

# Education HR Service

## Probation Procedure

**A model for Schools & Academies**

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## **1. Introduction**

- 1.1** This procedure sets out how probationary periods of service will be managed.
- 1.2** Probation is a trial period that allows both the line manager and the employee to 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 process 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:
- 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;
  - their responsibility for their own continuous development.

## **2. Scope**

- 2.1** The probation period applies to all newly appointed staff, except those Newly Qualified Teachers to whom the Teachers' Statutory Induction Period is applied. In Foundation and Voluntary Aided schools and Academies, a new employee is an employee who is new to the employment of that Governing Board/Trust.

## **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 at the end of the probation period will be taken by the headteacher.
- 3.3** Any appeal against non-confirmation of appointment will be heard by a Governing Board 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:  
6 working weeks; 12 working weeks; 18 working weeks

In the case of teachers, such reviews will take place at the end of each half term/term. Interim meetings may be held as necessary.

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

- 4.2** The outcome of all meetings will be recorded and a copy given to the employee. (Form can be found at Appendix 2).

- 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;
  - training and support provision and needs.

- 4.4** An employee's contract will either be confirmed or terminated by the end of the 6 month probation period, subject to contractual notice requirements. The probation period will include assessment over at least 18 working weeks. Probation 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, and it is clear that further training or support is unlikely to alter the situation, the contract may be terminated prior to the end of the probation period.

- 4.6** Where the contract is confirmed, employees will be subject to the school's performance management, capability and disciplinary procedures.

- 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 support will be identified;
- the employee will be advised that failure to improve could result in non-confirmation of appointment.

- 4.8** 18 week review

The final review meetings will be with the headteacher and the line manager (where s/he is not the headteacher) and the employee.

- 4.8.1** Successful probation period

Where progress has been satisfactory, the probation period will be formally signed off. 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 18 week review meeting with the headteacher. At least 5 working days notice will be given of this meeting.

The employees 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.

Trade union representatives who are not employed officials must have been certified by their union as being competent to accompany an employee. Requests to be accompanied must be clearly communicated to the school allowing adequate time for the school to deal with the companion's attendance at the meeting. The request should be made in advance of the meeting providing the name of the companion and whether they are a fellow worker or trade union official or representative.

If an employee wishes to be accompanied by a person who is not a work colleague, an official employed by a trade union or trade union representative, they must seek permission from the employer in advance. All such requests will be given reasonable consideration and whether permission is granted will be entirely at the discretion of the employer.

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.

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.

At the meeting the headteacher 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 in writing.

The headteacher will, at the end of this meeting, make a decision to either:

- confirm appointment; (See 4.5.1 above);
- extend probation; (See 5. below);
- not confirm appointment and terminate the contract. Notice will be given in line with the employment contract or, where the contract allows, the contract may be terminated immediately and payment in lieu of notice made
- In cases of gross misconduct or incompetence, an employee's contract will be terminated without notice.

The decision will be confirmed in writing within 3 working days of the date of the meeting. Where the decision is non-confirmation the letter will give notice (where applicable) of termination of employment and the right of appeal.

Where the headteacher considers it 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.

- All appeals will be heard by the Dismissal Appeals Committee.
- The decision of the Dismissal Appeals Committee will be confirmed in writing and will be final.

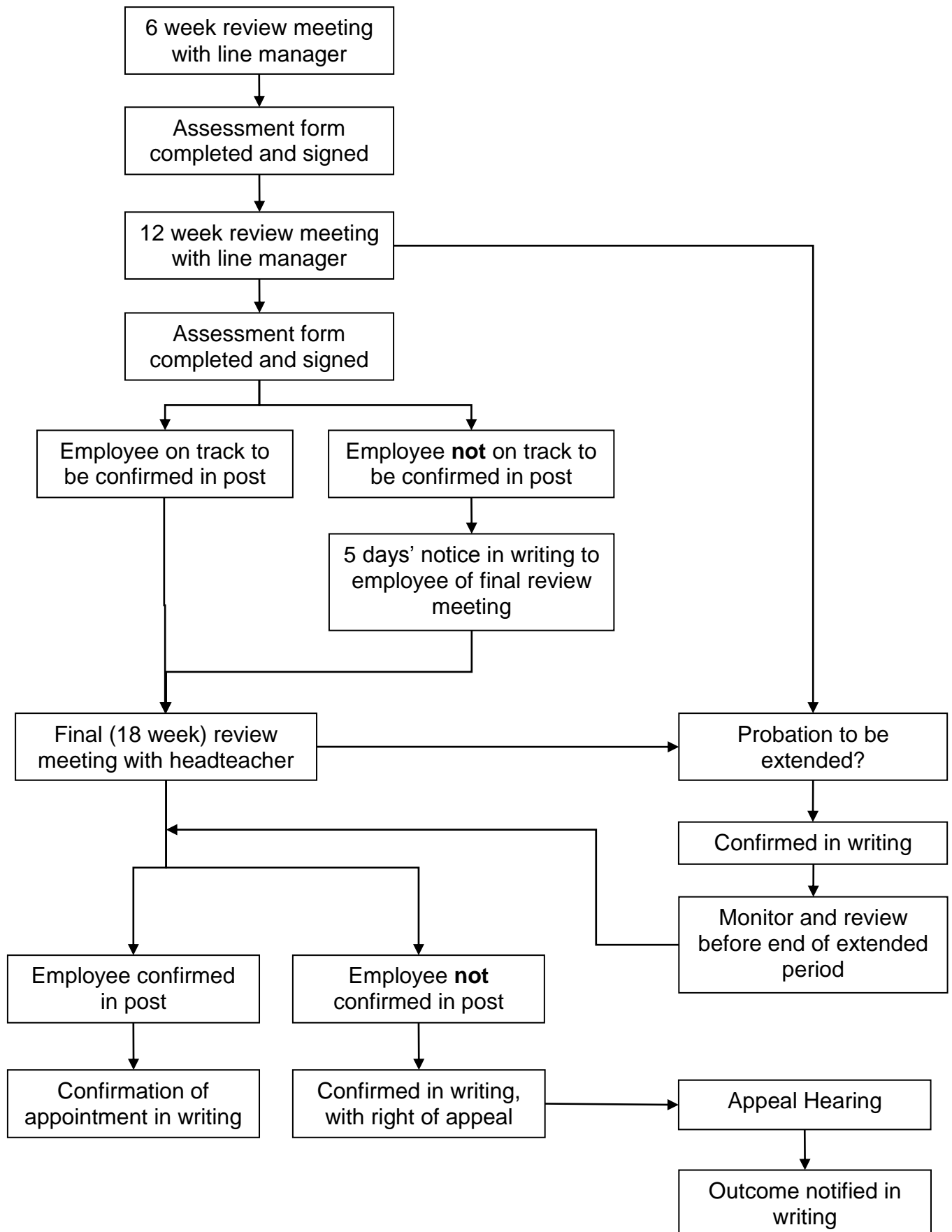
### **5. Extensions to Probationary Periods**

- 5.1** Extensions to the probationary period will normally only be granted 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. 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, but may be made earlier.
- 5.3** Extensions will not normally exceed 12 weeks.
- 5.4** The employee will be notified in writing of the details of the extended probationary period, including the date(s) of any further review and will be advised of the areas where improvement is required. The employee will be advised that failure to improve could result in non-confirmation of employment.

### **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 by the school to take notes. The school processes any personal data collected during the probation procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the probation 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



## Appendix 2 – Probationary Report Form – 6 Week Review

**CONFIDENTIAL**

**SCHOOL/ACADEMY.....**

Name of Employee: ..... Post Title: .....

Date of Appointment: ..... End date of Probationary Period: .....

### 6 WEEK REVIEW

Date of meeting: .....

Areas Discussed	Actions Agreed	Resources Identified
Signed: (manager)	Date:	
Signed: (employee)	Date:	

1 of 1



Probationary Report Form – 12 WEEK REVIEW

CONFIDENTIAL

Employee:.....Date of meeting.....

	Improvement required	Satisfactory	Good
Performance against performance management objectives			
Performance against relevant Standards			
General competence			
Conduct			
Attitude / Behaviour			
Attendance			

<b>Summary of discussion</b> (explanation of assessment above)

<b>Summary of training and support provided and other needs identified</b>

<b>Action Plan</b> (include outstanding or additional tasks, support, reasonable adjustments)			
<b>Actions to be taken and reason</b>	<b>By whom</b>	<b>By when</b>	<b>Resources Identified</b>

Overall I am / am not satisfied with the progress this employee is making

Signed (Line Manager).....

Date.....

Signed (Employee).....

Date.....

<div>Employee's comments</div> <div></div>
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Probationary Report Form – 18 WEEK REVIEW

CONFIDENTIAL

Employee:.....Date of meeting.....

	Improvement required	Satisfactory	Good
Performance against performance management objectives			
Performance against relevant Standards			
General competence			
Conduct			
Attitude / Behaviour			
Attendance			

<b>Summary of discussion</b> (explanation of assessment above)

<b>Summary of training and support provided and other needs identified</b>

Is the employee's probation to be confirmed?	YES / NO
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Is the employee's probation to be extended?	YES / NO
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<i>If, yes, give exceptional reasons for extension</i>	
Period of extension (no. of weeks)	
End of new probationary period	

<b>Outstanding actions</b> (note any outstanding actions, support, learning)			
<b>Actions to be taken and reason</b>	<b>By whom</b>	<b>By when</b>	<b>Resources Identified</b>

Signed (Headteacher).....

Date.....

Signed (Employee).....

Date.....

<b>Employee's comments</b>