



## Hanson Policy for School Staff

# A Whole School Policy Providing Guidance on Probationary Periods

Hanson has adopted the PACT HR recommended model procedure as agreed by Trade Unions.

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Signed on behalf of the governing body:

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## **PACT HR – Guidance on the use of Probationary Periods for Teachers**

**November 2016**

### **Introduction**

A probationary period is a period of time for an employee who is a new recruit to the school to demonstrate suitability to their role. It allows both the post's manager and the employee to take into account the individual's overall capability, performance and general conduct in relation to the job in question and assess objectively if they meet the requirements.

The probationary period is written into the employee's contract of employment and it is considered an extremely useful management tool, provided it is well structured and properly implemented.

Employees need to be fully aware before they start their role in school, that a probationary period applies to them and that they can be dismissed for failing to achieve the necessary standards of performance within that period. This should be made clear in the advert for the post and within the post's job description.

Probationary periods should be used in conjunction with a rigorous and thorough recruitment process, not as an alternative to this. This should hopefully ensure that only the most suitable candidates are appointed to roles and the subsequent success rates of probationary periods in school are high.

Appropriate management of an individual's probationary period is key and any unsatisfactory performance or behaviours must be addressed well before the end of the probationary period, as failure to confirm the successful completion of the probationary period may lead to it being deemed to have been completed automatically.

### **Scope**

Once a school has made the decision to use probationary periods, this should be applied to all new teaching posts in school. This is with the exception of Newly Qualified Teachers (NQT's), who are subject to their own induction period. This decision should be taken by the school's full governing body and be documented accordingly. It is also advised that school governing bodies delegate authority to end an employee's probationary period only, to the school's Headteacher in the first instance, in line with permissions within the School Staffing Regulations. Any appeal procedures, will need to still be conducted by a panel made up of representatives from the school's governing body.

Probationary periods cannot be applied retrospectively to existing post holders in school.

There are two possible approaches to the management of probationary periods in schools, based on an employee's length of service.

#### Probationary Contract

Where a new employee has less than 2 years continuous service, a contract will be offered to the new employee for the duration of one school term. A clause is included in this contract, which states that on successful completion of the employee's probationary period, they will be offered a permanent contract within the school.

#### Probationary Clause

Where an employee has more than 2 years continuous service, an appropriate clause will be added to all new teaching contracts within the school, which will read as follows;

*"The Appointment shall commence **OR** be deemed to have commenced on the XXXXX 2016 and shall continue, subject to the remaining terms of this agreement, until terminated by either party giving the other not less than a minimum of two months' notice, and in the Summer term three months' notice, terminating at the end of a school term as defined in Paragraph 1.1 of Section 3 Teachers' Conditions of Service (Burgundy Book).*

*The first Academic Term of the Appointment shall be a probationary period and the Appointment may be terminated during this period at any time on payment in lieu of notice. The School may, at its discretion, extend the probationary period for up to a further two months. During the probationary period the Employee's performance and suitability for continued employment will be monitored. Interim feedback regarding progress during the probationary period will be given no later than the penultimate week before the half term holiday. At the end of the probationary period the Employee will be informed in writing if he/she has successfully completed his/her probationary period."*

## **Length of the probationary period**

For teaching staff, the minimum probationary period, should be one full school term. This should be a reasonable period of time to give the employee the opportunity to learn the key elements of the role and receive necessary training.

School may decide to extend an individual's probationary period due to particular circumstances concerning an individual. This should only be done, following consultation with the school's HR Business Partner.

## **Structuring a Probationary Period**

New employees should be provided with a structured induction period into both the school and their role, which should follow a process that aims to assess and review the employee's performance, capability, conduct and suitability for the role. (See Appendix A)

### **An effective induction period, should include;**

- Information – about the buildings, organisation and facilities
- Copies of relevant documents/procedures/policies/handbooks etc.
- Introduction to staff and governors
- Information on the school's staffing structure, including a clear understanding of line management responsibilities
- The post's job description and role profile
- Clear guidance of the expectations of the role in school

It is for the manager of the post in school to decide the process and programme of review/assessment, to ensure both parties are clear about their expectations. A template plan for the induction period can be found at Appendix A.

### **The programme should include and be linked to the teacher standards and the school's Appraisal Policy;**

- Regular monitoring of the new employee's performance through progress meetings.
- Identification and discussion of any problem areas at the earliest opportunity
- The provision of regular constructive feedback
- Supervisory support and guidance
- The provision of any necessary training and coaching
- Clear objectives that the employee is expected to achieve by the end of the probationary period
- The standards of performance that are required in respect of the duties of the job
- The standards or measurements against which the employee's performance will be assessed
- Any agreed development opportunities
- A description of any relevant standards of behaviour, for example in relation to liaison with parents.

## **How should the probationary period be reviewed?**

During the probationary period, there should be regular meetings between the manager and the employee. These meetings should be scheduled in advance and diarised at the start of the employee's employment. It is the manager's responsibility to ensure that all probationary reviews are completed on time.

Fortnightly meetings are recommended throughout the probationary period as they will allow the employee's performance and progress to be monitored on a regular basis and allow prompt feedback to be provided to the employee should development areas be identified. Less frequent meetings may result in important issues being unresolved, or delays in the resolution of performance issues.

### **At each meeting, the manager should aim to;**

- Highlight the areas where the employee is doing well
- Focus on successes, as well as areas of development.
- Explain clearly any areas in which the employee is falling below the required levels and explore possible reasons for this.
- Listen to what the employee has to say and discuss whether or not any specific training or coaching is required.
- Discuss any other relevant matters, such as timekeeping, attendance, general conduct and attitude.
- Invite the employee to comment on any issues and give the employee an opportunity to ask any questions or raise concerns about any aspect of their employment in the school.

Meetings need to be a two way process, with the opportunity for areas to be discussed on a confidential basis.

Where concerns have been raised about the employee's performance, the line manager of the post should discuss these fully and openly with the employee and an action plan to remedy the problems should be agreed and documented, as would usually be the case through the school's Appraisal Procedure. The action plan should include clear evidence of what needs to be achieved by the individual, how and by what point.

The member of staff should be helped to understand that a failure to improve their performance and achieve the required standards, could ultimately lead to the termination of their employment.

## **Formal Interim Review Meeting**

The employee's line manager will arrange a formal interim review meeting, no later than the penultimate week before the half term holiday of the term in which they

commenced their post. The employee has a right to have a trade union representative or work colleague present at that meeting. Employees should be provided with 5 working days notice of this meeting, along with any information/documentation that school management wish to be considered as part of the meeting.

This meeting can be brought forward at any point during the probationary period, with appropriate notice (5 working days) provided to the employee, if the employee's performance within their role is of a significant concern to school management.

This meeting will be conducted in the same format as a capability hearing. At this meeting the employee's line manager will present information to the Chair of the meeting (Head-teacher or panel of Governors) formally assessing the employee's performance against the agreed standards and make a recommendation as to whether or not the employee's performance is satisfactory.

The employees, trade union representative or work colleague on their behalf, are also provided with the opportunity to present information in support of their case.

The possible outcomes of this meeting are;

- The employee's performance is satisfactory and the probationary period will continue until the end of the probationary period. (Appendix X)
- The employee requires additional support and as such an agreed action plan is generated by the employee's line manager, which will continue until the end of the probationary period, at which point it will be formally reviewed again. Where the member of staff has been employed on a probationary contract, they will be given notice that their contract is likely to end at the end of the current school term. (Appendix B)
- Following careful assessment of the employee's performance, the decision is taken by the employee's line manager that the probationary period has been unsuccessful and the employee is given notice that it will end at this point. (Appendix C)

Where the probationary period is brought to an end as a consequence of the interim review meeting, the member of staff will still receive payment to the end of the school term, where they have less than two years continuous service. Where a member of staff has more than two years continuous service, they should be paid their contractual notice pay in lieu of working their notice.

This amount is subject to any appropriate deductions for national insurance, income tax and pension contributions etc.

Where a member of staff has been employed on a probationary contract and their performance is deemed to be below the required standard, they should be provided

with notice of the ending of this probationary contract, no later than the following dates;

- 31<sup>st</sup> May for ending the contract on the 31<sup>st</sup> August
- 31<sup>st</sup> October for ending the contract on the 31<sup>st</sup> December
- 28<sup>th</sup> February for ending the contract on the 30<sup>th</sup> April

The employee has the right to appeal any outcome that arises as a consequence of the formal interim review meeting. Please see later in this guidance document for how such appeals should be managed.

## **Formal end of the probationary period**

The formal end of the probationary period meeting should take place prior to the designated end of the probationary period. The member of staff should be provided with 5 working days notice of this meeting.

The focus of this meeting should be to discuss with the member of staff their overall performance over the course of the probationary period and follow up on any agreed action plan, put in place at the formal interim review meeting.

In advance of the meeting, the manager of the post should gather evidence of the employee's performance, based on the agreed standards of the role. During this meeting, the manager should present information to the Chair of the meeting (Panel of Governors) as follows;

- Review the employee's performance in the period following the formal interim review meeting.
- Identify and discuss areas in which the employee required or continues to require further training or development.
- Confirm any further training or support that has been provided following the formal interim review meeting.
- Confirm how the employee feels generally about his or her employment.
- Explain how performance will continue to be managed in the future, i.e through the normal appraisal system.

The employee or their trade union representative on their behalf, are also provided with the opportunity to present information in support of their case.

If the employee's performance is satisfactory, the manager will inform the employee that they will be confirmed in post. This will be confirmed in writing by the school's governing body.

In the case of unsatisfactory performance, then the manager of the post should reiterate the areas in which the employee has failed to meet the required.

The possible outcomes of this meeting are;

- The employee's probationary period is judged to have been successful and their continued employment is confirmed in school.
- The employee's probationary period is judged to have been unsuccessful and they are given notice of their dismissal from their role and paid any notice pay they are contractually entitled to. This decision is confirmed in writing.
- The employee's probationary period is to be extended for a period of up to two months and they are informed of this in writing.

## **Extending Probationary Periods**

Any extension to a probationary period, should only be made in exceptional circumstances and HR advice should be sought prior to this decision being taken.

In the event of absence for whatever reason (including sickness absence and maternity leave) during the probationary period, the probationary period should be suspended until the employee is able to return to work, at which point the probationary period will re-commence, to ensure that it has covered a full school term.

The process for managing the re-commenced probationary period will be as outlined previously, within this guidance document, with regular review meetings and a formal end of probation review. The length of the absence will not count towards the length of the probationary period.

If at the end of an initial probationary period, there are still areas of poor performance and it is felt that the employee would benefit from some additional time to meet the relevant action plan, then the probationary period can be extended for a further two months.

An extension should normally be sought only where there are special circumstances justifying it. The manager of the post should consult with HR prior to any decision to extend an employee's probationary period.

Where it is agreed that an employee will be granted an extension, it is important that the particular terms of the extension are made clear to the employee in writing, this should include;

- The length of the extension and the date on which the extended probation period will end.
- The reason for the extension, for example that the employee's performance has fallen short of the required standards for the post in school, but the post's manager reasonably believes that an extension of time will be effective in allowing them to achieve those standards.

- The performance standards or objectives that the employee is required to achieve before the end of the extended period of probation, along with any training requirements.
- Inform the employee, that if the extended probationary period means that they do not reach the required level of performance, their job will be at risk and they may not be confirmed in the post.

## **Appeals**

An employee should submit an appeal in writing, against either the outcome of the formal interim review meeting or formal review meeting, within 3 working days of the outcome of either meeting.

An appeal meeting will be held within 5 working days of receipt of the appeal, or earlier in agreement with the member of staff.

The appeal meeting, will be held in front of a panel of school governors and will follow the same format as the formal review meeting.

The possible outcomes of this meeting are;

- The employee's dismissal is upheld and they are informed of this in writing.
- The employee's employment is reinstated and their probationary period is extended for a further period of time.
- The employee's probationary period is confirmed as successful and their employment is confirmed in school.

## **Serious Misconduct**

If the employee is involved in an act of serious or potential gross misconduct during the probationary period, then this will be addressed as part of the school's Disciplinary Policy.