GDBE Elevate

Model Probationary Policy and Procedure

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Probation Support and Development

Part 1

1. Introduction

This procedure provides a probationary period for Voluntary Aided schools using the GDBE Model contracts. It is designed to enable schools to support newly appointed staff to meet the requirements of their role.

The probation procedure provides employees (Teachers and Support staff) with an opportunity to clarify what is expected of them in terms of work duties and standards, and for the employer/line manager to offer guidance and support and assess performance in the role. It also gives new employees the opportunity to familiarise themselves with their new role and for suitability for the post to be assessed.

The procedure includes holding regular support and development review meetings during the first months of employment, and these should take place between the employee and their line manager. If there are areas of concern, these meetings provide a way to help the employee achieve the required standard, e.g. additional training, coaching, increased supervisory support (where this is relevant to the role).

2. The Probation Procedure – general

1. The probationer will be under the supervision of their line manager who will be aware of their responsibility to manage the probationary period.
2. The line manager will ensure that the procedure is effectively undertaken and that the duties and standards expected of the probationer are clearly explained.
3. A copy of the probationary procedure should be shared with new employees on commencement of employment.
4. It is good practice to hold review meetings at regular intervals during the probationary period.
5. A written review of the meetings held during the probation period should be kept, either on a form provided or in a note form contained in an email and a copy provided to the employee. This should be retained on the employee's personnel file and a copy emailed to the employee.
6. All those involved in the probationary period for a new employee should appreciate that this is a two-way progress. The degree to which a new entrant develops into a fully effective member of the school depends not only on their own skills and attributes but also on the assistance and encouragement received during the probation period. The probationer is encouraged to ask

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questions and to seek guidance from their line manager when they feel it is required.

7. At the end of the probationary period where the probationary has been successfully completed, the Headteacher will write to the employee to confirm that they have met the requirements of the role and are confirmed in post.

A. Where there are performance concerns

- The general principles of dealing with capability at work, discipline and sickness absence will apply to those in their probationary periods and any concerns should be dealt with promptly. Following the completion of the probationary period, the school's Disciplinary, Capability and Sickness absence policy will apply.
- Within the probationary meetings, support can be provided and targets set to assist the employee to meet the standards of conduct, performance or attendance required.
- If required, an additional meeting should be arranged to address the concerns and agree the additional support to be provided.
- Prior to the end of the probationary period, the Head/line manager should arrange a meeting with the employee to discuss the fact that the probationary period will either be extended and the reasons why and the improvements required, or it will be necessary to move into a formal process to end the employment.

B. Conduct related issues during probation

If concerns about conduct or behaviour are raised during the probationary period and termination of employment is a possibility, then the principles of the ACAS Code of Practice should be followed.

- Reasonable notice should be given of meetings.
- Where there is an allegation of misconduct the Headteacher should establish the facts and if the conduct and allegation is sufficiently serious, a full investigation should be instigated.
- If it is an issue of potential gross misconduct, it may be appropriate to suspend the probationary employee on full pay.
- The probationary employee must be advised of the conduct concern or allegation in writing and where there has been an investigation, they should receive a copy of the investigation report.

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- The probationary employee should be invited to a meeting and advised of their right to be accompanied by a work colleague or union representative.
- They should be provided with the opportunity to state their case and provide any mitigation. They should have the opportunity to submit any documents in support of their case.
- The Headteacher will chair the meeting and determine the outcome. If the decision is to dismiss, then the right of appeal should be provided. (See Part Two)

C. Attendance and health issues during the probationary period

If there are concerns about attendance and health during the probationary period, the lined manager, or Headteacher should meet with the employee.

- They should set out the standards of attendance expected.
- Ensure the probationary understand the reporting process if they are sick.
- The Head/line manager should enquire if there are any underlying issues that may be contributing to the poor level of attendance.
- Seek to ascertain whether lack of attendance is connected to health, or other issues, for example, pressures at home, or lateness because of transport, caring responsibilities etc.
- If there is a health concern, it is advised to make a referral to Occupational Health (OH) to understand more about the concern.
- Where OH advises that the concern is a disability under the Equalities Act, the school should discuss whether a reasonable adjustment is required to enable the probationary employee to meet the requirements of the role. Where this is reasonable the adjustment should be put in place.
- Where appropriate, targets for attendance should be set and reviewed.

D. Extending a probationary period

- At the relevant meeting, the Head/line manager will explain the reason for extending the probationary period, the length of the extended probationary period the standards and improvements required and how the school will provide support to the employee to meet the job requirements. This should be confirmed in writing and a copy of the letter placed on the personnel file.
- Regular review meetings will be held and progress monitored.
- At the end of the extended period there will be a further review meeting. There are two outcomes. (a) the employee will have met the required standards and can be confirmed in post. (b) or where the attendance, conduct or

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performance has not improved, a decision is made to terminate the employment by dismissal, following a fair process. On dismissal the employee must be issued contractual notice.

Probation Timeline

The Employment Rights Act means that to reduce the risk of unfair dismissal claims after 6 months employment, employers need to reduce the probationary period and complete any dismissal before the end of a six-month period. Therefore, timelines should be as follows:

Model Probationary Period Timeline

4-month probationary period (scope to extend)

Month 1	**Induction meeting**, training. Meeting at which you set out the probation timeline and set targets.
Month 2	Probationary period – line manager monitoring. **Review Meeting 1** at before the end second month.
Month 3	**Review Meeting 2.** Undertake a further review –and adjust if there is a school holiday
Month 4	**Final Review. Review meeting 3** must be held before end of 4th month. At this meeting, if the employee is meeting the standard for the post, they are confirmed in post. Write to confirm. If the employee does not meet the required standard, extend the probationary period for one month and set the review date in advance. Confirm the extension in writing. Provide clear targets for improvement and provide training and support.
Month 5	**Review extended probation.** At the end of month 5 – review progress. If satisfactory progress made, confirm in post. If not, dismiss before the end of the sixth month.
Month 6	**Dismissal –** follow a fair process. Pay contractual notice, which can be paid as Pay in Lieu of Notice.

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Part Two

Termination

1. Ending employment in the probationary period

Where there is attendance, conduct or performance concerns despite support, target setting and discussion within the probationary period. And where the individual has not met the required standard, then dismissal should be considered under the following procedure. A probationary dismissal must take place before the employee has been in post six months. If the date is missed, the employee continues in employment and performance is managed under the Formal Capability Procedure and conduct concerns under the Disciplinary Procedure.

In considering dismissal, the school must be clear that they have made every effort to provide support for the employee. If the attendance concerns are connected to ill-health, it is important to seek advice from occupational health and to consider whether the employee has a long-term condition that may be a disability under the Equalities Act and whether any reasonable adjustment should be made. The arrangements will need to happen at pace in order to dismiss before the end of a six month period.

1. The Head in consultation with their HR Adviser must set up a formal meeting that will be Chaired by the Head (where they have dismissal right) or Chaired by a Governor.
2. The letter of invitation should explain the purpose of the meeting. The letter should advise the probationary employee that they have the right to be accompanied by a work colleague or union representative and give the employee reasonable notice of the meeting.
3. A pack should be prepared by the school, containing copies of probationary review or emails and details of any support or training provided to the employee over the probationary period. This should be sent to the employee, Head/Chair prior to the meeting.
4. Such a meeting must be held before the end of six months employment.
5. The line manager should attend the meeting for the purposes of clarifying any queries that the Head or Governor may have regarding the support or training provided. Notes of the meeting should be made.
6. The Head or Governor should clearly state the reason for the meeting taking place and outline the concerns about the employee's performance.
7. The employee should be given the opportunity to respond.
8. Where the Head/Governor conclude that based on the evidence presented, that the probationary employee is unable to meet the standards required to fulfil the

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role (attendance, conduct, performance), the decision to terminate the employment by dismissal will be made.

9. Where an employee is dismissed during their probationary period they will be entitled to one week's notice, in accordance with the statutory notice period as set out in the contract, or contractual notice if this is different. (Please refer to the Statement of Particulars and Contract of Employment).
10. Where there is a provision in the contract for Pay in Lieu of Notice (PILON) this may be paid and the employee can leave the school immediately.
11. Written confirmation of the outcome of the meeting will be provided by the dismissing Head or Governor. The letter will also include the right of appeal.

2. Appeal against dismissal

1. The probationary employee has the Right of Appeal against dismissal, and a written appeal should be submitted to the Clerk of the Governing Body within five working days of receipt of the written outcome of the dismissal meeting. The appeal letter must set out the grounds for appeal. The appeal may take place after dismissal.
2. The probationary employee will be invited to attend a meeting to set out their appeal against the decision. The meeting will be Chaired by a Governor who has had no prior involvement in the case, and they will be joined by two other governors. An HR Adviser may advise them.
3. The individual has the right to be accompanied at the meeting by a work colleague or union representative.
4. The panel will hear the appeal and their reasons for appeal and consider the case as presented by the Head or Chair of the first panel.
5. The final decision will be communicated to the probationary employee within five working days of the date of the appeal hearing.
6. The decision of the Appeal Panel is final and there is no further right of appeal.

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