



# OWLS Academy Trust

## Probation Policy (Support Staff)

Adopted by The OWLS Academy Trust on	DATE to take effect 23/08/2018
Next Review Due	

Policy developed by



Leicestershire  
County Council

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This policy applies to all newly appointed support staff employed at any academy within the OWLS Academy Trust, whether their appointment is on a permanent, fixed-term or temporary basis. It is **not** applicable to casual workers or volunteers.

The policy applies regardless of whether the individual has moved from another school, college or academy. However, discretion may be considered as to how the policy may be applied for those employees who are appointed to similar posts and who have transferred from another academy within the trust.

This policy should be read in conjunction with the associated guidance document.

## Purpose

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The purpose of this policy is to allow both the employee and the school to assess objectively whether or not the employee is suitable for the post. This is a supportive process in order to help an employee reach the required level of performance to pass their probation period, but it also provides a process to follow when newly appointed employees are failing in their new roles.

The policy also recognises the importance of providing all new employees with the opportunity to become familiar with the main duties and tasks of their post, enabling them to demonstrate that they meet the appropriate standard of performance, conduct and attendance.

### **Application of the Policy**

During an employee's probation period their performance, conduct and attendance will be monitored and assessed by either the Head Teacher or another manager who will be responsible for the employee's line management. It is also important for the employee to be fully engaged with the process and be capable of demonstrating (providing evidence, where appropriate) that they are competent in aspects of their role.

### **Delegation of Authority**

Where an employee has failed to demonstrate satisfactory performance, conduct or attendance during their probation period, the matter will be referred to a probation hearing where an employee's continued employment will be considered. The person or panel responsible for hearing the case will depend on who has been given the delegated authority. This will either be the Governing body (i.e. a panel of Governors) or the Head Teacher. If it is the Head Teacher, then they may be supported by another member of the Senior Leadership Team or another Governor. It would not be appropriate for the Head Teacher to make the decision if they have managed the case.

## Length of the Probationary Period

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All new employees who are appointed to a permanent or fixed term contract, regardless of the length of that contract, will be required to satisfactorily complete a probationary period before they are confirmed in post.

A probation period will usually include an initial "induction period" of between 1 to 3 months, after which the "first probation meeting" will take place. After a further period, and at 6-months of employment, the "final probation meeting" takes place.

It is important that the length of the induction element of the probationary period and the level of support given at this stage, is considered carefully for each appointment to ensure they are proportionate to the seniority and complexity of the role.

A comprehensive induction programme should be created for each newly appointed post prior to the employee commencing their employment.



## **Serious Concerns**

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If, at any point during the employee's probation period, the line manager considers that there are serious concerns regarding an employee's performance, conduct or attendance then it may be necessary to refer the employee immediately to a Formal Probation Hearing to consider termination of employment. This may be done at any point during the probation period provided there is sufficient evidence to demonstrate valid concerns of the Manager.

Possible reasons for considering this form of action are included within the Probation Guidance document. In these circumstances, managers should discuss their reasons and seek advice from HR Services.



## **Induction Period (Up to 3-months of employment)**

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A thorough and effective induction programme is essential for all new starters and should commence from day one of employment. The length of an induction period should be proportional to the complexity of the job and be sufficient to allow the employee to become familiar with their new role and the organisation. Regular 1-to-1 supervision sessions should take place in order to ensure that the employee remains fully supported during their probation period and to allow any issues that may arise to be dealt with promptly and effectively.

The induction programme should cover:

- All aspects of the role, including relevant policies, procedures and working practices within the school;
- The performance, behavior and attendance expectations and standards required from the employee within their role;
- Full details regarding the probation period, including the length of the induction period and probation period, and dates of relevant meetings that will take place;
- Details of how any issues regarding poor performance, conduct or attendance will be dealt with during the probation period



## **First Probation Meeting (end of induction period)**

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The Head Teacher / line manager will meet with the employee upon completion of their initial induction period in order to discuss their performance to date. During the meeting the manager will:

- Ask the employee to provide a view on how they have performed during the induction period, what went well, what didn't go well, etc;
- Provide feedback on the employee's performance, conduct and attendance, providing evidence to demonstrate any concerns the manager may have;
- Discuss any situations that arose during the induction period that were beyond the employee's control but which may have affected their performance in any way;

- Re-affirm the expectations of performance, conduct and attendance during the remainder of the probationary period.

### Possible Outcomes of the First Probation Meeting

- Where the employee’s performance, conduct and attendance are satisfactory:
  - This will be confirmed to the employee;
  - A date for the Final Probation Meeting will be arranged for after 6-months of employment and before the end of the employee’s probation period.

**Comment [KM1]:** Suggested to HR that this should actually read “shortly before the end of the employee’s probation period (6 months of employment)”

It is important that during the remainder of the probation period, regular 1-to-1 supervision sessions continue to take place in order to ensure that the employee remains fully supported and to allow any issues that may arise to be dealt with promptly and effectively. Where performance falls below satisfactory levels during the remainder of the probationary period, managers should refer to the section below and draw up an improvement plan.

- Where the employee’s performance, conduct and/or attendance is not satisfactory:
  - The required standards will be re-affirmed to the employee;
  - An improvement plan will be drawn up (to last for a period of up to 6 weeks) which will set targets for improvement that are reasonable and achievable and identify any training and/or support required. The length of the improvement plan should be proportionate to the amount of training and support required;
  - The date for the Final Probation Meeting will be confirmed. At this meeting the employee’s performance, conduct and attendance will be assessed against the improvement plan.

### Final Probation Meeting (End of Probation)

Shortly before the end of the probationary period (6-months of employment), the line manager should conduct a Final Probation Meeting with the employee to discuss their performance, conduct, attendance and overall suitability for the job. The purpose of the meeting is to allow the employee and their line manager to discuss all aspects of their performance and attendance throughout the period of probation.

### Possible Outcomes of the Final Probation Meeting

- Where the employee’s performance, conduct and attendance are satisfactory:
  - This will be confirmed to the employee;
  - A letter confirming the employee has passed their probation period should be sent to the employee.
- Where the employee’s performance, conduct and/or attendance is not satisfactory:
  - If the employee has not met the standards required or if performance has deteriorated during the course of the probationary period, the line manager must decide whether an extension to the probationary period would enable the employee to demonstrate and improvement (i.e. where it is considered that the employee just falls short of the required standards and an extension would be beneficial). The line manager should discuss this with the Head Teacher before confirming it with the employee.
  - Where the employee has failed to attain the satisfactory level of improvement the matter will be referred to a Formal Probation Hearing, which may lead to the employee’s dismissal.



## Extending the Probation Period

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In exceptional circumstances the Manager may grant an extension to the probation period. Managers will be limited to granting one extension and the total period of probation will be no longer than 8 months. An extension may be granted in circumstances where the employee's performance, conduct or attendance during probation has not been entirely satisfactory but it is thought likely that an extension may lead to an improvement. Where this is considered to be appropriate action, the extension to the probationary period must be confirmed in writing and must specify the date on which the extension will end, along with the reasons for the probation period being extended. In addition:

An improvement plan will then be drawn up which will set targets for improvement that are reasonable and achievable, and will also identify any training and/or support required. At the end of the extension period the line manager will meet with the employee to review the employee's performance in line with the improvement plan.

Following the extension period:

- If the employee's progress is acceptable, the employee will be advised in writing that they have passed their probation period;
- If the employee's progress is not acceptable, the matter will be referred to a Formal Probation Hearing.

Examples of circumstances where an extension may be appropriate can be found in the Probation Guidance document, and further advice may also be sought from HR.



## Formal Probation Hearing

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### Notice of Hearing

At least 5 working days' notice will be given to an employee to attend a formal hearing. The letter inviting the employee to the hearing must contain the reasons for the hearing and advise them of their right to be accompanied by a work colleague or Trade Union representative. The letter must state that a potential outcome of the hearing is dismissal. Employees will also receive copies of any relevant documentation that will be used as evidence. Employees will be given an opportunity to provide evidence. Notes will be taken at the hearing and a copy sent to the employee. For the format of the hearing refer to the Hearing Guidance for Schools / Academies.

### Potential Outcomes

The following outcomes are available to the panel / delegated person:

- The employee has passed their probation period. This should be confirmed in writing to the employee.
- A formal extension of up to 8 weeks may be granted in exceptional circumstances (if this option has not already been exhausted) and where it is considered that the required standards may be attained in the very near future. Following this extension there will be a [Formal Review Hearing](#) with the same panel, where possible.
- The employee's performance, behavior and/or attendance is of an unacceptable level. The employee should be dismissed.

### Dismissal

If the decision is made that the employee should be dismissed, the panel or delegated person will dismiss the employee with notice in accordance with their contract of employment.

The employee will be notified in writing of the outcome of the hearing, including the reason for the decision to dismiss and the date of termination of their employment. The letter will also provide the employee with details of their right to appeal.

### **Right of Appeal**

An employee has the right to appeal against dismissal. Any appeal must be submitted in writing by the employee and sent to the Head Teacher within 5 working days of receiving their letter of confirmation for the decision from the school.

Any appeal will be managed in accordance with the Trust's Appeals Policy.

### **Employees with a Disability**

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Consideration should be given as to whether an employee's behaviour, capability or poor attendance is due to a disability and if so, what reasonable adjustments may be needed to assist the employee in being able to reach the required standards. Further advice may be sought from Occupational Health and HR services in these circumstances.

**Appendix A – Probation Flowchart**

