introduction

- 1.1 All new employees joining Burton Primary School, except those joining from other local authorities, or schools (where they have more than 26 weeks continuous service and have successfully completed their probationary period), are subject to a 26 week probationary period in accordance with the terms and conditions of their employment. A probationary period can also apply when there is significant change to the job role, provided that this is the basis of any employment offer and confirmed as part of the contract of employment.
- 1.2 The purpose of the probationary period is for the employee to demonstrate their suitability for continuing employment in the role. During this time, the line manager must ensure they give the employee full information regarding work standards and expectations, together with the opportunity for the employee to develop and demonstrate their skills.
- 1.3 By the end of the probationary period, the manager will be able to judge whether the employee's performance/conduct/attendance is acceptable for the post.

2. Diversity

- 2.1 The school is committed to diversity and equality of opportunity so that no employee will be subject to unlawful or unfair discrimination on the grounds of gender, age, marital status, colour, race, nationality or other ethnic or national origin, religion or belief, disability, sexual orientation, criminal background, membership or non-membership of a trades union, or political belief

3. Scope

- 3.1 All new employees joining the school, except those employed on teaching terms and conditions or transferring from other local authorities or schools and have continuous service, are subject to a 26 week probationary period. A probationary period applies to salaried and zero hours employees but does not apply to casual workers. This period, in most cases, is sufficient to gauge whether an appointment should be confirmed. **This policy does not apply to teaching staff where separate arrangements exist.**
- 3.2 **The Local Authority is not able to accept liability for any actions, claims, costs or expenses arising out of a decision not to follow this recommended policy or procedure, where it is found that the Governing Body has been negligent or acted in an unfair or discriminatory manner in exercising its employment powers.**

4. Record keeping

- 4.1 In all cases, written records will be kept in accordance with the Data Protection Act 1998 and subsequent updates to this act (such as GDPR). Employees have the right to request access to the records in accordance with the Act.

5. Process

- 5.1 During the recruitment process and at the point of job offer, prospective employees should be advised that the appointment is subject to a 6 month probationary period and that if the required standard is not reached, the employment may be terminated or the probationary period extended in exceptional circumstances.
- 5.2 The induction of the new employee will have a bearing on how well they settle into their new role. It is important that sufficient time is devoted to the induction process, which should include an explanation of the duties of the role, the standards to be achieved and where to obtain guidance, support, training and supervision to achieve these.
- 5.3 It is good practice, throughout the probationary period, to meet with the new employee regularly. This allows the school to monitor the employee's progress, to ensure that the employee is given the opportunity to clarify their role, to identify their personal development needs and to discuss any areas of concern with the new employee at an early stage so that these can be addressed. It is expected in most cases that the employee will be able to demonstrate their suitability for the role.

6. Formal 12 and 22 week reviews

- 6.1 The employee's performance will be reviewed by the school/academy formally, at 12 and 22 weeks of employment, against the job description and the requirements of the post. The review forms can be found as an appendix to this guidance. The employee should be assessed in a representative range of tasks appropriate to their role and must be performing at a satisfactory standard. Any training needs should be identified and addressed, and performance assessed on a regular basis.

7. Unsatisfactory progress

- 7.1 When an employee's suitability is in question because of their performance, conduct or attendance, the manager should discuss their concerns with the employee at the earliest opportunity.
- 7.2 The school/manager will clearly explain the improvements required and discuss any further training, support or additional help, as needed, to help the employee make the required improvements.
- 7.3 In cases of gross misconduct, advice should be sought from the HR Advisory Team.
- 7.4 If a satisfactory improvement is not made during a reasonable time period then a first formal management meeting will be held.

8. First formal management meeting

- 8.1 The employee should be given a minimum of 3 working days' notice of the meeting, in writing, and may be accompanied at the meeting by a trade union representative or willing work colleague.

- 8.2 The purpose of the meeting is to consider in detail the employee's under-performance/conduct/attendance and to discuss further support, advice, training or other measures, as necessary, to help the employee improve. It may be appropriate, at this stage, to seek a referral to Occupational Health and this should be discussed with the employee.

9. Possible outcomes

- 9.1 The school will consider the individual circumstances and information presented, together with what is discussed at the meeting, in order to decide on the appropriate course of action. Possible outcomes could include one or more of the following:
- To make a referral to Occupational Health (where there are attendance or health issues)*
 - To make temporary adjustments as appropriate
 - To arrange further training and development, coaching or mentoring
 - To arrange other support or additional help
 - Take no further action
- 9.2 Timescales should be discussed with the employee and agreement reached on how the improvements will be monitored and measured.
- 9.3 The outcome of the meeting, together with the required timescales for improvement, will be confirmed in writing to the employee.

*There may be a need to adjust timescales/review periods/extension if a referral to Occupational Health is made. Please refer to Appendix A of the Attendance Management Procedure which sets out in more detail the process to follow if there are attendance or health issues. It is expected that ongoing health issues would have been identified by the employee at the time of completion of the Occupational Health Pre-Employment Questionnaire. If this proves not to be the case, you should contact your HR adviser.

- 9.4 During the improvement period the school will ensure that the appropriate support, guidance, training and/or development is provided and maintained, whilst ensuring that there are no underlying health issues to take into account. Regular detailed feedback will be provided to the employee.
- 9.5 If, at the end of the improvement period, the required improvements have not been achieved or there are further issues of concern, a second formal management meeting will be held.

10. Second formal management meeting

- 10.1 The employee should be given a minimum of 3 working days' notice of the meeting, in writing, and may be accompanied at the meeting by a trade union representative or willing work colleague.
- 10.2 The purpose of the meeting is to consider in detail the employee's under-performance/conduct/attendance and to make a decision regarding the continued employment of the employee.

11. Possible outcomes

11.1 The school will consider the individual circumstances and decide on the appropriate course of action. Possible outcomes could include one or more of the following:

- To make temporary adjustments as appropriate
- To arrange further training and development, coaching and mentoring
- To agree further support or additional help
- To agree and instigate a further improvement plan
- To extend the probationary period*
- To terminate the employment*

*In all cases where an extension to the probation period or termination of employment is being proposed, advice should be sought from the HR advisory team.

11.2 The outcome of the meeting will be confirmed in writing to the employee.

12. Extension of Probationary Period

12.1 In exceptional circumstances, and where justified by the available evidence, it may be appropriate to extend the probationary period by up to 3 months if:

- Through absence, or any other reason, it has not been possible to assess performance.
- There is evidence to suggest that performance is likely to improve to an acceptable standard within a reasonable timescale.

12.2 In all cases where probation is extended the following must be discussed between the manager and the employee and must be confirmed in writing:

- The reason(s) for the extension.
- Any support/training that will be offered in the extension period.
- The period of the extension, the standards expected, and the way in which performance will be monitored.

12.3 The employee will be advised, in writing, that if performance does not improve sufficiently by the end of the extension, that consideration will be given to terminating the contract of employment.

13. Termination of employment

13.1 Where it is evident very early that an employee's work performance, conduct or attendance is not going to improve sufficiently to meet the expected standard, then the employment may be terminated, with the appropriate notice, before the expiry of the probationary period.

13.2 Employment can be terminated, within the probationary period, with one weeks' notice. The employee should be advised of the reasons for the decision and given the appropriate period of notice and a letter should be sent to the employee within five working days of the meeting to confirm the outcome and the last day of service.

14. Right of appeal

14.1 For all new employees to the school where there is no continuity of service with a previous employer and the employee is subject to a probationary period of service, there is no right of appeal.