



**PROBATION PROCEDURE FOR SUPPORT STAFF
GUIDANCE FOR LINE MANAGERS**

Approved by: Cumbria Education Trust Board

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Owner: Human Resources, Cumbria Education Trust

Document Summary: To ensure consistent, fair and equitable processes are in place during all parts of the recruitment process for support staff which includes the probation procedure.

Notes:

Line Manager: This refers to the person to whom the new employee reports to on a day to day basis, for example: Headteacher, CEO (Trust employees), Business Support Manager etc.

Dual Roles: Where an employee has more than one role, the reporting managers will agree how each role is reviewed and notify the employee.

HR Support: This refers to the employee/s who are responsible for HR services within each school/academy. This could be, for example, the Business Support Manager or HR Administrator

Trust HR: This refers to the Trust's HR Manager.

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1. Introduction

This procedure is non-contractual and for guidance only. This guidance advises line managers of their role and responsibilities during the probation period.

Probationers who are within their probation period are not subject to the formal capability and disciplinary procedures and sickness absence procedures.

If issues of conduct, poor performance or sickness arise during the probation period, the probation procedure will normally be used to address such matters.

The Probation Procedure will be operated in accordance with the Trust's Equality Policy Statement.

2. What is the Purpose of the Probation Period?

The probationary period is a critical stage in the recruitment process. It enables an assessment to be made regarding the probationer's suitability, capability and capacity for the job for which they have been employed. The probationer must, during the probation period, demonstrate their suitability for the post.

The probation procedure provides a consistent and fair framework for:

Monitoring and reviewing the performance of new staff in relation to:

- Quality of work and understanding of role
- Attitudes and motivation
- Conduct and Attendance
- Compliance with all policies and procedures, particularly those relating to safeguarding and promoting the welfare of children and young people
- Health and safety
- Providing formal feedback and opportunity for discussion
- Identifying appropriate training, support and assistance
- Reinforcing the Trust's Vision and Values.
- Dealing with inadequate performance and misconduct issues.

3. Who does the Probation Period apply to?

It applies to all new support staff employed by the Trust regardless of their permanent, fixed-term, full- or part-time status.

The procedure does not apply to teaching staff and separate arrangements exist in this respect.

There are separate processes in place for the recruitment of Volunteers and the use of Casual and Agency Staff.

Where an employee transfers during their probation period, consideration should be given to extending the probation period in order to allow time to properly assess the employee in their new role.

This does not apply where an employee transfers from one job to another within the Trust and has already satisfactorily completed a probationary period. However, the following guidance may assist managers when carrying out assessments/appraisals.

4. The Probationary Period

The probation period is for six months from the start date of employment (and may, in exceptional circumstances such as disability related illness, be extended by up to 10 weeks).

5. The Probation Procedure

5.1 The line manager should, in normal circumstances conduct a total of 3 formal reviews with the probationer. Reviews should take the form of a confidential meeting between the manager and probationer, in which there is opportunity for two-way discussion.

5.2 Preparation

The requirements of the job (as a minimum this will include the employee's job description/person specification) and specific performance targets (for example, time keeping, conduct, reliability) will have been outlined to the new employee during the recruitment and induction processes. The line manager should inform the employee of the following:

Purpose of the probation period;

- Job and specific performance targets they will expected to achieve and which the employee's performance will be measured against;
- Planned training/development which will support the employee's performance;
- Planned meetings/discussions to review the employee's progress.

This will establish a baseline against which to measure the employee's progress throughout the probation period.

5.3 The First Review: On completion of one month's service.

The purpose of this meeting is for the line manager to evaluate the probationer's performance and discuss any key issues with the probationer. If improvements in performance are required, there should be a discussion about how to make the necessary improvements, including appropriate management support/training.

The detail of any performance assessment will vary dependent upon the level of skills and competencies required to perform the job effectively, and the number of targets that the employee has been set.

Listed below are some examples of potential sources from which line managers could make an assessment on an employee's performance:

- Direct observation
- Completed work/targets
- Work/targets in progress
- Colleague feedback
- Team meetings
- Customer feedback
- Third party observations (where appropriate)

Whilst assessing, line managers should:

- Be objective
- Recognise achievement
- Highlight areas that require improvement

Upon completion of this review meeting, the line manager should complete Form A (Appendix 1). This should then be signed by the line manager and the probationer. A copy should be given to the individual and a copy saved on the probationer's personnel file.

5.4 The Second Review: On completion of 3 months' service.

The purpose of this meeting is to review the probationer's performance over the first 3 months. Where the previous review indicated that improvements in performance were required, the second review meeting should be used to consider the extent of any improvement that may have taken place.

Where the probationer has not met the required standards, s/he will be informed that continued failure to meet those standards will result in dismissal.

Upon completion of this meeting, the line manager should complete Form B (Appendix 2). This should be signed by the line manager and the probationer, and a copy should be given to the individual and a copy saved on the probationer's personnel file.

5.5 The Final Review: On completion of 5 months' service.

Prior to the final review meeting, which normally takes place after the probationer has completed 5 months' service, the line manager should consider whether:

The probationer's appointment should be confirmed,

The probationary period should be extended because there are exceptional circumstances, The probationer will be dismissed with statutory or contractual notice, whichever is the greater.

5.6 Where a dismissal is a possible outcome of the review meeting, the following preparation will be undertaken by the line manager:

- The probationer will be written to with details of the date, time and purpose of the review meeting.
- The letter will state reasons why the performance has been unsatisfactory to date.
- The probationer will be notified in writing of their right to be accompanied at the meeting by a workplace colleague.
- Where a dismissal may result, the probationer will be notified of this in writing and arrangements made for the Headteacher to conduct the meeting.

5.7 Upon completion of the final review meeting, if the probationer has passed the probationary period then the line manager will complete Form C (Appendix 3). This will be signed by the line manager and the probationer. The form should be placed on the probationer's personnel file with a copy provided to the individual.

5.8 If a recommendation is made by the line manager to dismiss, there will be a formal meeting with the Headteacher at which the Headteacher and the probationer, who may be accompanied by a trade union representative or a work place colleague, will have the opportunity to state his/her case, before any decision is made by the Headteacher concerning his/her employment. The Headteacher will write to the individual confirming the decision. There is right of appeal against a decision to terminate employment. Any appeal will be heard by a panel made up of two LAB/Trust Board members and the probationer will have the right to be accompanied by a trade union representative or workplace colleague.

6. Disciplinary Issues Arising During the Probation Period

6.1 The Trust's Disciplinary Policy does **not** apply to probationers. Instead, the following procedure will apply where issues of alleged misconduct arise during the probation period.

6.2 Where allegations have been made against a probationer, a management investigation will be conducted into the matter. In cases of alleged serious misconduct the Headteacher will normally suspend the probationer pending an investigation and any subsequent hearing. If, as a result of this investigation, there is found to be a case to answer, the probationer will be invited to a meeting with the line manager or other nominated member of the management team. The purpose of this meeting is for the manager to consider the allegations, question the probationer (and any witnesses if relevant) and reach a decision based on the balance of probability. As a result of this meeting, the manager may:

- 6.2.1 Find that the allegations are unsubstantiated and that no further action is necessary.
 - 6.2.2 Issue a written or final written warning. There is no right of appeal against a warning issued during the probationary period.
 - 6.2.3 Recommend to the Headteacher that the probationer is dismissed.
- 6.3 If the manager decides to recommend to the Headteacher that the probationer is dismissed then the following preparation will be undertaken by the manager:
- 6.3.1 The probationer will be written to with details of the date, time and purpose of the disciplinary hearing.
 - 6.3.2 A copy of the investigation report will be enclosed.
 - 6.3.3 The probationer will be notified in writing of their right to be accompanied at the hearing by a workplace colleague or a trade union representative.
- 6.4 If the Headteacher decides to dismiss there will be right of appeal to a panel made up of 2 LAB/Trust Board members against the decision to terminate the probationary period early on the grounds of repeated misconduct or gross misconduct. Any appeal must be lodged within 5 working days of receipt of the decision letter and must state the reasons for the appeal. In cases where gross misconduct has been substantiated dismissal may be summary; i.e. dismissal without notice and pay in lieu of notice.
- 6.5 For some non-exhaustive examples of misconduct and gross misconduct, please refer to the Trust's Disciplinary Procedure.

7 General Advice

- 7.1 Whatever course of action is taken following a probationary period, the line manager is responsible for ensuring this is communicated in a timely manner to the employee.
- 7.2 For further advice, line managers should contact the Trust's HR Manager.

Appendix 1

PROBATION PERIOD - FORM A

This form should be completed by the probationer's line manager after the probationer has completed one month's service. The original should be placed on the probationer's personal file, and a copy given to the probationer.

FIRST REVIEW

Probationer's name
Job title

Start date

Date of review meeting
Line Manager's Name and job title _____
Line Manager's comments;

How does the probationer feel s/he has performed against each element of the job description?

Are there any training or continuing development needs the probationer wishes to have met during the coming probation period?

Are there any other topics the probationer wanted to discuss during the meeting?
Further induction to be provided:

Progress required before next review:

Probationer's comments:

Signed (Line Manager)

Signed (Probationer)

Dated _____

Date of final review meeting

Appendix 2

PROBATION PERIOD - FORM B

This form should be completed by the probationer's line manager after the probationer has completed 3 months' service. This should be signed by the line manager and the probationer, and the original placed on the personal file with a copy to the individual.

SECOND REVIEW

Probationer's name
Job title

Start date

Date of review meeting
Line Manager's Name and job title _____
Line Manager's comments;

How does the probationer feel s/he has performed against each element of the job description?

Are there any training or continuing development needs the probationer wishes to have met during the coming probation period?

Are there any other topics the probationer wanted to discuss during the meeting?
Further induction to be provided:

Progress required before next review:

Probationer's comments:

Signed (Line Manager)

Signed (Probationer)

Dated _____

Date of final review meeting

Appendix 3

PROBATION PERIOD - FORM C

This form should be completed by the probationer's line manager after the probationer has completed 5 months' service. Where the probationer may be dismissed a further meeting, in addition to the final review, must be convened in accordance with paragraph 5.5 of the probation procedure.

FINAL REVIEW

Probationer's name
Job title

Start date

Line Manager's Name and job title

Date of review meeting

Line Manager's comments;

Appointment confirmed

Probation is extended

If, exceptionally, probation is extended then an account of the concerns and a support plan for the extension period will be attached to this form.

Recommendation to the Headteacher/CEO that probationer is dismissed

An account of the concerns and reasons for recommending dismissal is to be attached to this form.

Probationer's comments:

Signed (Line Manager)

Signed (Probationer)

**Appendix 4 - TEMPLATE LETTER CONFIRMATION OF SATISFACTORY
COMPLETION OF PROBATIONARY PERIOD**

[ON HEADED NOTEPAPER OF SCHOOL/ACADEMY/TRUST]

[Private and Confidential]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear

Confirmation of satisfactory completion of Probationary Period

As you will know, your appointment as a is subject to satisfactory completion of a six-month probationary period.

I am pleased to confirm that, based on the recommendation of your line manager, you have now successfully completed your probationary period.

I would like to congratulate you and wish you every success in your future employment with us.

Yours sincerely

Headteacher

cc: Line Manager

Appendix 5 – TEMPLATE LETTER EXTENSION OF PROBATIONARY PERIOD

[ON HEADED NOTE PAPER OF SCHOOL/ACADEMY/TRUST]

[Private and Confidential]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

Dear

Extension of Probationary Period for the post of

I am writing to confirm the outcome of our final review meeting held on

At the meeting, I explained my concerns about satisfactory completion of your probationary period and I drew your attention to a number of specific issues which are summarised on your review form. The decision I have made is that your probationary period will be extended by xxxxx weeks to [date] to afford you an opportunity to reach the required standard of competence in your role as xxxxxxxxxxxx. The areas for improvement are identified on your Probation Period - Form C - Final Review and the accompanying report

A further meeting will be held on xxxxx to review your progress against the area(s) identified for improvement.

I hope that this period of extension will enable you to demonstrate your suitability for employment across all performance areas. You should be aware that failure to achieve a satisfactory improvement by the end of the extension period is likely to result in the termination of your employment.

I would urge you to make the most of this opportunity to address the concerns that have been raised. If you have any questions arising from this letter, please contact me as soon as possible.

Yours sincerely

Line Manager

Appendix 6 - TEMPLATE LETTER – TERMINATION OF EMPLOYMENT HEARING

[Trust HR advice should be taken before adapting this letter and sending to an employee as this may not be appropriate in some circumstances].

[ON HEADED NOTEPAPER OF SCHOOL/ACADEMY/TRUST]

[Private and Confidential]

[ADDRESSEE]

[ADDRESS LINE 1]

[ADDRESS LINE 2]

[POSTCODE]

[DATE]

[BY HAND/RECORDED DELIVERY/SPECIAL DELIVERY AND COPY FIRST CLASS POST]

Dear [EMPLOYEE'S NAME]

Probationary Period - Hearing to Consider Termination of Employment

Following your completion of x months service at [SCHOOL/ACADEMY/TRUST], a hearing has been arranged on [DATE] at [TIME] in [PLACE] to discuss the outcome of your probationary period. I will recommend to the [Headteacher/CEO] that your employment is terminated because you have not completed your probationary period satisfactorily.

The summary of the reasons why your performance has been unsatisfactory is outlined in enclosed report.

In addition, copies of the following documents are enclosed and will be referred to at the hearing.

- 1 Induction Plan
- 2 Probation Period - Form A - First Review
- 3 Probation Period - Form B - Second Review
- 4 Probation Period - Form C - Third Review

You may be accompanied by a workplace colleague or a trade union representative at the hearing. If the decision is to terminate your employment, then you will have the right to appeal the decision to the panel made up of 2 LAB/Trust Board members.

The Headteacher has the authority to terminate your employment or, if s/he believes the circumstances are exceptional, to extend your probationary period as specified in the Trust's Probation Procedure, or to confirm your appointment.

Please confirm your attendance on receipt of this letter and do not hesitate to contact me should you have any questions in relation to its contents.

Yours sincerely

[NAME of line manager]

Appendix 7

Probationary Period Flowchart

