



London Borough of Waltham Forest

PROBATION

MODEL PROCEDURE

FOR SCHOOL SUPPORT STAFF

SEPTEMBER 2015

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SECTION 1 – OUTLINE OF THE POLICY

1. INTRODUCTION

- 1.1 The six month probationary period is an important opportunity for performance and conduct to be assessed to determine whether the employee can be confirmed in post. The probation period shall be 6 months, unless extended, or otherwise as detailed in the individual employee's contract of employment.
- 1.2 The purpose of the probation is to ensure that new staff receive support and induction in their new jobs, and demonstrate that they fully meet the School's performance standards and the requirements of the job.
- 1.3 This policy provides a formal mechanism for reviewing performance. It is important that this policy is complied with and that a formal introductory meeting is held by the line manager with the employee in the first week of probation, and that formal probation assessment reviews are held, and probation assessment reports completed, in the 1st, 3rd and 5th month.
- 1.4 Where concerns in performance are identified, at any stage during the probation period, these must be promptly discussed by the line manager with the employee and an agreed plan of action drawn up. Line managers are also advised to hold informal meetings with their employees to ensure a good working relationship and to provide feedback on the employee's performance. These meetings will ensure that employees are treated objectively, sensitively, consistently and fairly, as well as identifying any training or development needs. It is also an opportunity to hear what the employee has to say and what they consider will assist them in their work performance.
- 1.5 At the end of the probationary period, the manager will decide whether the probationer meets the standards, which have been set for new employees. In reaching this decision, the manager will look at the performance over the probationary period and consider whether or not the probationer has demonstrated their suitability to be confirmed in employment. This includes the performance management/progress towards the objectives at 1:1 meetings, attendance and behaviour.
- 1.6 This policy applies to ALL new members of Support staff, regardless of local government continuous service.

2.0 PURPOSE OF THE POLICY

- 2.1 Probation is a two-way process of positive benefit to both the School and employee. It provides an opportunity:
- a) for the employee to settle effectively into their new post
 - b) to clarify the duties and responsibilities of the employee
 - c) to set standards
 - d) to explain how objectives will be monitored and measured and how frequently this will be done
 - e) to identify and provide relevant training and development needs
 - f) to encourage and support development
 - g) to make an assessment of performance, conduct, attendance and timekeeping (“performance”) using agreed SMART objectives i.e. objectives that are specific, measurable, achievable, relevant and time bound. (probation target setting form appendix 1)
 - h) to conduct the probation process in accordance with the Council’s and school’s policies on equality and diversity
 - i) to ensure that the performance of all new employees is assessed fairly and consistently across the Council and schools.
- 2.2. It is important to support the probationary assessment with a clear induction process as this helps the employee to understand their role in the School and the standards expected.

3.0 LEGAL IMPLICATIONS

- 3.1 After two years continuous service an employee has legal employment rights. It is, therefore, essential that:
- a) at the time of the appointment, the employee is made fully aware of what is expected of him/her in order to pass probation successfully (i.e. the standards/objectives are specific and clear as set at induction);
 - b) the procedure for regular review of progress is carried out;
 - c) the problems of the unsatisfactory performance or conduct of an employee have been unequivocally addressed with him/her (i.e. that he/she could not claim to be unaware of any problems and that standards have been agreed with manager and the employee and future objectives set for improvement);

- d) it can be shown that appropriate guidance and relevant training to meet objectives has been given;
- e) the probationer has been evaluated at the end of the probationary period against known objective criteria.

SECTION 2 - THE PROCESS

1.0 OUTLINE OF THE PROCEDURE

1.1 The School's aim is:

- 1.1.1 To enable employee's performance to be assessed and monitored throughout the probation period.
- 1.1.2 To ensure that new entrants settle into the School quickly and complete their probation satisfactorily whilst ensuring that their performance is monitored within the timescales.

2.2 KEY PRINCIPLES

- 2.2.1 All new employees appointed to the School on a permanent, temporary or fixed term contract are required to serve a satisfactory probationary period of six calendar months before their employment is confirmed / continued.
- 2.2.2 A probationer who starts maternity leave during their probationary period will have to serve the balance of the six months probationary period on their return to work after maternity leave.
- 2.2.3 The following do not count towards the six months of the probationary period:
 - i. Engagement as a consultant
 - ii. Unpaid special leave
 - iii. Sick leave or special leave where it exceeds one month
 - iv. Unauthorised absence
- 2.2.4 A formal review of the process will be held at 1st, 3rd and 5th month. These reviews will be used to assess their performance and identify any problems or training or development needs as they become apparent. Assessment of the process will be on a continuous basis and management may dismiss anytime within the terms of the scheme.
- 2.2.5 The employee's performance can be assessed and monitored throughout the probationary period in a variety of ways, for example through one to one supervision sessions, observation, at team meetings or by shadowing other work colleagues. The job description and person specification are key documents when assessing work performance.

2.2.6 The criteria used to assess an employee's work performance will vary depending on the duties of the post and work environment etc. These will include:

- i. Quality of performance
- ii. Quantity of work
- iii. Flexibility
- iv. Customer care
- v. Time keeping and sickness absence
- vi. Reliability
- vii. Efficiency
- viii. Effective communication and team working with other colleagues
- ix. Responding effectively to supervision and instructions
- x. Initiative

2.2.7 The employee's line manager should complete the probation assessment form (appendix 2) when conducting probation review meetings with the employee. A signed copy of the form should be sent to the employee and held on personal file. All forms are provided to the manager when the new employee commences employment. It is the manager's responsibility to ensure that the probation assessment meetings take place.

2.2.8 The disciplinary procedure does not normally apply to dismissal during the probationary period.

3.0 ROLES AND RESPONSIBILITIES

3.1 Role of the line manager

- a) During the employees induction the line manager is responsible for clarifying the duties and responsibilities of the employee in line with their job description, including:
 - i. Key aspects of the role, structure of the unit/school and how it fits within the school
 - ii. Required skills and competencies
 - iii. Expected standard of performance (including conduct, timekeeping and attendance)
 - iv. Deadlines to be met
 - v. Effective communication and team working with other colleagues
 - vi. Working environment
 - vii. Responding effectively to supervision and instructions
 - viii. Policies and procedures e.g. sickness absence reporting, safeguarding

- ix. Discuss/agree any training and development needs

- b) Explaining how objectives will be monitored and measured and how frequently this will be done
- c) Ensuring the employee understands what is meant by probationary service, including:
 - i. How performance is to be assessed
 - ii. The expected standard of performance

- d) Identifying relevant training and development needs
- e) Providing relevant training and encouraging and supporting development.
- f) Agreeing and setting dates for formal and informal review meetings.
- g) Providing adequate support, instruction and guidance to ensure that they understand their role and the expected standard of performance.
- h) Setting and monitoring expected standards of performance, including the setting of SMART objectives at the induction stage for the probation period and providing constructive feedback on a regular basis in one-to-one meetings to assist the employee to achieve and maintain expected standards of performance.
- i) Providing feedback throughout the probation period and formally reviewing progress with the employee promptly at the monthly review points.
- j) Ensuring, if necessary, that any issues, concerns, or areas for improvement relating to the probationer are communicated to them and that advice is sought from your Traded HR Provider.
- k) If performance is not to the expected standard, that their appointment will not be confirmed and will lead to the termination of their employment.
- l) Ensuring the probation assessment report has been signed by both the line manager and employee.
- m) Informing the employee whether or not their probation has been successfully completed.

3.2 Responsibilities of the new employee (probationer)

- a) Understanding the purpose of probation and the standards of performance expected of them.
- b) Meeting agreed objectives (as set at the induction) within set deadlines.
- c) Ensuring they are fully aware of, and understand, the rules of conduct as set out in the School's Code of Conduct.
- d) Co-operating with their line manager in the probation process.

- e) Raising with their line manager any issues or concerns they may be experiencing.
- f) Seeking clarification from their line manager on any aspect of their role which they are unsure of.
- g) Raising with their line manager the training, guidance and support they consider is necessary is help them achieve the expected standard of performance.
- h) Ensuring that any input in, or dispute about, the probation assessment report is raised with the line manager and included in the probation assessment report.
- i) Completing the probation period successfully and demonstrating that they have reached and maintained the expected standard of performance.

3.3 Responsibilities of the School's HR Provider

- a) Providing advice and guidance on all probation issues
- b) Providing support and ensuring that schools are following procedures appropriately.

4.0 OUTCOME OF REVIEW

4.1 Failure to meet required standard

- a) If the employee's performance (including work performance, conduct and attendance) does not meet the required standards by the 3rd month review, the line manager will meet with the employee and warn them that failure to make a sustained and acceptable improvement may lead to dismissal.
- b) The line manager will agree appropriate steps with the employee to improve their performance i.e. standard setting, close supervision by an experienced supervisor, monitoring, temporary alteration of duties/objectives, additional training & development. A reasonable review period should be set depending on the nature of the standards required.
- c) The meeting must be recorded and confirmed in writing to the employee outlining any warnings given about the consequences of failing to meet the required standards.

4.2 Confirmation in post

- a) At the end of the 5th month review period, the manager considers whether or not the employee's performance (including conduct, performance & attendance) over the whole of the probationary period demonstrates that the employee fully meets the requirements of the job to which they were appointed and whether or not the employee's employment should be confirmed.

- b) If, at the end of the six months, the employee's conduct and performance has been satisfactory, the appointment will be confirmed and the employee notified in writing by the manager. (appointment confirmation letter appendix 3)
- c) Notification of confirmation in post will be sent by the Manager and a copy placed in the employees file

4.3 Extension to probation and unsatisfactory performance

- a) If the line manager is unable to make a decision about an employee's probation after five months service it may be appropriate, after seeking advice from their HR Provider to extend the probation period.
- b) Extensions should only be considered in two situations:-
 - i. where the employee has not demonstrated the expected standard of performance, but where there is evidence that with further reasonable training and/or supervision, performance can be improved to the expected standard; or
 - ii. where through the absence of either the employee or the manager there has not been sufficient time to assess performance .
- c) In both cases, in consultation with the employee, the probation period should not be extended for a period longer than three months beyond the initial six-month period and the employee should be advised of any areas for improvement in writing (probation extension letter appendix 4). A copy of the letter needs to be put on the employees file.
- d) At the end of the extended probation period, if performance is to the expected standard, the employee should be informed verbally and receive written confirmation. A copy of the letter will also need to be put on the employees file.
- e) If performance remains unsatisfactory then a recommendation to terminate employment should be made following the process below.

4.4 Non confirmation in post

- a) Where performance and/or conduct are unsatisfactory and non-confirmation in post is considered, the matter will be referred to the Head teacher who has the authority to dismiss under the school's scheme of delegation. The employee would be invited to a formal probation meeting with their line manager within 10 working days of the review to discuss their performance and/or conduct. The employee should be advised of the reason for the

meeting and the right to be represented by a trade union or colleague. (Intention to dismiss letter appendix 5).

- b) A meeting to discuss non confirmation would normally take place in the sixth month of the probationary period or at the end of the extension period. However it may take place at an earlier stage if the employee's performance and/or conduct is so unsatisfactory and warrant termination of the contract of employee. Advice should be sought from the HR Traded Provider in these circumstances.
- c) The line manager will outline the reason(s) why it is not proposed to confirm the employee in post and allow them an opportunity to provide relevant information or evidence before a decision is taken.
- d) Following the formal probation meeting, the line manager's will send their recommendations along with all relevant supporting evidence to the Head teacher to make the final decision within 5 working days of the formal probation meeting.
- e) The line manager can only make a recommendation to terminate an employee's contract. Under the School's scheme of delegation only Headteacher or Governors can dismiss.
- f) A copy of any recommendations from the formal probation meeting is to be sent to the employee by the line manager within 2 days of the meeting and a copy put on the employee's file

4.5 Dismissal

- a) In the event of gross misconduct, employment could be terminated with immediate effect.
- b) In the event that the decision is made to dismiss the line manager will advise the employee that their employment is being terminated the decision to be confirmed in writing (usually within the 6 month probation period) (confirmation of dismissal letter appendix 6).
- c) A notice period in line with their contract will apply in the event that a decision to dismiss the probationer is made. The notice does not have to be worked and can be paid in lieu of notice.
- d) Once a decision has been made and the employee has been notified in writing, the employee has no right of appeal.

PLEASE ENSURE THAT A COPY OF ALL PROBATION FORMS AND DOCUMENTATION ARE PUT ON THE EMPLOYEE'S FILE.