

<b>Title</b>	Probation Procedure (Support Staff)
<b>Associated Policies</b>	<ul style="list-style-type: none"> <li>• Disciplinary Procedure (TPO/STA/22)</li> <li>• Non-Teaching Performance Management and Capability (TPO/STA/05)</li> <li>• Grievance Procedure (TPO/STA/23)</li> <li>• Staff Absence (TPO/STA/13)</li> <li>• Professional and Safe Conduct (TPO/STA/10)</li> </ul>

REVIEWED: MAY 2017

NEXT REVIEW: MAY 2020

## 1. Policy Statement

- 1.1 The purpose of the probation period is to enable an assessment to be made regarding a probationer's suitability for the job for which they have been employed. The probationer must, during the probation period, demonstrate their suitability for the post.
- 1.2 The Probation Procedure will be operated in accordance with the school's Equality and Diversity Policy. The impact of the procedure will be monitored and analysed by race, sex, disability and age.

## 2. Who does this policy apply to?

- 2.1 This policy applies to all new support staff employed by the academy regardless of their permanent, fixed-term, full- or part-time status.
- 2.2 This procedure is non contractual and for guidance only.
- 2.3 The procedure does not apply to teaching staff.

## 3. Who is responsible for carrying out this policy?

- 3.1 The implementation of this policy will be monitored by the Brooke Weston Trust, governors of the Academy and will remain under constant review by a designated senior member of staff.
- 3.2 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## 4. What are the principles behind this policy?

- 4.1 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).
- 4.2 The probation procedure provides a consistent and fair framework for:
  - 4.2.1 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 and dealing with inadequate performance, and misconduct issues
- 4.3 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.

### 5. Procedures

**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 line manager and probationer, in which there is opportunity for two-way discussion. Alternatively, in extreme circumstances, where there are cases of misconduct or gross misconduct by the probationer the procedure outlined in paragraph 6 will be followed.

#### **5.2 The First Review: On completion of 4 weeks service**

5.2.1 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.

5.2.2 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. The procedure provides the employee with an opportunity to put in writing concerns regarding the decision reached in the probationary review meeting. This is then referred to another line manager/senior member of staff who will carry out a review of the decision.

#### **5.3 The Second Review: On completion of 3 months service**

5.3.1 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.

5.3.2 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.

5.3.3 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. The procedure provides the employee with an opportunity to put in writing concerns regarding the decision reached in the probationary review meeting. This is then referred to another line manager/senior member of staff who will carry out a review of the decision.

#### **5.4 The Final Review: On completion of 5 months service**

5.4.1 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.

5.4.2 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 Principal to conduct the meeting (see 5.6).

- 5.5 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.
- 5.6 If a recommendation is made by the line manager to dismiss, there will be a formal meeting with the Principal at which the Principal 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 Principal concerning his/her employment. The Principal 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 two senior members of staff of the Trust and a representative of the governing body who have had no prior involvement in any former discussions and the probationer will have the right to be accompanied by a trade union representative or workplace colleague. This meeting will be arranged within 20 working days from receipt of the written notice of appeal.

## **6. Disciplinary Issues Arising During the Probation Period**

- 6.1 The school'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. This will be documented and a written report compiled. In cases of alleged serious misconduct the Principal 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 and another nominated member of the management team, which may include an HR colleague. 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:
- Find that the allegations are unsubstantiated and that no further action is necessary.
  - Issue an oral, written or final written warning. There is no right of appeal against a warning issued during the probationary period
  - Recommend to the Principal that the probationer is dismissed.
- 6.3 If the manager decides to recommend to the Principal that the probationer is dismissed then the following preparation will be undertaken by the manager:
- The probationer will be written to with details of the date, time and purpose of the disciplinary hearing.
  - A copy of the investigation report will be enclosed.
  - 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 Principal decides to dismiss there will be right of appeal to a panel of two senior members of staff and a representative of the governing body who have had no prior involvement in any former discussions 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 appendix 4.

## **7. Policy Review**

- 7.1 This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.

**Appendix 1 – PROBATION PERIOD - FORM A**

This form should be completed by the probationer's line manager after the probationer has completed 4 weeks service. The original should be placed on the probationer's personal file, and a copy given to the probationer.

**FIRST REVIEW**

<b>Probationer's name:</b>	<b>Line Manager's Name and job title:</b>
<b>Start date:</b>	<b>Date of review meeting:</b>
<b>Job title:</b>	
<b>Line Manager's comments:</b>	
<p><i>Guidance questions:</i></p> <ul style="list-style-type: none"> <li>• How does the probationer feel s/he has performed against each element of the job description?</li> <li>• Are there any training or continuing development needs the probationer wishes to have met during the coming probation period?</li> <li>• Are there any other topics the probationer wanted to discuss during the meeting?</li> </ul>	
<b>Further induction to be provided:</b>	
<b>Progress required before next review:</b>	
<b>Probationer's comments:</b>	
<p><b>Signed (Line Manager):</b>.....</p> <p><b>Signed (Probationer):</b>.....</p> <p><b>Date:</b>.....</p> <p><b>Date of final review meeting:</b>.....</p>	

**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**

<b>Probationer's name:</b>	<b>Line Manager's Name and job title:</b>
<b>Start date:</b>	<b>Date of review meeting:</b>
<b>Job title:</b>	
<p><b>Line Manager's comments:</b></p> <p><i>Guidance questions:</i></p> <ul style="list-style-type: none"> <li>• How does the probationer feel s/he has performed against each element of the job description?</li> <li>• Are there any training or continuing development needs the probationer wishes to have met during the coming probation period?</li> <li>• Are there any other topics the probationer wanted to discuss during the meeting?</li> </ul>	
<p><b>Further induction to be provided:</b></p>	
<p><b>Progress required before next review:</b></p>	
<p><b>Probationer's comments:</b></p>	
<p>Signed (Line Manager):.....</p> <p>Signed (Probationer):.....</p> <p>Date:.....</p> <p>Date of final review meeting:.....</p>	

**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 3.5 of the probation procedure.

**FINAL REVIEW**

<b>Probationer's name:</b>	<b>Line Manager's Name and job title:</b>
<b>Start date:</b>	<b>Date of review meeting:</b>
<b>Job title:</b>	
<p><b>Line Manager's comments:</b></p> <ul style="list-style-type: none"> <li>• Appointment confirmed</li> <li>• 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).</li> <li>• Recommendation to the Principal that probationer is dismissed (an account of the concerns and reasons for recommending dismissal is to be attached to this form).</li> </ul>	
<p><b>Probationer's comments:</b></p>	
<p><b>Signed (Line Manager):</b>.....</p> <p><b>Signed (Probationer):</b>.....</p> <p><b>Date:</b>.....</p>	

## Appendix 4 – Definitions of Misconduct and Gross Misconduct

### 1. Gross Misconduct

Gross misconduct is the committing of an act which renders it inadvisable for the employee to be allowed to remain at work. Any employee suspected of committing an act of gross misconduct, as indicated in the list below, will be suspended with full pay pending investigation. If after proper investigation it is decided that the employee has committed an act of gross misconduct or if the act is admitted by the employee, s/he will be dismissed without further warning, unless there are mitigating circumstances. The procedure outlined in paragraph 6 of the above policy must be followed in all cases. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

- i. **Dishonesty associated with place of work or job being undertaken.**
  - a) Theft of property belonging to the School, contractor, an employee or pupil, or member of the public.
  - b) Deliberate falsification of timesheets or expenses claims for pecuniary advantage.
  - c) Demanding or accepting monies or other considerations as a bribe for the use of School property, provision of School service or the showing of favour on behalf of the School.
  - d) Falsification of any information given on an application form for a post to gain advantage whether pecuniary or otherwise.
  - e) Failure to disclose criminal convictions cautions bindovers or warnings.
  - f) Falsification of registration of pupils or students for pecuniary gain.
- ii. **Deliberate refusal to carry out a reasonable, lawful and safe instruction or the normal agreed defined duties of the post.**
- iii. **Gross negligence in failing to attend to or carry out the agreed duties of the post.**
- iv. **Wilfully ignoring responsibilities/instructions thus placing other employees/pupils or students in danger, e.g. ignoring handling instructions/safety regulations in respect of chemicals, machinery, equipment, food.**
- v. **Being unfit to perform duties associated with the post as a result of taking drugs, other than in accordance with medical advice, or taking alcohol.**
- vi. **Wilful unauthorised disclosure of information (classified as confidential), by employees who, in the course of their duties, have access to such information which, by its release, could be harmful to pupils/students, other employees, governors or the reputation of the school.**
- vii. **Acts of violence or vandalism in the course of employment.**
  - a) Malicious damage to school/contractor/other employees/pupils'/students' property.
  - b) Physical violence towards pupils/students, staff/governors/parents/volunteers/ members of the public.
- viii. **Sexual misconduct at work.**
  - a) Sexual misconduct whether criminal or not.
  - b) Sexual behaviour towards or relations with students.
- ix. **Off-duty misconduct.**
  - a) An act of criminal sexual misconduct by an employee.
  - b) Drug offences committed by employees whose job brings them into contact with young people.
  - c) Sexual behaviour towards or relations with students, or young persons.
- x. **Misuse of the internet or email or phone facilities of the school.**

- a) Using the internet to access unseemly or sexually explicit material.
- b) Using email for communicating unseemly or sexually explicit material
- c) Using phones for communicating unseemly or sexually explicit material

## 2. Misconduct

Misconduct is of a degree less serious than that which would warrant immediate suspension from duty for a first offence but which could nevertheless lead to dismissal if persistent. The procedure outlined in paragraph 6 of the above policy must be followed in all cases of misconduct. Some more serious acts of misconduct might justify omitting the first stage of disciplinary procedures by issuing a final warning in the first instance, if there is no satisfactory explanation. Only when it can be shown that the warnings have not been heeded will misconduct lead to action being taken which will lead to an employee's dismissal. The list of examples below is not intended to be exclusive or exhaustive and offences of a similar gravity will receive the same treatment.

- i. Absenteeism and lateness, for example:**
  - a) failure to remain at the place of work during normal working hours without permission or sufficient cause for absence;
  - b) frequent failure to attend work punctually;
  - c) failure to comply with the sickness absence reporting procedure;
- ii. Dishonesty - petty wrongs, for example:**
  - a) making unauthorised private telephone calls and/or sending personal mail at the school's expense;
  - b) failure to report any loss and/or damage to any property issued to or by the employee in connection with his/her employment.
  - c) using the school's telephone, computer, fax, email or internet for unauthorised personal purposes.
- iii. Neglect of duty, for example:**
  - a) failure to adopt safe working practices/use protective equipment where required by law or management;
  - b) negligent use of school property in such a way as is likely to cause serious damage or loss;
  - c) failure to discharge without sufficient cause the obligations which statute or the contract of employment places on the employee
  - d) insubordination;
  - e) failure to exercise proper control or supervision of pupils or students.
- iv. Abusive behaviour/offensive language which arises directly out of or in connection with work and which is directed at pupils, colleagues, governors, contractors, volunteers or members of the public.**
- v. Bullying harassment or victimisation of pupils/students, other employees, volunteers, governors or contractors in the course of duty.**
- vi. Unlawful discrimination against pupils/students, other employees, volunteers, governors or contractors in the course of duty.**
- vii. Discrimination, whether unlawful or not, in the course of duty against pupils/students, other employees, volunteers, governors or contractors on the grounds of age, sex, marital or civil partnership status, race, disability or sexual orientation, gender reassignment, pregnancy or maternity, religion, faith or belief.**
- viii. Undertaking additional employment outside normal working hours which would be detrimental to the work to be performed as a full time employee of the school.**