

# **St Oswald's C of E Primary School**

## **Probationary Policy and Procedure for School Support Staff**

**(BASED ON LEEDS CITY COUNCIL MODEL)**

**Adopted by St. Oswald's C of E Primary School Governing  
Body on 29 November 2021**

**To be reviewed by Governors - November 2024**

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## 1. The Policy

The probationary policy and procedure provides school governing bodies with a framework for Headteachers and reviewers to support new employees to reach the required standards of performance, conduct and attendance. Under the principles of safer recruitment, the school will also continue to monitor whether a probationer displays the appropriate values and attitudes towards children and young people.

In most cases the probationary period will be over 6 months.

Headteachers may wish to delegate the monitoring of the probationary period to a senior member of school staff, or an appropriate line manager (**the reviewer**). It should be noted that where the Headteacher is the reviewer, the formal probationary meeting must be chaired by a member of the schools governing body (see Formal Probationary Meeting).

During the probationary period Headteachers or the reviewer must provide the necessary information, training and support to help new employees perform to the required standard

The probationary period also allows time for new employees to learn about their role, to demonstrate how they, as an individual, can contribute to the aims and ethos of the school and to show that they have the skills necessary to carry out the role for which they have been recruited.

Through the probationary period both the school and the individual have an opportunity to raise and address any concerns as soon as they arise.

### 1.1 Key Principles

The following principles will apply in all cases:

- Appointments will be made subject to the satisfactory completion of a six month probationary period
- Headteachers or reviewers will support school staff to help them achieve the required standards by ensuring review meetings are held to discuss progress and identify any areas where further instruction and/or training is required.
- In exceptional circumstances for example, following a serious safeguarding breach or where there are significant capability issues, or absence without leave (AWOL), if it becomes clear to the Headteacher or reviewer that an employee will not be able to reach the standard required, (even with further instruction and/or training), consideration should be given to referring the employee to a formal probationary meeting.
- Disabled employees may require adjustments to support them in their new role. These should have been discussed as part of the recruitment process but in any event need to be discussed and reviewed at the beginning of and during the probationary period.

- If the probationary period is interrupted by maternity/parental/adoption leave, it will be extended by an equivalent period to ensure completion of a full 6 month probation period, to ensure that a fair assessment is carried out.
- Employees are entitled to be accompanied or represented by a trade union representative or work colleague or friend not acting in a legal capacity at the final review meeting and formal probationary meeting.
- By adopting this policy the school's governing body delegate the responsibility to the Headteacher to terminate the employment contract for staff who fail to successfully complete their probationary period.

## 1.2 Scope

This probationary policy applies to all **support staff** employees (permanent, temporary and fixed term contracts) employed by the school, with the exception of:

- Employees who have successfully completed a probationary period in a similar role within the same, or another school or local authority (or within any organisation recognised under the Modification Order, 1999);
- Employees who have at least 24 months continuous service (from any organisation recognised under the Modification Order, 1999);
- Employees or trainees on training/apprenticeships where their specific training agreement modifies part, or all, of this procedure;
- Casual staff;
- TUPE transfers.

For those employees not in scope of the Probationary Policy, Headteachers must put in place an induction plan that ensures new starters have access to the appropriate support and training. New employees should have a clear understanding of the expectations of the role, access to all school policies and procedures and to IT and other equipment to enable them to carry out their role effectively. All staff must also carry out the safeguarding and child protection training relevant to their role.

## 1.3 Representation

All employees will have a right to be accompanied by a trade union official, work colleague or friend not acting in a legal capacity at their final review, the formal probationary meeting and appeal. Both the council and its trade unions wish to encourage schools to use informal mechanisms, including one to one meetings between the employee and their manager to resolve any problems at an early stage. Such meetings do not preclude the employee seeking advice in advance from their trade union.

If an employee wants to be accompanied by a trade union representative or work colleague (at the meetings referred to above), it is the employee's responsibility to arrange this. Once appointed, the employee should notify the Headteacher or reviewer who will liaise with the representative or HR as appropriate to arrange mutually convenient times for meetings.

## **1.4 Notification and Postponements**

Employees should be notified in advance of their final review, formal probationary meeting or appeal meeting (see relevant sections). The minimum specified period of notice (five working days for final review and seven working days for formal meetings and appeals), should be given to allow the employee time to arrange for a trade union official, work colleague or friend not acting in a legal capacity to accompany them, and to prepare for the meeting.

Employees should take all reasonable steps to attend meetings under these procedures. An employee who cannot attend a meeting should inform their Headteacher or the reviewer in advance whenever possible and provide an explanation as to why they cannot attend. The meeting may be postponed, and the school may propose another date, not normally more than five working days after the date originally proposed. This may be extended in special circumstances by mutual agreement.

Where an employee fails to attend a meeting held as part of this procedure without good reason the meeting may be held in their absence.

## **2. The Formal Probationary Process**

### **2.1 Induction**

All support staff in schools should receive an effective induction to their new role, normally within the first week of their employment. This should be carried out by the staff member's manager who should:

- Organise an induction plan which takes into account the operational needs of the school and the individual circumstances of the employee and their learning needs.
- Go through the job description to ensure the employee understands the tasks and responsibilities of the job as well as expectations about values, behaviours and standards, including performance, conduct and attendance.
- Discuss any reasonable adjustments required for a disabled employee to assist them in carrying out their role.
- Where appropriate, establish and explain the employee's targets and dates for achieving these. These need to be specific, realistic, achievable, and measurable.
- Agree what actions will be undertaken to assist the employee to reach and maintain the required standards of work and any targets. This could include training, supervision or mentoring.
- Agree who will be responsible for each action.
- Agree regular review dates during the probationary period (approximately every 4-6 working weeks) to meet and discuss progress and any areas of concern for either party.

The employee needs to be made aware of the probationary procedure and whilst every

effort will be made to support them to meet the required standards, failure to do so may result in their employment being terminated.

## 2.2 Reviews

During the probationary period, regular reviews should be held as part of the normal induction and supervisory process. **In all cases there should be at least three review meetings, including the final review, in addition to the induction meeting** and any one to one or supervision meetings which may also be in place.

The review should focus on the overall job performance of the employee, including conduct, behaviour, timekeeping and attendance. Aspects of performance which are at, or above, the required standard, as well as those areas which are below standard should be discussed. Headteachers or the reviewer must be specific about the areas for improvement and any additional training or support that will be provided to help the employee reach the required standard. A timeframe should be set in which the unacceptable issue should improve/reach the required standard

A summary of the main points of discussion should be recorded along with any items for action, either by the employee or manager. This can be done using the pro-forma at Appendix A or normal supervision notes.

## 2.3 Final Review

The final review should be held before the end of the six month probationary period. If arrangements for the final review have not been made before the end of the six month period (unless for reasonable delays such as absence, or where the final review date falls during a school holiday) the employee will be automatically confirmed in post.

**In cases where performance, attendance, timekeeping or conduct is unsatisfactory, and unlikely to improve, the final review can be brought forward and held earlier than the end of the six month probationary period.**

The purpose of the final review will be to discuss the employee's performance, conduct and attendance during the probationary period. The Headteacher or the reviewer should;

- Discuss the employee's progress;
- Provide examples where the standard has not been reached;
- Review support and training provided during the probationary period.

The Headteacher or the reviewer will confirm the employee into post if they have reached the required standards.

If the Headteacher or the reviewer does not feel the employee has reached the required standard, arrangements will be made, in conjunction with the school's HR provider, for a formal probation meeting to take place.

If the Headteacher or the reviewer feels the employee may reach the required standard with further training and/or support, the probationary period may be extended by 4 working weeks initially and up to a maximum of 8 working weeks. Reviews every 2 working weeks should take place to monitor progress during the extension period. At the end of this period the employee will either be confirmed into post if they have reached the required standards or referred to a formal probation meeting if they have failed to reach

the standards.

The employee should be notified in advance of their final review and informed of their right to be accompanied by a trade union official, work colleague or friend not acting in a legal capacity with a minimum of five working days' notice to arrange this and prepare in advance of the meeting. The employee and their representative must be given copies of any documentation to be discussed at the final review meeting. This advance notice will allow the employee to think about their performance and any questions they may wish to raise.

### **3. Attendance and conduct issues during probation**

#### **3.1 Attendance during the probationary period**

Poor attendance during the probationary period may constitute a failure to perform to the required standards and could prompt the final review to be brought forward.

Although poor attendance will be managed through the probationary procedure, the Schools Managing Attendance Policy and Procedure should be referenced to ensure employees are supported to remain in work wherever possible, including the consideration of reasonable adjustments.

Employees must still have return to work meetings after every period of absence and although they won't enter the formal stages of the school's managing attendance process, attendance should be discussed and documented at review meetings.

#### **3.2 Conduct during the probationary period**

Any minor issues relating to the conduct of the employee should be discussed with the employee as part of the informal monitoring process and raised at the probationary reviews.

Where the conduct of an employee is considered by the Headteacher or the reviewer to be beyond a minor issue and of an unacceptable standard, a formal probationary meeting as described below can be convened without the need to hold a final review.

Although conduct will be managed through the probationary procedure, the School's Model Disciplinary Policy and Procedure should be referenced to ensure employees are treated fairly and consistently. Please seek HR advice where it is believed that misconduct is serious enough to result in the termination of the employee's contract during the probationary period.

### **4. Formal probationary meeting**

If the Headteacher or the reviewer feels the employee has not reached the required standards, then a formal probationary meeting will be convened.

The meeting, chaired by the Headteacher, will be held with the employee and the reviewer (where the Headteacher is not the reviewer). Where the Headteacher has not delegated monitoring, the meeting should be chaired by a member of the governing body but not the chair of governors, who may be required for an appeal meeting

The employee will be notified of the details of the probationary meeting in writing and provided with copies of any documents that will be discussed at least seven working days before the meeting. The employee should submit any documents they wish to refer to no later than three working days prior to the meeting.

The probationary meeting should be held without unreasonable delay whilst allowing the employee reasonable time to prepare their case. The employee is entitled to be accompanied or represented by a trade union official or work colleague. An HR officer may also be present to provide procedural advice to the Headteacher or governor.

The aim of the meeting will be to review the employee's performance, conduct, and attendance against the previously agreed plan and / or targets. The Headteacher or the governor will first explain why they feel the employee has not achieved the required standard of performance, including calling any witnesses. The employee, or representative, will be able to ask questions of the Headteacher or governor and witnesses.

The employee will be provided with an opportunity to explain where they feel they have achieved the required standards of performance, including calling any witnesses. The Headteacher or governor may ask questions of the employee / witnesses. The Headteacher or governor may then ask both parties to provide a summary of their information.

The Headteacher or governor will ensure that a written decision is provided to the employee within 3 working days.

#### **4.1 Outcomes of the meeting**

The Headteacher or governor may decide one of the following outcomes:

- The employee has reached the required standards and they should be confirmed in post
- The employee has nearly met the required standards and the probationary period should be extended usually for 4 working weeks in the first instance, and up to a maximum of 8 working weeks
- The employee has failed to meet the required standards and their employment will be terminated

Where a decision is made to extend the probationary period, following the meeting, a revised action plan may be put in place by the Headteacher or the reviewer and a copy should be given to the employee within five working days of the Headteacher or governor's decision. The employee should be notified of any review and monitoring arrangements during this extension period.

The Headteacher or the reviewer will consider whether at the end of the period **(or during, if appropriate)** a further probationary meeting needs to be held. This will only be necessary where, in the opinion of the Headteacher or the reviewer, the employee has not met the required standards. Where the employee has reached the required standards, they will be confirmed in post.

If a further probationary meeting is required, the Headteacher or governor chairing the meeting may decide one of the following outcomes:

- The employee has reached the required standards and they should be confirmed in post



- The employee has failed to meet the required standards and their employment will be terminated.

Where the decision is made to terminate employment, the letter should inform the employee of their date of dismissal and of their right to appeal against this decision.

## 5. Appeals against dismissal

Any appeal against dismissal must be made in writing to the Chair of Governors within ten working days of receiving the written decision of the probationary meeting officer. Appeals will be arranged without reasonable delay and within 20 working days of receipt of the appeal request wherever possible.

Employees must specify in writing the grounds on which they wish to appeal. The appeal meeting will only consider those grounds of appeal which are submitted.

Appeals against dismissal will be held before a panel of three (non-staff) school governors.

The aim of the appeal meeting will be to:

- Review the reasonableness of the decision to dismiss the employee
- Review the fairness of the process followed.

The appeal meeting panel chair has the following options:

- Reinstatement the employee with an extension to the probationary period
- Reinstatement the employee and confirm them in post
- Confirm the original decision to dismiss the employee.

Where an employee is re-instated with an extension to their probationary period (usually 4 working weeks in the first instance, and up to a maximum of 8 working weeks), a new or revised action plan should be put in place by the Headteacher or reviewer.

The employee should be notified of any review and monitoring arrangements during this extension period. At the conclusion of the extension period (**or earlier if performance does not improve**) the chair of the original appeal meeting will reconsider evidence from both parties on progress. At this stage they may decide one of the following outcomes:

- The employee has reached the required standards and they should be confirmed in post;
- The employee has failed to meet the required standards and their employment will be terminated.

The outcome of the appeal should be confirmed in writing to the employee within five working days giving the reasons for the decision.

The employee has no further right of appeal to the school's governing body.

## Appendix A

### Probationary Period – Employee's Progress Record

|             |  |
|-------------|--|
| Name:       |  |
| Post:       |  |
| School:     |  |
| Start date: |  |

|   |
|---|
| 1. Initial Meeting (normally as part of Induction)<br>Date of Meeting:  |
| 2. Details of any required performance standards / targets (attach copies if appropriate).  |
| 3. Dates of review meetings:  |
| 4. Summarise aspects of performance and/or conduct which are at, or above the required standards / targets.   |
| 5. Summarise aspects of performance and/or conduct which are below the required standards / targets.  |
| 6. Details of any action, support, training provided or planned to help the employee achieve the required standards / targets (include target dates for improvement): |

7. Any additional comments regarding progress, including conduct and attendance.

Employee's signature:

Headteacher or reviewer's signature: