

Probationary Service Policy for Support Staff in Schools

Introduction

1. Any support staff employee who is a new entrant to Local Government Service is subject to a probationary period of 6 calendar months. During this period, the new employee is expected to demonstrate his or her suitability for the job in terms of conduct and professional capability.

An employee who joins the school with continuous service who is promoted, transferred or relocated to a post within the School should receive appropriate induction into the role.

2. The purpose of the Probationary Period is to ensure that the employee is performing to the required standard and that the employees conduct is satisfactory. Individual counselling, advice and training should be given to all employees in order to make the required performance and conduct standards of the job clear and to help to achieve these. The employee must meet the requirements of the role as outlined by the job description, contract of employment and the policies, terms and conditions. Schools may use colleagues and work buddies to help induct employees into the role; however the employee's line manager is responsible for managing performance.

Absence from work may be an issue that impacts on a satisfactory probationary period. This could be either because the ability to attend on a regular basis impacts fundamentally on the role; or because it has not been possible to adequately assess the performance due to the amount of time away from work. In either case a referral to the Occupational Health Service should be undertaken to understand how any health issues may impact on the employee's ability to perform in the role.

3. At any time during the probationary period, if the employee is failing to reach the required standards of performance in executing his or her duties and responsibilities. The employee should be asked to attend a formal review meeting with the Headteacher or line manager. The employee has the right to be accompanied by a trade union representative or work colleague. The areas where improvement is required should be made clear and fully discussed. The employee's views should be sought and taken into consideration. Appropriate counselling, advice and training should be identified and arranged.

Formal reviews

4. At all formal stages of the probationary procedure the employee has the right to be accompanied, this would usually be a trade union representative, or a work colleague.

3 Month Review Meeting

The employee's performance should be formally reviewed at 3 month's service or earlier if appropriate.

- The employee's performance to date should be discussed with him or her;
- If there are any issues then any areas should be outlined where improvement is necessary
- Appropriate support should be identified.
- A summary of the points covered in the review should be given in writing to the employee and a copy kept on the personal file for future reference.

The employee should be encouraged to make an active contribution to the review and to bring any difficulties they are experiencing to the attention of the manager. Where there are major concerns identified, it may be necessary to move immediately to a final review period for improvement after which a decision will be taken as per paragraph 5.

If serious concerns are identified at this stage, the Schools' HR team should be contacted for advice.

5. **5 Month Review Meeting**

Normally at 5 months after the start date and certainly before the 6 months' probationary period is completed, the employee's performance must be reviewed again and a meeting held.

- The employee's conduct and professional capability should be reviewed and discussed.
- Any previous action points should be considered;
- If there are any issues then any areas should be outlined where improvement is necessary
- Appropriate support should be identified.

A decision then needs to be made as follows:

- (a) Where there are no issues of concern, a decision is taken that the probationary period has been completed satisfactorily and the employee should be informed by the Headteacher or line manager in writing as soon as possible.
- (b) Where some concerns exist, a decision is taken by the Headteacher or line manager to extend the employee's period of probation beyond six months. The procedures in paragraph 7 outline the process to be followed, including full discussion with the employee.
- (c) Where major concerns exist, a decision is taken to consider the ending of employment because of an unsatisfactory probationary period. The Headteacher will recommend dismissal and a panel of Governors will be convened to discuss this. The process to be followed is outlined in paragraph 8.

A summary of the points covered in the review should be given in writing to the employee and a copy kept on the personal file for future reference.

6. If the employee is accused of misconduct or gross misconduct, the agreed disciplinary procedure will be followed. Due consideration will be given to the level of experience of the employee.

7. **Extension of Probationary Period**

An extension period for improvement of usually no longer than 3 months should be specified during which time, with the support provided, the employee will be expected to raise his or her performance to the required standard. This is considered to be a final warning except for cases of ill-health. The employee should be clearly warned that no further extension of the probationary period will be considered apart from in exceptional circumstances and that if the employee does not improve sufficiently the contract will be ended.

A summary of the interview should be given in writing to the employee and a copy kept on the personal file.

The right of appeal against a warning whilst under probation will be to an appeal panel set up by the Governing Body. The hearing will be conducted in accordance with Annex 1. There is no right of appeal beyond this.

The employee's performance should be monitored throughout the period for improvement.

At the end of the improvement period, a further interview should be held with the employee. If the required standard is reached then a decision is taken that the probationary period has been completed satisfactorily and the employee should be informed by the Headteacher or line manager in writing as soon as possible.

If the Headteacher or line manager believes the required standard of performance has not been reached. The Headteacher will recommend dismissal and a panel of Governors will be convened to discuss this. The process to be followed is outlined in paragraph 8.

8 **Dismissal in the cases of unsatisfactory probation periods**

Although governing bodies have the power to delegate dismissal decisions, they are strongly recommended not to delegate such decisions to one person acting alone. The Director for Children, Education & Families must be involved where dismissal could result and the Schools' HR Team acts on behalf of the Director.

The panel of governors should be set up to deal with any matter which has not been delegated to the Headteacher. This panel will, in appropriate cases, exercise the powers of the Staff Dismissal Committee (as required in the School Standards & Framework Act 1998).

It is recommended that the panel should consist of at least three governors, none of whom should have been involved in the case in any way. The Headteacher should not be a member of this panel.

At least five working days' notice of a Governor's Panel hearing will be given unless agreed otherwise by mutual consent. When invited to the hearing, the employee will be informed in writing that after the date has been agreed for the hearing, if the employee does not attend the hearing and has not given prior notice of non-attendance, then the hearing will normally go ahead in his/her absence.

Where a reasonable cause for non-attendance is given, a letter will be sent to the employee setting another date and making it clear that, if the employee does not attend without a reasonable cause, the hearing will take place in the employee's absence.

Sickness covered by a doctor's certificate will normally result in an adjournment until the employee is fit enough to attend. The Occupational Health Service can advise about the fitness of the employee to attend a hearing and to understand its implications. Where the sickness absence continues for a period of one month or more, the Headteacher will consider whether to hold the hearing in the employee's absence, in which case the employee may send a representative to make his/her case at the hearing.

The written notice will also include:

- The issues to be discussed at the hearing
- The date, time and place
- A copy of this procedure
- A reminder of the right to be represented or accompanied
- A report from the Headteacher or Line Manager about performance
- Copies of any written evidence already available (examples of this include; job description, notes of meetings, letters to and from the employee, copy of contract, other evidence of the areas of unsatisfactory performance and evidence of support / training given)

It will make clear that the hearing is a probationary hearing and that as an outcome the probation could be extended for a further period or the probationary period is unsatisfactory and dismissal will follow with one month's paid notice. There will be a right of appeal against a dismissal whilst under probation to an appeal panel set up by the Governing Body. There is no right of appeal beyond this.

The hearing will be conducted in accordance with Annex 1. A written record will be kept and made available to all sides, if the employee requests it.

Annex 1

Conduct of a Hearing

1. The Chair introduces those present
2. The Chair invites the person presenting the case against the employee to identify the areas of alleged default and to bring forward any witnesses or witness statements.
3. The Chair invites the employee and her/his representative to ask questions.
4. The sub-committee members, or the Chair if there is no sub-committee, ask questions of the person presenting the case.
5. The Chair invites the employee and/or representative to respond in full to the case presented against them and to bring forward any witnesses or witness statements
6. The Chair invites the person presenting the case against the employee to ask any questions.
7. The sub-committee members, or the Chair if there is no sub-committee, ask questions of the employee and/or their representative.
8. The Chair invites the person presenting the case to summarise it. No new evidence can be presented at this stage.
9. The Chair invites the employee or her/his representative to summarise their case. No new evidence can be presented at this stage.
10. The Chair asks both parties to withdraw while s/he or the sub-committee gives consideration to the case and come to a conclusion. If the sub-committee needs to clarify any point with one or both of the parties, both parties should be recalled.
11. The Chair will call back both parties either to announce the decision or to advise that a decision will be communicated in writing within three working days.
12. If the decision is to dismiss, the notice period and right of appeal to a different panel of Governors will be explained.