

MEADFURLONG SCHOOL

PROBATIONARY POLICY AND PROCEDURE FOR SCHOOL SUPPORT STAFF

January 2008

1. Purpose

An offer of appointment is made in the belief and expectation that the person selected is capable of carrying out the duties of the post satisfactorily and that s/he is the most suitable candidate for the job. Similarly it is assumed that the candidate accepting the appointment believes that the job is one s/he can do well and enjoy. A period of probation is normally provided as an opportunity for both the school and the employee to assess whether these expectations are likely to be fulfilled.

Through a series of performance reviews the employee establishes his/her suitability for the post and the structured process ensures that s/he is given the opportunity to clarify any aspects of the role and seek guidance where necessary. It also ensures both the school and the employee have an opportunity to raise any concerns as soon as they arise.

NB where a timescale is given in calendar days, it excludes bank holidays.

2. Scope

This policy applies only to support staff within the school and accords with Milton Keynes Council's 'Terms and Conditions of Service' (November 2003).

3. When the Probationary Period should apply

All new permanent and fixed term support staff appointments on MKC Terms and Conditions, *without* previous continuous service in a local authority or school, are subject to satisfactory completion of a period of probationary service of six months' local government service. During this period the employee's performance must be regularly reviewed.

This condition may not apply if the employee has already completed a period of probation in a *similar post* with either another school, Milton Keynes Council or another Local Authority.

4. General Guidelines

The probationary period is normally 6 months in duration. This includes the minimum 4 week notice should the employee's appointment not be confirmed.

Headteachers may wish to delegate the monitoring of the probationary period to a senior member of school staff or the line manager as appropriate. This person will be known as ‘the probationary reviewer’.

It is the duty of the probationary reviewer to take every reasonable action to ensure that the employee receives the training and support that will enable him/her to reach the required standards. For example, a programme of learning may be drawn up to plan the required training and support on a weekly basis.

Reviews of performance will take place in accordance with the process outlined in section 5 below. Probationary reports should be completed by the probationary reviewer and discussed with the individual concerned.

Employees may be accompanied at all meetings where formal probationary reviews taken place by either a trade union representative or a workplace colleague.

Where an employee does not meet the required standards of performance or conduct during his/her probationary period, the reasons for the shortfall will be discussed with him/her at the earliest opportunity and the employee will be given support and every reasonable opportunity to reach and maintain the required standards. This will ensure that there is as much time as possible for improvement to be achieved and enable the school to give maximum assistance.

If the employee has failed to meet the required standards by the final formal review meeting at 20 weeks, a formal hearing will be convened in accordance with the governing body’s delegated responsibility for dismissals and dismissal will be considered.

Headteachers should consult their Human Resources provider as soon as it apparent that non-confirmation of an appointment may be considered.

If dismissal is the final outcome of the procedure, there is a right of appeal.

5. Process

5.1 Review Meetings

Three formal reviews should be undertaken at 12, 16 and 20 weeks.

Employees are entitled to be accompanied by a colleague or Trade Union representative at these meetings, it is advisable to plan a date and time for each review, giving the employee as much notice as possible, If during the course of such a meeting, the employee considers that s/he would prefer representation, the meeting should be adjourned so that the employee can organise this. The reconvened meeting should take place within 7 calendar days.

These formal meetings are a review of the employee’s work performance and a summary of progress to date including the employee’s attendance and relationship with others. They also include information on goals and objectives and should give

an early indication of whether the targets set for the probationer are likely to be attained.

Examples of unsatisfactory performance should be drawn to the employee's attention as soon as possible. Issues should not be withheld.

5.2 Probationary Record and Probationary Report Form

Each formal review should be recorded on both the Probationary Report Form and the Probationary Record (Appendix 1)

In addition to the completed form and any supervision notes, factual notes should be kept of all significant discussions with the employee. This may help to clarify examples of unsatisfactory performances, etc. at a later date.

Both the employee and probationary reviewer should sign the Probationary Record after each review to confirm that the employee is aware of its contents. The employee should be invited to attach a short written statement should s/he wish to do so, explaining any points of disagreement with any of the statements made.

5.3 Outcome

After the third formal review has been completed at 20 weeks, three outcomes are possible:

- a) The employee's performance has reached/exceeded the standard expected and his/her continuing employment can be confirmed by the school.
- b) The employee's performance has been unsatisfactory, but there is a prospect of an improvement to an acceptable standard and the probationary period is extended.
- c) The employee's performance has been unsatisfactory and, despite additional guidelines and training, has not improved or has failed to improve sufficiently for there to be a prospect of work performance reaching an acceptable standard in the near future.

6. Extending the Probationary Period

The probationary period can be extended. This is normally for 4 weeks in the first instance and up to a maximum of 12 weeks, including the notice period. Further regular reviews (weekly or fortnightly) should take place during the extended period and a further record of these should be made and signed by both parties.

Employees should be made aware of areas where improvement is required, together with targets and objectives that should be achieved for the appointment to be confirmed.

An increment may be withheld if the probationary period has not been satisfactorily completed after 6 months and is to be extended.

If, at the end of the extended period the employee's performance reaches an acceptable standard, employment should be confirmed. If this is not the case, the appointment cannot be confirmed and the employee should be dismissed as outlined in section 7.

7. Non Confirmation of Appointment

If it is clear that, despite the best efforts of all concerned, the employee has failed to meet the required standards, a probationary assessment meeting shall be held with the employee, his/her representative and the probationary reviewer. The meeting will be convened in accordance with the governing body's delegated responsibility for dismissals. Advice should be sought from the school's Human Resources provider.

Written notification of the hearing should be given to the employee and should include:

- a) the purpose of the meeting;
- b) the date, time and place of meeting;
- c) the names of those to be present;
- d) the right to be accompanied by a trade union representative or work place colleague;
- e) a statement that dismissal may be an outcome;
- f) the right to produce information and the date by which this should be received;
- g) copies of all documents to be produced at the meeting.

The meeting should consider submissions from both the reviewer and the employee, which will include the records from each of the formal reviews.

If dismissal is the outcome, the employee should be advised of the reasons and given the appropriate notice of termination of employment. A letter should be sent to the employee with 7 calendar days of the meeting to confirm the outcome and to outline the employee's right of appeal.

8. Right of Appeal

An employee may appeal where dismissal is the outcome. Appeals must be made in writing to the headteacher with 7 calendar days of the letter confirming non-confirmation of employment.

Where no appeal is lodged in the timescale the matter will be closed.

When an appeal is lodged, the governing body's Appeal Committee will normally consider the appeal within twenty-eight days of its receipt.

9. Disciplinary Action During Probation

As part of the probationary review procedure, deficiencies in an employee's conduct or performance should be brought to his/her attention as soon as it occurs.

In the event that a complaint of *misconduct* should arise, the full disciplinary procedure can be applied to probationary employees. Before deciding what action to take the probationary reviewer shall:

- explain the deficiency or complaint, and
- give the employee an opportunity to reply.

Where *job performance* is the issue, the probationary reviewer may decide on one of the following courses of action:

- following discussion, the complaint is considered to be unsubstantiated and requires no further action;
- to issue an informal caution;
- to caution the employee formally in writing, and advise him/her that unless the complaint is remedied by the next stage of the probationary period s/he may be dismissed;
- to extend the probationary period for a further period;
- to proceed to a meeting to dismiss the employee as set out in section 7.