



# **Marish Academy Trust Probationary Procedure For Support Staff**

**(Reviewed September 2019)**



## Contents Page

<b>Section</b>		<b>Page</b>
<b>1.</b>	<b>Scope</b>	<b>3</b>
<b>2.</b>	<b>Policy and Purpose</b>	<b>3</b>
<b>3.</b>	<b>Probationary Period</b>	<b>3</b>
<b>4.</b>	<b>The Probationary Process</b>	<b>3</b>
	<b>4.1</b>	<b>The Probationary Review Meetings</b>
	<b>4.2</b>	<b>Extension of the Probationary Period</b>
	<b>4.3</b>	<b>Successful completion of the Probationary Period</b>
	<b>4.4</b>	<b>Failure to complete the Probationary Period</b>
		<b>a) External Appointments</b>
		<b>b) Internal Appointments</b>
		<b>c) Final Review Meeting</b>
		<b>d) Appeal</b>
<b>Appendix 1</b>	<b>Induction Checklist</b>	<b>7</b>
<b>Appendix 2</b>	<b>Probation Report (10 Week)</b>	<b>12</b>
<b>Appendix 3</b>	<b>Probation Report (18 Week)</b>	<b>15</b>
<b>Appendix 4</b>	<b>Extension of Probationary Period</b>	<b>18</b>
<b>Appendix 5</b>	<b>Notification of Final Review Meeting</b>	<b>19</b>
<b>Appendix 6</b>	<b>Dismissal following unsatisfactory probation</b>	<b>20</b>

## **1. Scope**

This procedure applies to all new support staff in schools and academies. It does not apply to teachers.

For academies, all reference to Headteacher should, where appropriate be replaced with Principal/Head of School, all reference to the Governing Body should where appropriate be replaced with the Academy Trust, and all reference to school should where appropriate be replaced with Academy.

The recognised trade unions have been consulted.

## **2. Policy and Purpose**

The main purpose of a probationary period is to allow the Academy Trust to assess the capabilities and conduct of the employee and for the employee to decide whether or not the job and the employer match up to expectations. It is therefore a useful tool for both parties.

Given the continuing pressure on schools to maximise efficiency and the increasing legislative requirements imposing higher standards on employers in the way in which staff are treated, it is more important than ever that probationary periods are used correctly, with the aim of ensuring the successful induction of new support staff into their jobs.

If probationary periods are to be effective, they need the active and positive involvement of the employer, especially the new employee's line manager or supervisor. This involvement is not just about identifying shortcomings in the new employee's performance. The line manager is also responsible for presenting the employee with opportunities to discuss his or her work concerns — and for dealing with these concerns so as to avoid the employee leaving at or before the end of the probationary period.

This procedure is provided to enable the line manager/Headteacher to identify any shortcomings that are evident in the employee's performance, and to explain and agree a strategy to overcome these deficiencies within a supportive environment. The aim of the process is to ensure that the new employee is performing at the appropriate level of competence and efficiency by the end of the probationary period.

## **3. Probationary Period**

The probationary period is for a period of 6 months with the possibility to extend up to a maximum period of 12 months.

## **4. The Probationary Process**

At the outset, and prior to the advertisement of the post, it is expected that:

- 1 The manager would have given serious consideration to the content of the person specification for the job, and
- 2 The successful candidate would have been assessed against that specification at interview

In cases where, although the best candidate, the employee is deficient in one or more key areas of the specification, the manager should ensure that the necessary support is provided to the employee to overcome or address the problem. This may take the form of training, additional supervision for a period, structured discussions or whatever is necessary and reasonable to ensure a successful appointment.

The employee should receive a suitable induction (see Induction checklist at Appendix 1) and have the tasks and objectives of the job explained within a suitable environment. Managers should avoid leaving the new employee to deal with situations which have not been properly explained and the new employee should have one or more contacts to refer to in case of unfamiliar circumstances arising.

As soon as possible after appointment, the manager should agree with the employee an appropriate performance and development plan. This should take account of the need for the employee to familiarise themselves with their new role.

#### **4.1 The Probationary Review Meetings**

The manager should hold an assessment meeting with the employee at 10 and 18 weeks. The employee should be given feedback of their progress at these meetings. The relevant Probation Report (Appendices 2 and 3) should be completed following each assessment meeting and a copy of this should be given to the employee with the opportunity to add comments on their copy which they should return to the manager. Any comments made by the employee should be considered seriously and acted upon where this is appropriate.

It is important to bear in mind that any concerns about the employee's performance, attendance or conduct is dealt with as soon as possible after the event and not to store all these issues to be discussed at the probationary meeting. This is so that any areas of concerns which are discussed at the probationary meetings do not come as a surprise to the employee.

#### **4.2 Extension of the Probationary Period**

In most cases, it would be expected that the employee would be confirmed in their appointment within the six month period. However, there may be occasions that arise where an employee has not reached the appropriate standard at the end of that time, but the manager considers that an extension of the probationary period may result in any identified problems being overcome. Where this situation arises, the employee should be left in no doubt that failure to improve to the standards required is likely to result in dismissal. Assessment meetings should continue to be arranged at intervals of not more than 8 weeks until the action to be taken is clear.

An extension can be for a further 3 months or less but should be no more than six months in total. Under no circumstances should the probationary period be extended beyond one year. Where the period is extended, it is important to set out the terms of the extension in writing (Appendix 4), making clear:

- In what ways the employee's performance has fallen short of the standards required
- The length of the extension
- The performance standards that must be met within the set period
- The outcome if the performance fails to reach the standards required i.e., dismissal

Where the employee has a disability which falls within the definition of the Equality Act, the manager will be required to make any reasonable adjustments that may be necessary in making any final assessment as to the suitability of the employee for the post. Where necessary, advice from Occupational Health should be obtained to identify these reasonable adjustments.

Managers should be aware that there is a requirement to provide paid notice to terminate employment and that employment protection rights in respect of unfair dismissal are available once an employee has completed two years' continuous service. It is important therefore that where a manager recognises there are issues with an employee's performance or attendance, and measures of support which has been put in place has not brought about an acceptable level of improvement in standards, any action as indicated under 4.4 below is instigated at the 18 week assessment meeting i.e., extension of the probationary period or final review meeting to consider termination of contract. Schools are advised to seek advice from Schools HR at this stage.

#### **4.3 Successful Completion of the Probationary Period**

Where the employee has successfully completed the probation period, the manager should confirm this at the 18 week assessment and complete the Probation Report to indicate the same.

#### **4.4 Failure to Complete the Probationary Period**

##### **a) External Appointments**

In the event that an employee does not successfully complete their probationary period, the guidelines for dealing with dismissals set out below will be applied. In cases of poor attendance due to sickness absence, it will be expected that the Managing Attendance Policy will be applied, but managers are not expected to have exhausted that procedure before dismissal on these grounds has taken place.

##### **b) Internal Appointments**

Where an internally appointed staff **member** has more than two years' continuous service with the school and/or the relevant local authority, then the manager should apply the Capability and Managing Attendance procedures as appropriate to deal with issues of performance and sickness absence respectively. In such cases, the guidelines below will not apply.

##### **c) Final Review Meeting**

Where the manager is of the view that the employee has not met the required standards and/or attendance, despite reasonable efforts having been made to correct the problem, a final review meeting will be arranged. The employee will be given written notice of at least **5 working days** of the final review meeting and the individual will be advised that dismissal will be considered as a possible outcome of that meeting. The employee will have the right to be accompanied by a trade union representative or a work colleague to the meeting. Where the employee is not a member of a trade union and is unable to find a suitable work colleague to support them, they can make a request to the school to bring a friend.

The Headteacher who has the delegated authority to dismiss should meet with the employee and the employee's representative and if the line manager is anyone other than the Headteacher, then they will be in attendance to present the case.

The Headteacher should review the employee's performance and attendance record and the employee should be given the opportunity to respond to any questions of poor attendance, incapability or misconduct, before any decision is made to extend the probationary period or dismiss the employee.

The decision will be confirmed to the employee in writing within **5 working days** of the meeting. Where the decision is to dismiss, the letter will inform the employee of their right to appeal against the decision.

#### **d) Appeal**

If the employee wishes to appeal against the decision to dismiss, they must submit the appeal in writing within **10 working days** of receiving the letter notifying of the decision to dismiss.

The Headteacher will set up an appeal meeting as soon as possible after receiving notification of the appeal letter from the employee. The employee will be given **5 working days** notice of the meeting and they will have the right to be accompanied by a trade union representative or a work colleague. Where the employee is not a member of a trade union and is unable to find a suitable work colleague to support them, they can make a request to the school to bring a friend.

The appeal should be heard by someone independent who has not been previously involved in the case i.e., chair or vice-chair of the governing body. It would be advisable to have at least two members on the Appeal Panel. The Headteacher would be responsible for presenting the case. In the papers for the consideration of the panel, the Headteacher should include a management report indicating the history of the case and to include what means of support have been put in place to address the issues, dates of the probationary assessment meetings with the assessment reports, rationale for the decision to dismiss. This paperwork should be sent to the employee with the letter notifying them of the Appeal Meeting.

The outcome of the Appeal Meeting should be confirmed to the employee within **5 working days** of the meeting.

Refer also to the Induction Policy and Procedure.

## 1. Revision History

Version	Date	Author	Comments
1.0	Oct 2019	HT	Reviewed by all staff

## 2. Approval History

Version	Approved	Comments
1.0	October 2019	<b>Agreed by Governing Body – October 2019</b>

## Appendix 1

### Induction check list for permanent staff

*This induction check list should be completed with the line manager.*

<b>Name of employee:</b>	
<b>Start date:</b>	
<b>School:</b>	
<b>Name of line manager:</b>	
<b>Line Manager - action required</b>	<b>Before starting</b>



<p><b>1. Upon appointment</b></p> <ul style="list-style-type: none"> <li>❖ Workstation / workplace equipped</li> <li>❖ ICT equipment is working and networked passwords are in place</li> <li>❖ Networking: <ul style="list-style-type: none"> <li>▪ Relevant people / groups are identified</li> <li>▪ Relevant diary dates are recognised</li> <li>▪ Inform team of employees' details</li> <li>▪ Contact Facilities to make ID appointment</li> </ul> </li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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	1 <sup>st</sup> Day	Within 1 <sup>st</sup> Week	Within 1st Month
<p><b>2. Initial reception</b></p> <ul style="list-style-type: none"> <li>❖ Disabled access to work area, if applicable</li> <li>❖ Introduction to immediate colleagues</li> <li>❖ Child Protection and Safeguarding procedures explained and online assessment completed</li> <li>❖ Staff facilities indicated e.g. <ul style="list-style-type: none"> <li>• Car parking arrangements</li> <li>• Smoking policies</li> <li>• Facilities for people with disabilities</li> <li>• Confirm payroll arrangements</li> <li>• Refreshment facilities</li> <li>• Security arrangements</li> </ul> </li> </ul>	<input type="checkbox"/>                	<input type="checkbox"/>	
<p><b>3. Health and safety</b></p> <ul style="list-style-type: none"> <li>❖ Responsibilities under the Health and Safety at Work Act</li> <li>❖ School Health &amp; Safety policies explained</li> <li>❖ Fire / bomb evacuation procedures explained</li> <li>❖ Hazards identified and protective measures to be taken, risk assessments explained</li> <li>❖ Workstation assessment conducted (in conjunction with Line Manager/H&amp;S co-ordinator) (if applicable)</li> <li>❖ Procedures for dealing with assaults at work explained</li> <li>❖ Safety equipment explained</li> <li>❖ Accident / incident reporting systems explained</li> <li>❖ First aid arrangements explained</li> </ul>	<input type="checkbox"/>                        	<input type="checkbox"/>           	<input type="checkbox"/>

	1 <sup>st</sup> Day	Within 1 <sup>st</sup> Week	Within 1st Month
<b>4. Conditions of service</b> <ul style="list-style-type: none"> <li>❖ Probationary period</li> <li>❖ Annual leave (for staff employed all year round)</li> <li>❖ Sickness</li> <li>❖ Flexible working practices (if applicable)</li> <li>❖ Season ticket loan (if applicable)</li> <li>❖ Out of hours working (if applicable)</li> </ul>		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<b>5. Outline introduction to the job</b> <ul style="list-style-type: none"> <li>❖ Introduce the tasks and responsibilities of new post</li> <li>❖ Further introduction to the teams' systems</li> <li>❖ Explanation / demonstration of relevant equipment</li> <li>❖ Relevant other staff in the team / school introduced and contacts made</li> <li>❖ Authorised signatories created, where appropriate</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

	1 <sup>st</sup> Day	Within 1 <sup>st</sup> Week	Within 1st Month
<b>6. Learning and development</b>  ❖ Initial mentoring and support arrangements in place  ❖ Awareness of the performance assessment process i.e., annual appraisal, regular supervision etc.  ❖ Access to other training needs discussed  ❖ Further courses booked if necessary		<input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>    <input type="checkbox"/>
<b>7. Trade Unions</b>  ❖ Informed of recognised trade unions and contact points		<input type="checkbox"/>	
<b>8. Information Communication technology (ICT) Security Guidelines</b>  ❖ Responsibilities under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 explained  ❖ School's ICT Usage Policy/E-Safety Policy explained	<input type="checkbox"/>  <input type="checkbox"/>		

	1 <sup>st</sup> Day	Within 1 <sup>st</sup> Week	Within 1st Month
<p><b>9. School policies</b></p> <ul style="list-style-type: none"> <li>❖ Disciplinary</li> <li>❖ Grievance</li> <li>❖ Capability</li> <li>❖ Special Leave</li> <li>❖ Managing Attendance Policy</li> <li>❖ School's policies on safeguarding children</li> <li>❖ School's child protection policy</li> <li>❖ School's equality and diversity policies</li> </ul> <p>And any other policies and procedures that the school may see relevant. List of Model HR Policies and Procedures are available on the Schools HR Website</p>		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>        <input type="checkbox"/>
<b>10. Team Specific Information</b>			
Manager's signature:	Date completed:		
Employee's signature:	Date completed:		

**PROBATION REPORT - 10 WEEK REPORT - CONFIDENTIAL**

<b>Name of School:</b>	
<b>Name of Employee</b>	
<b>Job Title</b>	
<b>Start Date</b>	

1. Your comments on performance in each of areas listed below should be stated in full and discussed with the member of staff concerned. Areas of weaknesses which are not merely indicative of inexperience should be specified.

- a) UNDERSTANDING/KNOWLEDGE OF JOB AND CAPACITY TO LEARN  
How has this developed.
  
- b) INTEREST IN WORK AND DETERMINATION TO SEE THINGS THROUGH
  
- c) RELIABILITY AND ACCURACY IN CARRYING OUT WORK/INCLUDING ATTENDANCE AND TIMEKEEPING
  
- d) ABILITY TO ORGANISE HIS OR HER WORK AND MEET PLANNED WORK DEADLINES
  
- e) DOES HE/SHE ACHIEVE A SATISFACTORY LEVEL OF WORK OUTPUT
  
- f) WILLINGNESS TO ACCEPT THE RESPONSIBILITIES OF THE JOB
  
- g) EFFECTIVENESS OF WORKING RELATIONSHIPS EG. WITH WORKING COLLEAGUES, CLIENTS OR THE PUBLIC AS APPLICABLE

- h) **TO BE COMPLETED ONLY WHERE MEMBER OF STAFF BEING APPRAISED IS RESPONSIBLE FOR MANAGING AND SUPERVISING A GROUP OF STAFF**
- i) ABILITY TO LEAD, SUPPORT AND MOTIVATE OTHERS
- j) COMMUNICATIONS WITH STAFF
- k) ABILITY TO DELEGATE WORK
- l) WORK PLANNING OF THE GROUP AND USE OF TIME EFFECTIVELY BY THE GROUP

2. WHAT IS YOUR OVERALL ASSESSMENT OF PERFORMANCE FOR PERIOD UNDER REVIEW

- At required standard in all matters
- At a satisfactory standard generally, but with some areas where improvement should be sought
- Below standard in an important matter or matters and not giving general satisfaction.

3. WHAT ARE SPECIFIC AREAS IN WHICH FURTHER IN JOB TRAINING AND GUIDANCE WILL BE GIVEN TO IMPROVE PERFORMANCE

(Details of specific areas and action to be taken must be discussed with the member of staff).

4. DO YOU RECOMMEND THAT HIS/HER EMPLOYMENT SHOULD CONTINUE

- Yes

For a further review at 18 weeks

No

Recommend the matter be considered at a Final Probationary Review Meeting

5. WHAT ARE THE COMMENTS OF THE MEMBER OF STAFF ON THE WAY IN WHICH THE FORM HAS BEEN COMPLETED AND YOUR OVERALL ASSESSMENT

Date of interview .....

6. I have seen and discussed this probation with my Supervisor

Signature of Staff Member .....

Date .....

Signature of Supervisor .....

Date .....

COUNTERSIGNED BY HEAD TEACHER

Signed ..... Date .....

**Appendix 3**

**PROBATION REPORT – 18 WEEK REPORT - CONFIDENTIAL**



<b>Name of School:</b>	
<b>Name of Employee</b>	
<b>Job Title</b>	
<b>Date of Appointment</b>	

1. Your comments on performance in each of areas listed below should be stated in full and discussed with the member of staff concerned. Areas of weaknesses which are not merely indicative of inexperience should be specified.

a) UNDERSTANDING/KNOWLEDGE OF JOB AND CAPACITY TO LEARN  
How has this developed.

b) INTEREST IN WORK AND DETERMINATION TO SEE THINGS THROUGH

c) RELIABILITY AND ACCURACY IN CARRYING OUT WORK/INCLUDING ATTENDANCE AND TIMEKEEPING

d) ABILITY TO ORGANISE HIS OR HER WORK AND MEET PLANNED WORK DEADLINES

e) DOES HE/SHE ACHIEVE A SATISFACTORY LEVEL OF WORK OUTPUT

f) WILLINGNESS TO ACCEPT THE RESPONSIBILITIES OF THE JOB

- g) EFFECTIVENESS OF WORKING RELATIONSHIPS EG. WITH WORKING COLLEAGUES, CLIENTS OR THE PUBLIC AS APPLICABLE
- h) **TO BE COMPLETED ONLY WHERE MEMBER OF STAFF BEING APPRAISED IS RESPONSIBLE FOR MANAGING AND SUPERVISING A GROUP OF STAFF**
- i) ABILITY TO LEAD, SUPPORT AND MOTIVATE OTHERS
- j) COMMUNICATIONS WITH STAFF
- k) ABILITY TO DELEGATE WORK
- l) WORK PLANNING OF THE GROUP AND USE OF TIME EFFECTIVELY BY THE GROUP

2. WHAT IS YOUR OVERALL ASSESSMENT OF PERFORMANCE FOR PERIOD UNDER REVIEW

- At required standard in all matters.
- At a satisfactory standard generally, but with some areas where improvement should be sought.
- Below standard in an important matter or matters and not giving general satisfaction.

3. WHAT ARE SPECIFIC AREAS IN WHICH FURTHER IN JOB TRAINING AND GUIDANCE WILL BE GIVEN TO IMPROVE PERFORMANCE

(Details of specific areas and action to be taken must be discussed with the member of staff).

4. DO YOU RECOMMEND THAT HIS/HER EMPLOYMENT SHOULD CONTINUE

Yes

- a) Satisfactory completion of the probationary period and appointment confirmed.

b) With an extension to the probationary review period of (insert period of extension which can be up to 6 months) ..... to end on ..... (date)

No

Recommend the matter be considered at a Final Probationary Review Meeting

5. WHAT ARE THE COMMENTS OF THE MEMBER OF STAFF ON THE WAY IN WHICH THE FORM HAS BEEN COMPLETED AND YOUR OVERALL ASSESSMENT

Date of interview .....

6. I have seen and discussed this probation with my Supervisor

Signature of Staff Member ..... Date .....

Signature of Supervisor ..... Date .....

COUNTERSIGNED BY HEAD TEACHER

Signed ..... Date .....

#### Appendix 4

#### Extension of Probation Period

Dear

I refer to your 18 week probationary meeting on (enter date of meeting).

As discussed at the meeting I was unable to confirm your appointment as (enter job title) due to reasons given below:-

*(State areas where standards are not being met)*

With a view to giving you more time to achieve the level of standards required in the areas mentioned above, I would like to extend your probationary period for a further (state period of extension) to end on (enter date). During this time your performance will continue to be monitored.

I must inform you that if at the end of this period you fail to meet the required standard consideration will be given to your dismissal on the grounds of failed probation.

Yours sincerely,

Headteacher

**Letter 3 – Notification of Final Review Meeting**

Dear

I refer to your 10/18 week probationary meeting on (enter date of meeting).

As discussed at the meeting I was unable to confirm your appointment as (enter job title) due to reasons given below:-

*(State areas where standards are not being met)*

This is despite the measures of support put in place to help you achieve the required standard. This has been as follows:-

*(State what has been done over the period to help the employee to reach the required standard)*

In the circumstances I would like you to attend a Final Review Meeting on (date), at (time) at (place) with (Headteacher) who will review your performance and/or attendance record and you will be have the opportunity to respond to any questions of poor attendance and/or incapability. You are entitled to be accompanied to this meeting by a trade union representative or a work colleague.

I must inform you that following the review, dismissal will be considered as a possible outcome of the meeting.

Yours sincerely ,

**Dismissal following unsatisfactory probation period**

Dear

Further to our meeting on (enter date), I am writing to confirm that, having reviewed your situation, I have no option but to confirm that you have not satisfactorily completed your probation period and that we are unable to continue your employment with the school with effect from (enter date)

In making my decision, I took into account the following points:-

*(state the facts of the case and the reason for the decision)*

If you wish to appeal against this decision you must submit your appeal in writing to me within 10 working days of receiving this letter. It is your choice whether you would like your appeal to be heard through a further meeting or through the submission of a statement. You will have the right to be accompanied to this meeting by a trade union representative or a work colleague.

In line with your Contract of Employment, you are entitled to receive one month's paid notice and this will be paid in lieu of notice and will be credited to your bank account in the normal way.

I would like to thank you for choosing to work for ..... School and your efforts since joining us and wish you every success for the future.

Yours sincerely

Headteacher