

Barking & Dagenham

Schools Probationary Procedure for Support Staff

Barking &
Dagenham



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School/Academy Name:	
Date of Adoption:	
Chair of Governors Signature:	
Head Teacher Signature:	

The Schools HR Advisory Service will automatically update this Policy/Procedure to comply with any changes to legislation or ACAS guidance, to make corrections or increase the understanding and notify schools of the amendments.

The Probationary Procedure for Schools – Support Staff

Employment Information

The Schools HR Advisory Service will automatically update this Policy/Procedure to comply with any changes to legislation or ACAS guidance, to make corrections or increase the understanding and notify schools of the amendments

Community and Voluntary-controlled Schools using Human Resource providers other than the Local Authority recognised service provision must ensure that the Local Authority is notified in where there is the possibility of dismissal. Said provider must adhere to this agreed Procedure in full, when providing support.

In cases, where dismissal is a possibility and a hearing is being scheduled, the Local Authority should receive notification prior to all hearings; as the Local Authority is the employer and only the employer can terminate an employee's employment, as if we do not you could receive a claim for Wrongful Termination/Dismissal (Wrongful dismissal is a breach of employment contract by the employer. It also occurs when employment is terminated in breach of the terms of the contract. And unlike unfair dismissal, there is no qualifying period of service needed to bring a wrongful dismissal claim.) from an Employment Tribunal.

Where a School does not buy into the Schools HR Advisory Service (LBBD) charges are likely to apply.

Introduction

This procedure should only apply to support staff who have NO previous Local Government service and should be subject to the satisfactory completion of a probation period of up to 6 months. Staff on non-standard work patterns may require a pro-rata/alternative period.

For external applicants (and are new entrants to Local Government) the formal probation process will apply. This means that they must complete the probationary period successfully before their appointment is confirmed as permanent.

For internal applicants (or external applicants that have continuous Local Government service) an assessment and monitoring process will be undertaken that will follow the same framework as the formal probationary process. The confirmation of appointment is not subject to this assessment process. However, failure to meet the required standards will be managed through the School's Capability Policy/Procedure.

The Probationary Period may in **exceptional circumstances be extended** (e.g., the interruption of the normal probation period by absences such as extended sickness and maternity) **or terminated at any time**, with the appropriate notice.

The Process

It is the responsibility of the School to ensure new employees are met within in the first 5 days of the start of employment to ensure that they have an induction and are:

- made aware of the required standards of knowledge, conduct and performance;
- informed of the additional support and guidance available to them during their induction; and
- made aware of the probationary process and the timescales for the review meetings *. The managers must agree at the outset the dates for regular monthly meetings and probationary reviews at:
 - 6 weeks
 - 3 months
 - 4½/5 months (4½ especially where there is a possibility of termination)

The Probationary Period may in exceptional circumstances be terminated at any time e.g., where for reasons of capability, conduct or attendance etc., it is clear that the employee will not be able to complete satisfactorily the Probationary Period, you will need to ensure that the employee has been informed and that the relevant evidence is available.

In this situation, the school must seek advice from their Human Resources and then a meeting will be arranged with the Head Teacher, the Line Manager and the employee etc., as detailed in Non-Confirmation of Probation.

The Line Manager should meet with the employee on a monthly basis and take a note of the main points discussed. These notes may be used at a future date and should be made available to the employee and their representative if formal meetings are necessary.

Any concerns as to the employee's work should be raised with the individual as soon as they arise and not left until the probationary review meetings.

First Report (6 weeks)

The line manager **should** meet with the employee by the end of the 6th week to review their progress and complete the First Report e.g., that the employee:

- is progressing well and there are no areas for concern;
- or has achieved some of the required standards for the post but there are areas for development *;
- or has not made sufficient progress in the role *.

* The Line Manager must seek advice from their Human Resources (Provider) in these cases.

Second Report (3 months)

The Line Manager should conduct a further review with the employee by the end of the 3rd month and complete a Second Report outlining their progress e.g., the employee:

- is progressing well and there are no areas for concern; or
- has achieved some of the required standards for the post but there are areas for development *;
- or has not made sufficient progress in the role *;
- or has not made satisfactory progress and the probationary period should be terminated early *.

* The Line Manager must seek advice from their Human Resources (Provider) in these cases. Where it is recommended that the probation period be terminated early, a meeting will be arranged with the Head Teacher, Human Resources, the Line Manager and the employee as detailed in Non-Confirmation of Probation.

Third Report (4 1/2 /5 months depending on the possibility of termination)

The Line Manager should conduct a further review with the employee by the end of the 5th month (4½, where there is the possibility of termination to ensure that notice is given, so that the employment ends prior to the end of the 6th) and complete a Third Report outlining their progress. This Report should make one of the following recommendations:

- the employee is deemed to have fully satisfied the requirements of his/her probation and the appointment should be confirmed.
- there are concerns regarding the employee's suitability for the post and confirmation of appointment is not recommended at this stage, you may decide to extend the probationary period.
- the employee has not made satisfactory progress and the appointment should not be confirmed.

If the probation has been satisfactorily completed, the Head Teacher should confirm the appointment (a template letter can be provided).

Where there are concerns regarding the employee's suitability for the post, a meeting should be arranged with the individual to address the areas of concern highlighted in the Report; in these cases, an extension to the probation period should be considered.

In the most serious cases where it is recommended that the appointment should not be confirmed, a meeting will be arranged with the Head Teacher, Human Resources, the Line Manager and the employee, as detailed in Non-Confirmation of Probation.

Conduct of Probation Meetings

Where there are concerns as to the employee's progress, it may be necessary to arrange a meeting with the Line Manager and a Human Resources representative. In these cases, the employee should be given a minimum of 5 working days' notice (excluding school closures) of the meeting and the arrangements confirmed in writing, along with details of the areas of concern and the right to be accompanied by a trade union representative or work colleague.

At the meeting, the Line Manager will present evidence of their concerns and may refer to notes taken at the monthly reviews. The individual will be given the opportunity to comment and raise any concerns about the issues identified. The outcome of the meeting, including details of the improvement required and any support to be provided etc. will be confirmed in writing.

Extension of the Probationary Period

The School may authorise an extension to the probation period of up to 3 months to give additional time for the employee to demonstrate competence in their post and for the Line Manager to make a final assessment.

Where the probationary period is to be extended, the reasons for this and the duration of the extension will be explained to the employee and confirmed in writing. Where appropriate, additional support tailored to the particular circumstances will be provided.

Before the end of the period of extension, a final report should be prepared as set out above under Third Report above. The final report will be sent to Human Resources with a recommendation to either confirm or not confirm the appointment. A further extension of probation will not normally be an option.

No incremental progression should be permitted subsequent to a decision to extend the probation of any member of staff for reasons of poor performance until satisfactory completion of probation requirements.

Non-Confirmation of Probation

Where the Final Probation Report recommends non-confirmation of probation, a meeting should be arranged between the Head of Service, a member of Human Resources, the Line Manager and the employee.

The employee should be given a minimum of 5 working days' notice (excluding school closures) of the meeting and the arrangements confirmed in writing, along with details of the areas of concern and the right to be represented by a trade union representative or work colleague. At the meeting, the recommendation of the Line Manager will be fully explored and the employee given the opportunity to respond.

At the end of the meeting, the Head Teacher may take one of three courses of action. These are:

- not to confirm the employee in post i.e., to dismiss the employee.
- to make a final extension of the probation period of no longer than three months. Before the end of this period, the meeting will be re-convened at which a final decision will be made.
- to confirm the employee in the post.

The employee will have the right of appeal against a decision to extend the probationary period or not to confirm their appointment (dismissal). If the employee wishes to appeal, they must write to the chair of governors stating the grounds of the appeal, within 10 working days' notice (excluding school closures) of the date of the letter confirming the decision.

The employee should be given a minimum of 5 working days' notice (excluding school closures) notice in writing of the Appeal meeting taking place, where they may be accompanied by a trade union representative or work colleague. At the Appeal, the employee shall be given the opportunity to present their reason(s) for appealing against the decision of the Headteacher who will also be present to respond to any points raised.

If the employee is not confirmed in post, payment will be made in lieu of notice and for any outstanding annual leave.

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