





Probationary Service for Support Staff

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CHAIR OF TRUSTEES:	
CEO:	

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Introduction

This policy has been adopted by the Directing Board of the Eynsham Partnership Academy (EPA) for use in its schools and the central team. It has been developed following consultation through the Oxfordshire HR Forum with the recognised trade unions and associations: ASCL, NAHT, NASUWT, NEU and Unison.

This policy applies to all support staff working in schools and the central team.

Advice and support on the application of this policy is available from the EPA HR Officer HROfficer@epa-mat.org

Definitions

The term 'relevant body' has been used throughout this policy. In most circumstances the relevant body is the Local Governing Body of the school. For issues relating to the central team, the relevant body is the Directing Board.

The term 'head teacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team or line managers as appropriate.

Consistency of treatment and fairness

The EPA is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation, i.e. Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and Equalities Act 2010.

Particular care should be taken to ensure consistency of treatment and fairness across all of the schools in the trust.

Monitoring and evaluation

The relevant body and head teacher will monitor the operation and effectiveness of the school's probation arrangements.

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Probationary service for support staff

Purpose and scope

1. Any support staff employee who is new to the Eynsham Partnership Academy (EPA) is subject to a probationary period of 6 calendar months. During this period, the new employee is expected to demonstrate his or her suitability for the job in terms of conduct and professional capability.
2. Individual support, advice and training should be given to all new employees through induction to ensure that the required performance and conduct standards of the job are clear and to help the new employee to achieve these.
3. The purpose of the probationary period is to ensure that the employee is performing to the required standards and that their conduct is satisfactory. The employee is expected to meet the requirements of the role as outlined in their job description, contract of employment and the policies, terms and conditions of the post.
4. Colleagues may support the induction of new employees, however the employee's line manager is responsible for monitoring and managing his/her performance.
5. An employee who is promoted, transferred or relocated to a post within the EPA should receive appropriate induction into the new role but will not be subject to a further probationary period.

Concerns about performance

6. At any time during the probationary period, if the employee is failing to reach the required standards of performance in carrying out his or her duties and responsibilities, the employee will be asked to attend an informal meeting with the Headteacher or their line manager. The areas where improvements are required will be made clear and fully discussed. The employee's views will be sought and taken into consideration. Appropriate support, advice and training to enable the employee to make improvements will be identified and arranged.

Formal reviews

7. Line managers are expected to meet with new employees regularly to support them and to give them opportunities to ask questions and raise any concerns about their work. During the probationary period the line manager will arrange formal reviews with the employee at 3 months and again at 5 months.
8. At all formal stages of the probationary procedure the employee has the right to be accompanied, by a trade union representative or a work colleague.

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Three-month review meeting

9. The employee's performance should be formally reviewed after 3 months' service or earlier if appropriate.
 - the employee's performance to date should be discussed with him or her
 - if there are any areas where improvement is necessary these should be clearly outlined and appropriate support should be identified
10. The employee should be encouraged to make an active contribution to his/her review and to bring any difficulties they are experiencing to the attention of their manager.
11. A summary of the points covered in the review should be given to the employee in writing and a copy kept on their personal file for future reference.
12. If major concerns are identified, it may be necessary to move immediately to a final review period for improvement after which a decision will be taken as set out in the following section.
13. If serious concerns are identified at this stage, the EPA HR Manager should be contacted for advice.

Six-month review meeting

14. The employee's performance must be reviewed and a meeting held, before the 6 months' probationary period is completed, normally after 5 months.
 - the employee's conduct and professional capability should be reviewed and discussed
 - any previous action points should be considered
 - if there are any areas where improvement is necessary these should be clearly outlined and appropriate support should be identified
15. A decision then needs to be made as follows, either:
 - a. Where the employee's conduct and performance meets the standards required, that the probationary period has been completed satisfactorily. The employee should be informed by the Headteacher or line manager in writing as soon as possible.
 - or
 - b. Where some concerns exist, a decision may be taken to extend the employee's period of probation beyond six months. The process to be followed in an extension of the probationary period is described below.

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or

- c. Where major concerns exist, a decision is taken to consider ending employment because of an unsatisfactory probationary period. The Headteacher will recommend dismissal and a panel of Governors will be convened to discuss this. The dismissal process is outlined below.

16. A summary of the points covered in the review should be given to the employee in writing and a copy kept on their personal file for future reference.

Extension of the probationary period

17. If it is decided to extend probation, an extension period for improvement of no longer than 3 months should be specified during which time, with the support provided, the employee will be expected to raise his or her performance to the required standard.
18. Extension of the probationary period is considered to be a final warning except in cases of ill-health. The employee should be informed that no further extension of the probationary period will be considered unless there are exceptional circumstances and that if the employee does not improve their performance sufficiently the contract will be ended.
19. A summary of the decision to extend probation should be given to the employee in writing and a copy kept on the personal file.
20. The employee has a right of appeal against a warning whilst under probation. If he / she wishes to appeal, a hearing will be conducted in accordance with Annex C. There is no further right of appeal beyond this.
21. The employee's performance should be monitored throughout the extension period.
22. At the end of the improvement period, a further meeting will be held with the employee. If improvement has taken place and the required standards have been reached then a decision will be taken that the probationary period has been completed satisfactorily. The employee should be informed by the Headteacher or line manager in writing as soon as possible.
23. If the Headteacher or line manager decides that the required standard of performance has not been reached the Headteacher will recommend dismissal and a panel of the relevant body will be convened to hear the case. The dismissal process is outlined below.

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Dismissal in the case of an unsatisfactory probation period

24. Where dismissal is recommended, a formal hearing will be convened, and the case examined by a panel of three members of the relevant body.
25. Corporate HR should be invited to attend and advise the panel on procedural matters.
26. The employee will be invited to attend the hearing and given at least five working days' written notice.
27. The head teacher or line manager will present the recommendation to the panel.
28. The employee will be informed that, if he / she does not attend the hearing and has not given prior notice of non-attendance, then the hearing will normally go ahead in his / her absence.
29. Sickness covered by a doctor's certificate will normally result in an adjournment until the employee is fit enough to attend. The Occupational Health Service can be asked to advise on the fitness of the employee to attend a hearing and to understand its implications. Where sickness absence continues for a period of one month or more, the Headteacher will consider whether to hold the hearing in the employee's absence, in which case the employee may send a representative to make his / her case at the hearing.
30. Where a reasonable cause for non-attendance, other than sickness absence, is given, a letter will be sent to the employee setting another date and making it clear that, if the employee does not attend without a reasonable cause, the hearing will take place in the employee's absence.
31. The written notice will also include:
 - the issues to be discussed at the hearing
 - the date, time and place of the hearing
 - a copy of this procedure
 - a reminder of the right to be accompanied by a trade union representative or a work colleague
 - a report from the Head teacher or line manager about performance
 - copies of any written evidence already available examples of this including, for example: job description, copy of contract, notes of meetings, letters to and from the employee, other evidence of the areas of unsatisfactory performance and evidence of support / training given

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- 32. The notification will make clear that the hearing is a probationary hearing and that as an outcome probation could be extended for a further period **or** that performance during the probationary period is unsatisfactory and dismissal will follow with one month's paid notice.
- 33. The hearing will be conducted in accordance with Annex B. A written record will be kept and made available to all sides, if the employee requests it.
- 34. The employee has a right of appeal against a decision to dismiss whilst under probation. The appeal will be heard by a panel of the relevant body in accordance with Annex C. There is no further right of appeal beyond this.

General points

Sickness absence

- 35. Sickness absence may impact on the successful completion of the probationary period. This could be either because the employee's ability to attend on a regular basis impacts fundamentally on the role or because it has not been possible to adequately assess the employee's performance due to the amount of time away from work. In either case a referral to the Occupational Health Service should be undertaken to understand how any health issues may impact on the employee's ability to perform in the role.

Allegations of serious misconduct during the probationary period

- 36. If the employee is accused of misconduct or gross misconduct during the probationary period an investigation will take place and the EPA's disciplinary procedure will be followed. Due consideration will be given to the level of experience of the employee.

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Annex A - Record

Probationary service for support staff – record

As a newly appointed member of support staff you are subject to a probationary period of 6 calendar months. During this time, you are expected to demonstrate your suitability for the job.

You will be provided with individual support, advice and training to help you understand the standards of performance and conduct that are expected and to help you achieve these. If you have any questions about any aspect of your job you should ask your line manager.

Name:	
Job title:	
Start date of employment:	

Actions	Date	Comments
3-month review due by:		
Review completed		
Successes		
Points for development		
Support and timescale for development		

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Actions	Date	Comments
6-month review due by:		
Review completed		
Successes		
Points for development		
Support and timescale for development		

Outcome	(select one)	Comments
Probation completed satisfactorily		
Probation extended (max 3 months)		
Probation unsatisfactory		

Signed by Line manager:		
Signed by Headteacher:		

A copy of this form should be retained on the employee's file.

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Annex B – Conduct of a hearing

1. The Chair introduces those present.
2. The Chair invites the person presenting the case against the employee to identify the areas of alleged default and to bring forward any witnesses or witness statements.
3. The Chair invites the employee and her/his representative to ask questions.
4. The Chair and any other members of the panel, ask questions of the person presenting the case.
5. The Chair invites the employee and/or representative to respond in full to the case presented against them and to bring forward any witnesses or witness statements.
6. The Chair invites the person presenting the case against the employee to ask any questions.
7. The Chair invites the members of the panel, if appropriate, to ask questions of either party and asks any questions her/himself. Either party is invited to address to the chair any comment arising from the question or the reply.
8. The Chair invites the person presenting the case to summarise it. No new evidence can be presented at this stage.
9. The Chair invites the employee or her/his representative to summarise their case. No new evidence can be presented at this stage.
10. The Chair asks both parties to withdraw while s/he or the panel gives consideration to the case and come to a conclusion. If the panel needs to clarify any point with one or both of the parties, both parties should be recalled.
11. The Chair will call back both parties either to announce the decision or to advise that a decision will be communicated in writing within three working days.
12. If the decision is to dismiss, the notice period and right of appeal to a different panel of Governors will be explained.

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Annex C – Conduct of an appeal hearing

1. The Chair invites the employee to present their case for appeal.
2. The Chair invites the head teacher / school respondent to ask questions.
3. The Chair invites members of the appeal panel to ask questions of the employee.
4. The Chair invites the head teacher / school respondent to respond to the case presented.
5. The Chair invites the employee to ask questions.
6. The Chair invites members of the appeal panel to ask questions of the employer.
7. The Chair invites the employee to summarise the case.
8. The Chair invites the head teacher / school respondent to summarise the case.
9. Both parties withdraw leaving the panel to reach a decision.
10. All parties reconvene for decision to be communicated, or if necessary, informed that the decision will be communicated in writing within three working days.

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