



Probationary Procedure

1. INTRODUCTION

It is a condition of service that newly appointed Local Government Employer Staff who do not have previous continuous service with Hertfordshire are subject to a twenty six week probationary period. The procedure applies to:

- all school employees covered by Local Government terms and conditions of service.
- staff who are centrally employed by the local authority (LA) **and** who work solely at the school;
- staff employed in units or bases that are attached to a school

The procedure does not apply to:

- staff employed in VA, Foundation or Academy schools;
- staff employed at Education Support Centres;
- teachers;
- peripatetic staff who are centrally employed by the LA;
- school meals staff employed by Hertfordshire Catering or by an external contractor;
- employees of external contractors and providers of services. (Such staff are covered by the relevant procedures of their employing body)

2. PURPOSE, SCOPE & PRINCIPLES

The probationary period provides the opportunity to assess whether the employee is able to perform the duties of his/her job to a satisfactory level. The Headteacher has a responsibility to ensure that the probationer is given every reasonable facility to aid his/her performance. Reports will be prepared by the school which will be objective and constructive with the probationer's attention being drawn to any shortcomings with a view to an improvement being achieved.

A 26 calendar week probationary period applies to all new employees who do not have previous continuous employment with Hertfordshire, regardless of whether they are full or part time. Although the probationary procedure is only applicable to staff new to Hertfordshire, it is good practice to review closely the work of all new staff. This gives an opportunity to discuss progress so far, any further training needs and any concerns on either side.

The probationary period provides the opportunity to assess whether the employee is able to perform the duties of his/her job to a satisfactory level and to establish his/her long-term suitability for the post.

It is recommended that formal probationary review meetings are held as follows:

- **First review** within weeks 7 – 9
- **Second review** within weeks 13 – 15
- **Third and final review** meeting no later than 20 weeks after their start date.

Consideration must be made to those employees on term time only contracts to ensure that their review meetings take place at an appropriate time in the school term. For example, term time employees whose first 8 weeks of employment include the summer holidays, the first (8 week) review will need to be adjusted accordingly.

This procedure is to be used in addition to normal supervisory arrangements. Review meetings will simply formalise feedback on performance/conduct the employee has already received via normal supervisory and management processes.

The probation period can be extended in exceptional circumstances by the agreement of both the Headteacher and the employee. If the employee does not want an extension to his/her probationary period and his/her performance remains unsatisfactory, then his/her employment will be terminated.

The final review will take place at a time that allows for the employee to be given his/her notice in the event of unsatisfactory performance, so that employment will end by the twenty-sixth week of employment. This would normally be no later than twenty weeks after appointment.

3. ROLES & RESPONSIBILITIES

3.1 Headteacher/Line Manager responsibilities:

- The letter of appointment to all new support staff will say that his/her employment will be subject to a probationary period of 26 calendar weeks.
- The new employee's roles and responsibilities will be clearly set out (this will form part of a planned induction programme)
- As part of the induction programme, the Headteacher/Line manager will have agreed a date with the employee for the first probationary review meeting.
- Realistic and reasonable standards of performance will be set, which are consistent, and these must be explained to the new employee.
- Adequate support will be available to the employee, as well as feedback (both positive and constructive) on performance, so that he/she can reach the required standards of performance.
- Appropriate action will be taken under this procedure if performance is unsatisfactory during the probationary period. If there are concerns, these will be raised with the employee as soon as possible and not to wait until the review meetings.
- Training needs will be assessed.
- The employee will be allowed the opportunity for improvement.

3.2 Employee Responsibilities:

- To be aware of the performance standards expected of them and be committed to achieving them
- To inform his/her line manager/Headteacher if he/she needs additional support in order to meet the required performance standards (i.e. coaching, training and development etc)
- To identify skills/development areas to pursue and undertake any appropriate training.

4. FIRST PROBATIONARY REVIEW MEETING (WITHIN WEEKS 7-9)

As part of the normal induction programme, the employee will have already met with their Headteacher/Line Manager to agree a set of key objectives, tasks and targets which will be documented in the Probationary Period Review form (doc. 2 of toolkit) and used throughout the probationary review process.

4.1 First Probationary Review Meeting for Employees working at a Satisfactory Level.

The Headteacher/ Line Manager will meet with the employee to discuss:

- Employee's performance
- Key objectives, tasks and targets
- Sickness/absences
- Any other concerns/relevant issues
- Areas for improvement/timescales and assistance offered

The Headteacher/ Line Manager will complete a Probationary Period Review Form (doc. 2 of toolkit) during the meeting and both the employee and line manager will be required to sign the form. A copy of the form must be placed on the employee's personal file and a copy given to the employee. A date for the second Probationary Review Meeting will be arranged. This will take place no later than 15 weeks after the employees start date.

4.2 First Probationary review Meeting for Employees working at an Unsatisfactory Level

The Headteacher/ Line manager will meet with the employee to discuss:

- Areas of poor performance, unsatisfactory conduct.
- Detail of the help and support that will be provided
- Time period of expected improvement
- How improvement will be monitored and assessed
- Complete and sign the Probationary Review Period form (doc. 2 of toolkit)
- Review and complete the Probationary Period Joint Action Plan (doc. 3 of toolkit)

It is advisable that targets given will follow the 'SMART' target tool:

- Specific
- Measureable
- Achievable
- Realistic
- Time-bound

The employee will be given the opportunity to explain any reasons why he/she may not be performing to a satisfactory level and will be asked what help or assistance he/she needs. The Headteacher/Line Manager will complete the probation review form during the meeting and both the employee and line manager will sign the form. A copy of the form must be placed on the employee's personal file and a copy will be given to the employee. The employee should be sent a copy of the Poor Performance letter (doc. 5 of toolkit) following the meeting. A date for the second Probationary Review Meeting will be arranged. This will take place no later than 15 weeks after the employees start date.

5. SECOND PROBATIONARY REVIEW MEETING (WITHIN WEEKS 13-15)

5.1 Second Probationary Review Meeting for Employees working at a Satisfactory Level.

The Headteacher/ Line Manager will meet with the employee to discuss:

- Employee's performance
- Key objectives, tasks and targets
- Sickness/absences
- Any other concerns/relevant issues
- Areas for improvement/timescales and assistance offered

The Headteacher/ Line Manager will complete a Probationary Period Review Form (doc. 2 of toolkit) during the meeting and both the employee and Headteacher/line manager will be required to sign the form. A copy of the form must be placed on the employee's personal file and a copy given to the employee. A date for the Third and Final Probationary Review Meeting will be arranged. This will take place no later than 20 weeks after the employee's start date.

5.2 Second Probationary Review Meeting for Employees working at an unsatisfactory Level.

This meeting will take place no later than 15 weeks after the employee's start date. The employee is entitled to bring with them a Union or Professional Association Representative or work colleague and no one else to this meeting.

If the employee's performance, conduct and or attendance remains unsatisfactory the same procedures as stated for the first probationary review meeting must be followed (see section 4.2). Following the meeting, the employee must be informed in writing that if his/her conduct/performance does not improve that his/her employment may be terminated. See Poor Performance letter, (doc. 5 of toolkit)

A date for the Third Final Probationary Review meeting will be agreed with the employee. This will take place no later than 20 weeks after the employee's start date.

6 THIRD (FINAL) PROBATIONARY REVIEW MEETING (20 WEEK REVIEW)

This meeting will take place no longer than 20 weeks after the employee's start date.

6.1 Third (Final) Probationary Review Meeting for Employees working at a Satisfactory/ Improved Level.

If the employee's performance/conduct has continued to be acceptable or has improved to an acceptable standard and this is judged using the criteria set out at the first and second probationary review meetings, the Headteacher must record this on the Probationary Period Review form (doc. 2 of toolkit). The employee should receive a Successful Completion letter (doc. 8 of toolkit)

6.2 Third (Final) Probationary Review Meeting for Employees whose performance/attendance/conduct remains unsatisfactory

If, prior to the third and final review meeting the reviewer is of the opinion that the employee's performance/conduct remains unsatisfactory, the Headteacher should attend the third and final review meeting.

The employee is entitled to bring with them a union or professional association representative or work colleague and no one else to this meeting. Where termination of employment is an option, and for schools that buy the HR Advisory Service, an HR representative may attend to advise the Headteacher. The following areas must be considered by the Headteacher:

- Areas of poor performance and/ or unsatisfactory conduct and/or attendance;
- Areas in which the employee has failed to improve;
- Any reasons the employee presents as to why they are not performing to a satisfactory level.

Taking the above factors into consideration, the Headteacher will make a decision on whether to terminate the employee's contract of employment. The employee will be informed verbally at the meeting of the decision taken and this decision will be confirmed in writing within 3 working days of the meeting (doc. 9 of toolkit). If the decision is to terminate employment, the letter will serve the required notice on the employee and must state that the employee has a right of appeal (see section 10). The notice period must be timed to ensure that employment ends before the expiry of 26 weeks' service.

6. EXTENSION OF PROBATIONARY PERIOD

There may be occasions when it is appropriate to extend the probationary period where exceptional circumstances made it difficult to properly assess an employee's performance/ conduct e.g. extended sickness. This decision will be made by the Headteacher no later than 20 weeks after employment commenced and for those schools that purchase the HR Advisory Service in consultation with your HR Adviser. The decision will be confirmed in writing to the employee (doc. 7 of toolkit). The letter will explain the reason/s why the probationary period has been extended, the date it has been extended to and that the employee has agreed to the extension. If the employee does not agree to the extension, the alternative is the termination of his/her employment. An extension of an employee's probationary period will happen no more than once.

7. SERIOUS FAILURE IN PERFORMANCE

For cases of serious failure in performance resulting in misconduct or gross misconduct, the School's Disciplinary procedure must be followed.

8. NOTICE PERIOD

The notice period for all employees in their probationary period is the statutory minimum of one week, except where the employee has continuous service from a previous Local Authority, in which case their notice period will be the statutory minimum for their length of continuous service (e.g. 1 week for every year of continuous service up to 12 weeks). Any notice period given should, wherever possible, be timed to ensure that employment ends before the expiry of the probationary period. Where an employee is given notice of termination, the Headteacher, in consultation with the Schools' HR Advisory Team, may decide whether the employee will work out his/her notice period, or leave immediately with payment in lieu of notice. If the employee is required to work the notice period, the school will pay the salary, if the employee refuses to work his/her notice and no other agreement is made, the school is not obliged to pay the salary. For employees who are entitled to more than the statutory minimum, a payment in lieu of notice may be appropriate.

9. FIXED TERM CONTRACTS

All employees on fixed term contracts of more than 6 months must follow the probationary guidelines in this procedure. Employees with fixed term contracts of less than 6 months will have an agreed probationary period in place which is appropriate to the duration of his/her contract (doc. 4 of toolkit). Timescales for reviews will be adjusted.

10. RIGHT OF APPEAL

If an employee wishes to appeal against the decision to terminate his/her employment, he/she will appeal in writing to the Chair of Governors within 7 working days of receipt of his/her termination letter. The Chair will arrange for three members of the Governing Body not previously involved, to hear the appeal. The appeal should take place without unreasonable delay.