

Probationary Procedure for Support Staff in Schools

Adopted from LBC Personnel Handbook

This procedure applies to employees who are:

- employed on 'Green Book' terms and conditions of service who are new to a Luton Borough Council Community School and do not already have more than 9 months continuous service or
- new to a Voluntary Aided, Foundation School or Academy.

The procedure is designed to help and encourage support staff to achieve and maintain the required standards expected within the school.

It is important that the probation process is undertaken for all eligible support staff, and is applied in a fair and consistent manner. No employee should be treated less favourably than any other person or group because of their age, disability, ethnicity, gender, gender reassignment, HIV status, marital status, sexuality or religious belief.

Whilst the employee is within their probationary period they are not subject to the School's disciplinary, capability or sickness absence procedures. Areas of conduct and concern that require addressing during their probationary period will be addressed through this procedure.

LENGTH OF PROBATIONARY PERIOD

The duration of the probationary period is 9 months. During this period the employee's performance and attendance will be reviewed periodically and subject to the provision of suitable warnings of concerns and opportunity for improvement, their employment may be terminated at any time during the nine-month period if they are deemed to be unsuitable for the employment. The school reserves the right to extend a probationary period in exceptional circumstances.

Regular meetings will be held to provide feedback. Please refer to the attached probationary form for further details.

PROBATIONARY MEETINGS

The probationary form should be completed at every probationary meeting with the employee. The manager and employee should both sign the form at the end of each probationary meeting. If the employee disagrees with the feedback from the probationary meeting then the employee may send in a written submission which will be held alongside the probationary form.

If the line manager and/or employee identify that further additional support and training needs are required to assist the employee in reaching the standards, the school have a responsibility to provide reasonable additional support and training to the employee. Training is not required to be an internal or external course and may consist for example, of shadowing or similar on the job training.

It is essential that the employee is advised in the probationary meetings if there are concerns about their progress or their suitability for the post, that targets are set and a reasonable time allowed to demonstrate improvement prior to a subsequent meeting. The employee must be clearly advised what improvements are required and that should the school deem them not to be suitable/ satisfactory their employment with the school will be terminated.

There may be circumstances in which an employee is not afforded the opportunity to demonstrate an improvement in their performance. If the employee commits an act that may constitute gross misconduct, a fact finding investigation will be undertaken prior to them being invited to a Probationary Review Meeting with the Head teacher at which dismissal would be a possible outcome.

If an employee does not meet satisfactory standards of performance, after support and training has been given and following recorded review meetings, a probationary review meeting will be held with the Head teacher.

PROBATIONARY REVIEW MEETING WITH HEADTEACHER

The employee will be written to giving 14 calendar days' notice of the hearing. A template letter can be found at appendix 2. Any documentation in addition to the Probationary Report which will be referred to by the employees Manager at the meeting will be supplied to the employee 7 days before the hearing. The employee will be expected to provide the Headteacher with a copy of any documentation that they will refer to at the meeting at least 3 days prior to it.

The employee may be accompanied to the meeting by a Trades Union Representative or a workplace colleague. The Head teacher may be accompanied by a HR Adviser.

For community schools, where dismissal is a possible sanction, a representative of the Director of Children and Learning has the right to attend the meeting

If an employee, or their representative, is unable to attend the meeting for reasons that were unforeseeable at the time the meeting was arranged (e.g. illness) then the School will reschedule once. If the employee is unable to attend the re-scheduled meeting, it will convene in the employee's absence. The employee may send written representation, a trade union representative or work colleague on their behalf.

At the meeting each party will be entitled to present their case, and in exceptional cases may call witnesses provided their intention to do so was confirmed within the timescales set out above. The procedure is as follows:

- The manager will confirm the concerns about the employee's performance, attendance and/or behaviour and the support provided.
- The employee or their representative may ask questions of the manager.
- The Head teacher may ask questions of the manager.
- The employee or their representative will respond and present the employee's case.
- The manager may ask questions of the employee.
- The Head teacher may ask questions of the employee.
- At the end of the meeting each Party will have the opportunity to sum up their case. Both Parties will then leave the meeting and the Head teacher will make a decision.

The decision will be confirmed in writing to the employee within 7 days of the Meeting. An employee who is dismissed will be given notice in accordance with their contract of employment and their probationary period will be extended for the duration of the notice period. A template letter can be found Appendix 3.

APPEAL HEARING

An employee who is dismissed will be entitled to appeal against the decision by writing to the Chair of the Governing Body within 7 calendar days of receiving the written confirmation of the decision. The letter must clearly state their grounds for appeal.

The Appeal will be heard by a panel of not less than two governors. The Chair of the Appeal Panel will write to the employee giving 14 days notice, in writing, of the date of the Appeal Hearing. Any documentation that will be relied upon at the Appeal Hearing will be sent to the employee 7 days before the hearing.

The employee must provide the Chair of the Appeal Hearing with a copy any documentation that they will refer to at the Appeal Hearing at least 3 days prior to the Appeal. Only evidence directly related will be considered.

The Manager that attended the Probationary Review Meeting held with the Head teacher may be required to attend the Appeal Hearing. In exceptional circumstances other witnesses may be called.

The procedure to be followed at the Appeal Hearing is as follows:

- The employee will confirm their grounds for appeal and present their case.
- The Head teacher may ask questions of the employee.
- The Appeal Panel may ask questions of the employee.
- The Head teacher will confirm the concerns about the employee's performance, attendance and/or behaviour, the support provided and the reasons for dismissal. (The Head teacher may ask the Manager to confirm the concerns about the employee's performance attendance and/or behaviour and the support provided).
- The employee or their representative may ask questions of the Head teacher/Manager.
- The Appeal Panel may ask questions of the Head teacher/Manager.
- At the end of the meeting each Party will have the opportunity to sum up their case. Both Parties will then leave the meeting and the Appeal Panel will make a decision.

The employee will be informed of the decision reached by the Appeal Panel in writing within 7 days.

PROBATIONARY REPORT

For School Support Staff / 'Green Book' employees

Probation applies to those employees who are either new to a Luton Borough Council community school or new to a VA/Foundation School or an Academy and do not already have more than 9 months continuous service. Employees are advised that their appointment is subject to a probationary period in their contract of employment.

The employee must be made aware at meetings to discuss progress that he/she is on probation and the implications of this for continuing employment. Basic induction procedures must have been carried out. Employees during their nine-month probationary period are not subject to the School's Disciplinary, Capability, Appraisal or Sickness Absence Procedures and thus employees failing to reach standards required in any area of work, conduct or attendance can be dismissed with notice without the school having to follow the above stated procedures. Please contact the Schools HR Team **BEFORE** taking such action. Full notes of any such action should be made on this form.

The assessment necessary to complete this form should be made during an interview with the employee who should sign the form at the appropriate place to indicate understanding of the comments and any action plan and targets and the possible consequences of failure to meet these. A copy of the form should be given to the employee after each probationary appraisal interview.

The form suggests probationary appraisal interviews take place at the 6th, 12th, 20th and 30th week of employment. It is not mandatory that the school adheres to those intervals, nor that the school hold all of the four meetings. What is essential is that employees are advised at a meeting if there are concerns about their progress or suitability for their post, that targets are set and a reasonable time allowed to demonstrate improvement prior to a subsequent meeting and that the employee is clearly advised that should the school deem them not to be suitable / satisfactory their employment with the school will be terminated. *Should two or three meetings take place the final meeting should be recorded on this form at week 30.*

Name of Employee Date Appointed

Post

Title Date Probation Ends.....

EMPLOYEE NAME Add in Date for each week	6th Week	12th Week	20th Week	30th Week
1. Timekeeping				
2. Meeting job requirements				
3. Standard of work				
4. Initiative				
5. Relationship with colleagues				
6. Relationship with superiors				
7. Sickness Record: No. of <u>working days</u> absence during period				
No. of <u>periods</u> absence during period				
Please add extra information on sickness record if required				

Please answer "yes" or "no" to the following questions.

If the answer to any question is "yes", please give appropriate information in the relevant section below:-

	6th Week	12th Week	20th Week	30th Week
8. Has it been necessary to discuss with the employee: (a) any recurring deficiency in the performance of his/her duties? (b) any misconduct?				

12th Week Probationary Appraisal

Manager's Comments:

Employee's Comments

Action Plan and Targets Set (Where appropriate)

.....Manager's signature Date.....

I understand the above comments, action, plan and targets, which have been discussed with me. I understand that failure to achieve these targets to the agreed standards will jeopardise my continuing employment with the school.

.....Employee's signature Date.....

20th Week Probationary Appraisal

Manager's Comments:

Employee's Comments

Action Plan and Targets Set (Where appropriate)

.....Manager's signature Date.....

I understand the above comments, action, plan and targets, which have been discussed with me. I understand that failure to achieve these targets to the agreed standards will jeopardise my continuing employment with the school.

.....Employee's signature Date.....

30th Week Probationary Appraisal

Manager's Comments:

- Employee's Comments

.....Manager's signature Date.....

I understand the above comments. I understand that I may now be invited to a meeting with the Headteacher to determine whether or not I have successfully completed my probation.

.....Employee's signature Date.....

I CONFIRM THAT THE ABOVE MENTIONED EMPLOYEE IS/IS NOT** SUITABLE FOR TRANSFER TO THE PERMANENT ESTABLISHMENT OF THE SCHOOL

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

Headteacher

** Please delete as appropriate

Please attach outcome letter from the meeting with the Headteacher. This document should be kept on the employee's personal file.

APPENDIX 2

Date

Private & Confidential

Addressee Only

Dear

I am writing to invite you to a probationary review meeting with the head teacher. The meeting will be held on **INSERT VENUE, TIME, DATE.**

Employees during their probationary period are not subject to the School's Disciplinary, Capability, Appraisal or Sickness Absence Procedures and thus employees failing to reach standards required in any area of work or conduct can be dismissed with notice.

Please be aware therefore that a possible outcome of the meeting could be your dismissal from your post.

LINE MANAGER'S NAME will attend to present the information from your probationary report and any additional information they consider relevant. I enclose a copy of that information.

You have the right to be accompanied by a workplace colleague or trade union representative at the meeting.

I will be accompanied by **HR REP NAME**, HR Advisor, Luton Borough Council.

Please confirm your attendance to **NAME** by **DATE THREE DAYS PRIOR TO MEETING.** Please supply me with any documentation that you wish to rely upon by the **ADD IN THE DATE THREE DAYS BEFORE THE HEARING.**

Should you neither attend, nor contact the school to request a change of date for the meeting, the meeting will be held in your absence.

You may be dismissed in your absence.

Yours sincerely

NAME

Headteacher

APPENDIX 3

Dear ,

I write to confirm the outcome of the Meeting held on DATE following your Probationary Report. At the meeting the following issue/s was/were considered:

- Your probationary report which whilst it highlighted many positives about your skills, identified a failure to

Your line manager detailed the concerns and the supportive measures taken to enable you to improve your.....

You confirmed.....

After consideration I concluded that this failure to meet a requirement of the job and work to the required standards resulted in your failure to successfully pass your probationary period.

You are therefore dismissed with notice from your post as a POST TITLE. *We agreed that you would not work your notice period.*

You are required to immediately return any keys or property of the school with immediate effect. Please contact NAME to make arrangements for a convenient time.

I have notified the LA of this decision and, in accordance with the School Staffing (England) Regulations 2003 they will advise you formally of this decision, in their role as employer.

You have the right to appeal against this decision. If you wish to do so you should write to NAME, the Chair of the Governing Body, at NAME OF School within 7 calendar days of the date you received this letter. Your letter must clearly state your reasons for the appeal.

Yours sincerely

NAME
Head teacher

Probationary Hearing with the Headteacher Contents Page

Part One

Job Description

Person Specification

Contract of Employment

Part Two

Probationary Procedure

Part Three

Probationary Report

Part Four – FOR CAPABILITY

Evidence of all support provided by the school e.g copies of training, completed forms other documents

Part Five – FOR SICKNESS ABSENCE

Doctor certificates

Return to work completed forms

Any report from OH (IF APPROPRIATE)

This policy will be monitored and reviewed by the Governing Body on an annual basis.

Policy updated: August 2019

Staff responsible: Sally Bacon

This policy was ratified by the Governing body on: 11 September 2019

Signed on behalf of the Governing Body: _____(signature)

_____(printed)