Chelmsford County High School for Girls

Staff Probation Procedure

Approved by the Governing Body:

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Last Amended: March 2022	Committee for Review: Staff & Student Matters	
Last Approved: March 2022	Date of Next Review: March 2026	Model: Juniper

1. Introduction

1.1 This procedure sets out how probationary periods will be managed.

1.2 Probation is a period during which both the line manager and the employee can assess objectively whether the new recruit is suitable for the role, taking into account the individual's overall capability, skills, performance and general conduct in relation to the job.

1.3 All new employees' performance will be supported, monitored and assessed through Performance Management procedures to ensure that they are able to fulfil their new role and responsibilities. The probationary process will run alongside the performance management procedure and will include ensuring that new employees are provided with appropriate induction, training and support to enable them to properly carry out their duties and tackling any problems as and when they arise.

1.3 The following will be made clear to new employees at the outset of the probationary period:

- job role / tasks, including any specific responsibilities;
- any required standards of performance e.g. Teachers', HLTA and any other relevant Standards;
- required standards of conduct and behaviour; and
- their responsibility for their own continuous development.

2. Scope

2.1 All new entrants to the employment of this employer* will be subject to the satisfactory completion of a 26-week probationary period (unless their appointment arises from a statutory transfer or they are a newly qualified teacher subject to a Statutory Induction Period). During the probationary period, new entrants will be expected to establish their suitability for the post.

2.2 Any employees who are internally promoted or who change their role within the school will not be covered by this procedure.

2.3 The 26-week probationary period will be calendar weeks except in the case of term-time only support staff where it will be based on contracted working weeks. The contract will either be confirmed, terminated or extended at the end of the probationary period, subject to notice requirements as set out below (see 4.8 below). The probation period may be extended beyond 26 weeks at the employer's discretion (for example, where there has been significant absence – see 5 below).

If the employee decides they do not wish to continue in the role at any point during the probationary period they must give notice in line with their contract of employment. The school may decide, at their discretion, to waive this notice requirement.

2.5 Minor incidents of misconduct will normally be dealt with as part of the probation procedure. Other more serious or recurring disciplinary issues arising during the probationary period will be dealt with under the school's Disciplinary Procedure.

During the probationary period, whilst the principles of reasonableness and natural justice reflected in the Disciplinary Procedure and the ACAS Code will apply, it may be appropriate to foreshorten procedures, processes and relevant timescales, depending

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on the individual circumstances of each case. Any such conduct issues will also be taken into account when assessing overall suitability as part of the probationary process.

3. Roles and Responsibilities

3.1 The probation procedure will be operated by the employee's line manager.

3.2 A decision to confirm, or not to confirm, the appointment pursuant to this probationary procedure will be taken by the Headteacher.

3.3 Any appeal against non-confirmation of appointment will be heard by a Governing Body Dismissal Appeals Panel.

3.4 All employees are expected to perform to the highest possible standards, to take responsibility for their own learning and development and to co-operate with strategies to support them.

4. The Probationary Procedure

The procedure is summarised at Appendix 1.

4.1 The employee's line manager will monitor and review performance on a day to day basis and through the Performance Management process.

Formal probation reviews with the employee will take place at the following intervals after commencement of employment:

Support Staff

- 8 working weeks;
- 16 working weeks; and
- 24 working weeks – Final Review Meeting

Teachers

- Prior to the end of each half term

Interim meetings may be held as necessary. Informal discussions may also take place throughout the probationary period in addition to the formal review meetings.

Review meetings may be deferred where there have been significant periods of absence (e.g. sickness/family related leave). Such periods of absence will, however, be taken into account, where relevant, when assessing whether attendance has been satisfactory during the probationary period. Where appropriate, the school may decide to manage periods of sickness under the Sickness Absence Management Procedure.

Any entitlement to sick pay during the probationary period will be set out in the contract of employment.

An employee may be subject to different review timescales under a contract of employment supported by an Apprenticeship Agreement.

4.2 The content and outcome of all meetings will be recorded and a copy given to the employee.

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4.3 The following matters will be discussed at each review meeting:

- The employee's:
  - performance against performance management objectives;
  - performance against any relevant Standards;
  - general competence, conduct, attitude/behaviour;
  - attendance; and
  - training and support provision and needs.

4.4 An employee's contract will either be confirmed or terminated by the end of the 26-week probationary period, subject to contractual notice requirements**.** Probationary periods may only be extended in exceptional circumstances (see section 5).

4.5 If there is clear evidence, at an earlier stage, to suggest that the employee is wholly unsuitable for the role or incapable of performing the role (whether as a result of their conduct or lack of competency), and it is clear that further training or support is unlikely to alter the situation, the contract may be terminated at any point prior to the end of the probationary period. In this case, the employee will be invited to attend a meeting to confirm that they have failed to successfully complete their probationary period (as set out at 4.8.2 below) and the employee will normally be given notice pursuant to their contract of employment. Advice should be sought prior to invoking this section of the policy.

4.6 Where the contract is confirmed, employees will be subject to the school's capability and disciplinary procedures as appropriate. Their performance will continue to be supported through the performance management procedure.

4.7 At any point where the employee's progress is unsatisfactory in any respect:

- s/he will be advised of the areas where improvement is required;
- appropriate training and support will be identified;
- the employee will be advised that failure to improve could result in non-confirmation of appointment.

4.8 Final review meeting

The final review meeting will be conducted by the Line Manager and SLT Manager with the employee. At least 5 working days' notice will be given of this meeting.

4.8.1 Successful probation period

Where progress has been satisfactory, the probationary period will be formally signed off following the final review meeting. A letter will then be sent to the employee informing them that they have successfully completed their probationary period and confirming their appointment.

4.8.2 Unsuccessful probation period

Where an employee's progress has not been satisfactory, the employee will be formally invited in writing to the final probation review meeting with the Headteacher and Line Manager.

Prior to the meeting the line manager should compile relevant documentation evidencing the concerns, actions taken and procedures followed and provide this to the employee with the meeting invitation letter, at least 5 days in advance of the meeting.

The employee has a statutory right to be accompanied at this meeting by a trade union representative, an official employed by a trade union or work colleague.

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The employee must confirm the name and status of their representative prior to the meeting. A request for a companion other than a trade union official or work colleague will be considered at the employer's discretion. Employees are responsible for making their own arrangements for their chosen companion to attend the meeting.

At the meeting the line manager will set out where progress has been insufficient, with reference to previous review meetings. The employee will be given an opportunity to make representations verbally and/or in writing.

The decision-maker will determine at the end of this meeting, whether to:

- confirm appointment; (See 4.8.1 above);
- extend probation; (See 5. below);
- not confirm appointment and terminate the contract. Notice will be given in line with statutory notice periods as detailed within the employment contract. In cases of gross misconduct or incompetence, an employee's contract will be terminated without notice.

The decision will be confirmed in writing within 5 working days of the date of the meeting. Where the decision is non-confirmation the letter will give notice of termination of employment and the right of appeal.

Where considered appropriate, the employee may be redeployed to other duties during the period of notice or not required to attend for work.

4.8.3 Appeals

Employees have the right of appeal against a decision to terminate their contract.

Any appeal must be lodged in writing within 5 working days of receipt of the letter of notice of termination of employment. The employee may provide written evidence in advance of the appeal meeting.

All appeals will be heard by the Governing Board/Dismissal Appeals Committee. The employee will be given at least 5 days' notice of the appeal meeting. The appeal panel will be provided with a copy of the paperwork referred to during the original hearing, and minutes of the meeting, the outcome letter and appeal letter. The decision of the Appeal hearing will be confirmed in writing and will be final subject to the employee's rights in law.

5. Extensions to Probationary Periods

5.1 Extensions to the probationary period will normally only be granted at the final review meeting where the employee has been absent for a considerable amount of time during the probationary period and therefore has been unable to demonstrate their suitability for confirmation of appointment. There may also be occasions where additional training and support are required to improve performance and a longer period is necessary to assess the impact of such additional support. Where appropriate, reasonable adjustments will be considered for employees with disabilities.

5.2 The decision to extend will usually be made at the final review meeting.

5.3 Extensions will not normally exceed an additional 12 weeks.

5.4 If an extension to the probationary period is agreed, the school will confirm the terms of the extension in writing to the employee, including:

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Employees are responsible for making their own arrangements for their chosen companion to attend the meeting. When considering their choice of companion, employees should bear in mind the practicalities of such arrangements and seek to identify a suitable, willing companion who is available to attend the meeting. All requests to be accompanied must be reasonable, which will depend on the circumstances of each individual case. ¶
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The companion will be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not, however, have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employer from explaining their case.¶
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- the length of the extension and the date on which the extended period of probation will end;
- the reason for the extension and, if the reason is unsatisfactory performance, details of how and why performance has fallen short of the required standards;
- the performance standards or objectives that the employee is required to achieve by the end of the extended period of probation;
- any support, for example further training, that will be provided during the extended period of probation; and
- a statement that, if the employee does not meet fully the required standards by the end of the extended period of probation, his/her employment will be terminated.

6. Records and Data Protection

6.1 A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an alternative person arranged to take notes. The school processes any personal data collected during the probationary procedure in accordance with its data protection policy.

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Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the probationary procedure. On the conclusion of the procedure, data collected will be held in accordance with the school's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately.

It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

Appendix 1 – Summary Probation Procedure

* if there is clear evidence to suggest the employee is wholly unsuitable for the role/incapable of performing the role at an earlier stage, the contract may be terminated prior to the end of the probationary period (see 4.5 in the procedure).

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