

## Probationary Guidance for Schools 2018 Applies to Support Staff only

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## Introduction

This guidance is designed to assist the School Leader or delegated manager (hereafter referred to as the School Leader) in applying the school's Probation Policy and Procedure fairly and consistently. School Leaders are advised to seek guidance on complex matters from Hamwic Education HR.

## Frequently Asked Questions

### 1. What are the benefits of operating a probation procedure?

A structured probationary period increases the probability that new employees will succeed in their new posts, by establishing expectations of the role in line with the job description and person specification as well as identifying any specific training needs of the individual to get them up and running in the role quickly. It ensures there is a clear framework of management, monitoring and support for the new employee.

The probationary period allows a specific time period for the school to assess the suitability of the new employee for the post taking into account their capability, skills, performance, attendance, training needs and general conduct.

### 2. Can I reduce the probationary period if I am satisfied that the new employee meeting the standards required?

It is possible to reduce the probation period where a job is relatively straight forward and the School Leader is satisfied that the employee meets the requirements of the job.

Where an employee has previous experience of the same or a similar role, or attains the required level of performance very quickly it may also be appropriate to reduce the probation period. It is important that a formal assessment of suitability does still take place and is recorded.

Where a term time only employee is nearing the end of their probation but the occurrence of a school closure period will delay completion, the School Leader may wish to bring forward the final assessment, with the agreement of the employee concerned, where they are satisfied that the employee has attained the necessary level of performance.

### 3. Can I carry out the assessment and recording process only for new employees that are not meeting the required standards?

It is important for the School Leader to set up regular probation assessment meetings for all new employees and to ensure these meetings are accurately recorded.

The probation period is a critical window of time for a new employee to be able assimilate new information and job knowledge quickly and for the School Leader to monitor performance and provide feedback, advice and where necessary, additional support and training

The probation period should be followed for all newly appointed staff. It cannot be assumed that an individual who initially settles in well will not experience difficulties at a later stage in the probation period.

### 4. I want to extend an employee's probationary period. What factors should I consider?

It is important to think carefully about whether there is sufficient evidence that the new employee is suitable or not for the post and has the necessary aptitude to achieve a satisfactory level of performance within an extended probation period.

Is there additional support/guidance/training that can be given that has not already been provided? Can this be provided within the time frame of an extension to probation? It may also be necessary to think about what additional arrangements need to be put in place to ensure that the required volume and quality of work is achieved during the extension period, e.g. double checking, re-organising tasks/responsibilities.

If considering extending the probationary period due to sickness, review the nature of the sickness period(s). Was there a one off absence or have there been for a series of short term absences? (See question 8 below). In these circumstances the School Leader can consider extending the probationary period by the length of the sickness period(s).

#### **5. How long an extension period should I grant?**

The length of the extension period depends on:

- How close the employee is to achieving the required level of performance.
- How long the identified training/support will take to arrange/deliver and transfer to the work place
- What a reasonable time period is for the employee to improve in the context of their role, the requirements of the school and the impact of the unsatisfactory performance.

Where an extension is granted due to sickness absence, an extension can mirror the amount of time the employee has been absent during the probation period; for other types of authorised absence (e.g. adoption or parental leave), the extension should match the length of the absence where necessary and practicable. Unless in exceptional circumstances, normally only one extension to probation will apply.

For any potential extension period, schools are advised to seek advice from HR.

#### **6. If I want to dismiss an employee during the probationary period, what elements are important to consider before proceeding?**

Where dismissal is being considered, it is important to review the process that has been followed. Ensure that the probation procedure has been properly applied, with a clear audit trail of assessment meetings and that any additional support/training that has been agreed to, has been provided.

Where the employee has the potential to improve to the required standard in a reasonable timescale, it is usual to extend the probation period.

It is important that the employee is advised that dismissal is a potential outcome of the final assessment meeting.

It is possible to dismiss before the end of the probationary period in cases of gross misconduct or gross incapability e.g. where the continued presence of the employee would put pupils at risk and/or their educational attainment at risk.

#### **7. When do I need to involve trade unions in probationary period extensions and/or dismissals?**

Whilst an employee may choose to discuss their progress during probation with a representative of their trade union or a work colleague, it is only at the later stages of the procedure that they are entitled to be accompanied at meetings.

Where an extension of probation or dismissal is a potential outcome of the probation period, the School Leader must advise the employee that they have a right to be accompanied at the final assessment meeting by a chosen companion - who would need to be a work colleague, trade union representative or an official employed by a trade union. Only one person can be the

nominated representative. The employee may request one rearrangement of the meeting date to enable the representative to attend. The employee may also be accompanied at a dismissal appeal meeting if they wish.

#### **8. What is the impact of an employee's sickness absence record on the probation period?**

The School Leader's assessment of the suitability of a new employee during the probation period includes consideration of attendance. Where there are concerns regarding attendance these will be included as part of the probation review process, but should have been already raised and discussed as part of the return to work sickness process.

The School Leader can explore the reasons for absence with the employee and consider whether there is any assistance that can be given, where absences are work-related.

The School Leader will set out the improvement required from the employee in relation to their absence record, and that absence levels will be taken into consideration at the final assessment meeting and may impact upon the overall assessment of suitability for the job. Where absence levels are significant and improvement is not achieved, employment may be terminated at the end of the probation period.

In cases where an employee is unable to complete their probationary period due to long term absence, or has a lengthy absence period during the probationary period, the School Leader can extend probation to allow additional time to assess the employee's performance. The probation may also be extended due to frequent short term absence, where the School Leader determines this to be appropriate.

Where an employee has a disability that is impacting on their sickness levels during the probation period, it is important to discuss this with them. Remember that the individual will have been assessed as fit to do the job by Occupational Health as part of the pre-employment checks. It will be helpful to understand whether absences are linked to the role or the working environment, in which case it may be useful to seek further Occupational Health guidance. It is important that any reasonable adjustments that the school agree to implement are put in place as quickly as possible.

#### **9. How do absences related to pregnancy affect the probationary period?**

Generally speaking short-term absences relating to pregnancy should be disregarded when reviewing attendance levels, unless absences are so frequent that it becomes difficult to effectively assess performance.

#### **10. What should I do where an employee who is failing to meet the required standards decides to resign during their probation period?**

If an employee submits their resignation whilst in their probation period the School Leader should consider any reasons provided, seeking additional feedback if necessary.

If an employee resigns to avoid dismissal in instances of gross misconduct or incapability, it is important to consider whether the school's concerns require further action, regardless of the resignation. For conduct that is potentially a criminal offence – it will still be necessary to report the matter to the police. Where conduct or performance concerns relate to safeguarding, the school will need to contact the LADO and conduct an investigation as soon as possible. It may be necessary to consider whether it is appropriate to refer the matter to the Disclosures Barring Service and/or another professional organisation. It is advisable to seek advice from HR in these circumstances.

Any waiving of notice periods must be approved by the School Leader and will be assessed on a case by case basis.

## APPENDICES

### P1 - Letter to an employee on probation following internal transfer or promotion

Date

Name

Add1

Add2

Add3

Add4

Dear

Following your [transfer/promotion] to the post of [job title], I would like to confirm that you will be on probation for the first six months of your new appointment. The purpose of this period of probation is to allow both you and your line manager to assess objectively whether or not you are suitable for the role. During the probationary period, your line manager will monitor your performance and progress and provide regular feedback to you. Your line manager will also provide guidance, support and training as required and will carry out informal review meetings with you on a monthly basis (of which written records will be kept).

Neither your transfer nor the fact that you will temporarily be on probation will affect your continuous service with [name of school], your statutory rights or the terms and conditions contained in your contract of employment.

At (or shortly before) the end of your probationary period, your line manager will meet with you to conduct a review of your performance, progress and suitability for the job. Assuming that your performance has been satisfactory, you will receive a letter confirming your new appointment.

However, if your performance and progress are not up to the standards required despite support and/or training that the school has provided to you, we will consider extending your period of probation for a further six months. Alternatively, if it is thought unlikely that further time on probation, or further support or training, would lead to a satisfactory standard of performance in the job, we would need to consider other alternatives. In these circumstances, we would arrange a review meeting with you to discuss the matter fully before making a decision as to what action to take.

We hope that this will not be the case and that you will succeed in your new role - and we would like to wish you well in your new appointment.

Yours sincerely

## P2 – Letter inviting employee to a meeting to discuss progress during probation

Dear [ ]

As you have now been with [school] for [three months/five months] I would like to invite you to an informal review meeting to discuss your performance and progress to date. (Note: at least 5 working days notice of meeting to be given).

The meeting will be held at [time] on [date] at [place]. If the time, date or venue is not suitable for you, please let me know and we can reschedule the meeting.

Please could you also let me know either by phone or email if there are any specific issues that you would like to discuss at the meeting, for example if you have encountered any problem areas in your new job or if you are unclear about anything.

After the meeting, I will make a brief record of what we have discussed (a copy of which will be provided to you).

Yours sincerely

### P3 - Letter extending an employee's probation period

Dear

I am writing to you further to our meeting held on [date] in connection with your probationary period.

As you are aware, during the course of your probationary period it was necessary for [person] to speak to you on [date] in connection with your [performance/conduct], which was viewed by the school as unsatisfactory. You were subsequently given a chance to improve during the remainder of your probationary period [and were given further [coaching/training]]. Despite this support, you have still not yet met the standards that the school requires for employees of your position. For this reason, you were invited to a meeting on [date] to discuss the problem of your continuing unsatisfactory [performance/conduct] and my proposal to extend your probationary period.

Following that meeting, I have decided that your probationary period will be extended by [number] [weeks/months] until [date].

The school will continue to monitor your [performance/conduct] and your progress will be formally reviewed at the end of the extended probationary period. You agreed at the meeting that you would strive to improve your [performance/conduct]. However, if you fail to make sufficient progress either during or by the end of your extended probationary period, this is likely to result in your dismissal. Please be aware that the school may not be prepared to extend your probationary period again.

You have the right to appeal the decision to extend your probationary period. If you wish to appeal, you should do so in writing within [five working days - **CHECK**] to [person], stating the grounds for your appeal.

Yours sincerely

## P4 - Letter informing an employee of completion of a satisfactory probationary period

Dear [ ]

I am writing to you to confirm that you have successfully completed your probationary period and therefore I have pleasure in confirming your appointment as a member of staff at [school].  
Congratulations.

In all other respects your terms and conditions of employment remain unchanged.

Yours