



MIDDLESEX  
LEARNING  
PARTNERSHIP

# PROBATIONARY PERIOD FOR SUPPORT STAFF POLICY

<b>APPROVED BY:</b>	HR & Pay Committee
<b>DATE:</b>	10 November 2021
<b>NEXT REVIEW DUE BY:</b>	9 November 2024

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### 1. Scope

This policy applies to all new support staff within the Middlesex Learning Partnership (Academy Trust). It does not apply to Teachers. The Trust may be referred to as Academy Trust or School throughout this policy.

### 2. Policy and Purpose

The main purpose of a probationary period is to allow the Trust to assess the capabilities and conduct of the employee and for the employee to decide whether or not the job and the employer match up to expectations. It is therefore a useful tool for both parties.

Given the continuing pressure on Academies to maximise efficiency and the increasing legislative requirements imposing higher standards on employers in the way in which staff are treated, it is more important than ever that probationary periods are used correctly, with the aim of ensuring the successful induction of new support staff into their jobs.

If probationary periods are to be effective, they need the active and positive involvement of the employer, especially the new employee's Line Manager or Supervisor. This involvement is not just

about identifying shortcomings in the new employee's performance. The Line Manager is also responsible for presenting the employee with opportunities to discuss his or her work concerns, and for dealing with these concerns so as to avoid the employee leaving at or before the end of the probationary period.

This policy is provided to enable the Line Manager/Head of School to identify any shortcomings that are evident in the employee's performance, and to explain and agree a strategy to overcome these deficiencies within a supportive environment. The aim of the process is to ensure that the new employee is performing at the appropriate level of competence and efficiency by the end of the probationary period.

### **3. Probationary Period**

The probationary period is for a duration of six months with the possibility to extend up to a maximum period of 12 months.

### **4. The Probationary Process**

At the outset, and prior to the advertisement of the post, it is expected that:

1. The Line Manager would have given serious consideration to the content of the person specification for the job, and
2. The successful candidate would have been assessed against that specification at interview

In cases where, although the best candidate, the employee is deficient in one or more key areas of the specification, the Line Manager should ensure that the necessary support is provided to the employee to overcome or address the problem. This may take the form of training, additional supervision for a period, structured discussions or whatever is necessary and reasonable to ensure a successful appointment.

The employee should receive a suitable induction (see Induction checklist at Appendix 1) and have the tasks and objectives of the job explained within a suitable environment. Line Managers should avoid leaving the new employee to deal with situations which have not been properly explained and the new employee should have one or more contacts to refer to in case of unfamiliar circumstances arising.

As soon as possible after appointment, the Line Manager should agree with the employee an appropriate performance and development plan. This should take account of the need for the employee to familiarise themselves with his/her new role.

#### **4.1 The Probationary Review Meetings**

The Line Manager should hold an assessment meeting with the employee at 10 and 18 working weeks. The employee should be given feedback of their progress at these meetings. The relevant Probation Report (Appendices 1 and 2) should be completed following each assessment meeting and a copy of this should be given to the employee with the opportunity to add comments on his/her copy which he/she should return to the Line Manager. Any comments made by the employee should be considered seriously and acted upon where this is appropriate.

It is important to bear in mind that any concerns about the employee's performance, attendance or conduct is dealt with as soon as possible after the event and not to store all these issues to be discussed at the probationary meeting. This is so that any areas of concerns which are discussed at the probationary meetings do not come as a surprise to the employee.

#### **4.2 Extension of the Probationary Period**

In most cases, it would be expected that the employee would be confirmed in their appointment within the six month period. The Line Manager may do this at any time between 3 and 6 months after appointment. However, there may be occasions that arise where an employee has not reached the appropriate standard at the end of that time, but the Line Manager considers that an extension of the probationary period may result in any identified problems being overcome. Where this situation arises, the employee should be left in no doubt that failure to improve to the standards required is likely to result in dismissal. Assessment meetings should continue to be arranged at intervals of not more than 8 weeks until the action to be taken is clear.

An extension can be for a further 3 months, excluding Academy holidays, but no more than six months in total. Under no circumstances should the probationary period be extended beyond one year. Where the period is extended, it is important to set out the terms of the extension in writing (Appendix 4), making clear:

- In what ways the employee's performance has fallen short of the standards required
- The length of the extension
- The performance standards that must be met within the set period
- The outcome if the performance fails to reach the standards required i.e., dismissal

Where the employee has a disability which falls within the definition of the Disability Discrimination Act, the Line Manager will be required to make any reasonable adjustments that may be necessary in making any final assessment as to the suitability of the employee for the post. Where necessary, advice from Occupational Health should be obtained to identify these reasonable adjustments.

Line Managers should be aware that there is a requirement to provide paid notice to terminate employment and that employment protection rights in respect of unfair dismissal are available once an employee has completed one year's continuous service. It is important therefore that where a Line Manager recognises there are issues with an employee's performance or attendance, and measures of support which has been put in place has not brought about an acceptable level of improvement in standards, any action as indicated under 4.4 below is instigated at the 18 week assessment meeting i.e., extension of the probationary period or final review meeting to consider termination of contract. Academies are advised to seek advice from HR at this stage.

#### **4.3 Successful Completion of the Probationary Period**

Where the employee has successfully completed the probation period, the appointment should be confirmed in writing. (Appendix 4)

#### **4.4 Failure to Complete the Probationary Period**

##### **a) External Appointments**

In the event that an employee does not successfully complete their probationary period, the guidelines for dealing with dismissals set out below will be applied. The Disciplinary and Capability Procedures do not apply to probationers who are dismissed in relation to their attendance or performance. The said procedures will apply in relation to issues of misconduct, including gross misconduct.

In cases of poor attendance due to sickness absence, it will be expected that the Managing Attendance Policy will be applied, but Line Managers are not expected to have exhausted that procedure before dismissal on these grounds has taken place.

#### **b) Internal Appointment**

Where an internally appointed staff has more than one year's continuous service with the Trust, then the Line Manager should apply the Capability, Disciplinary, Managing Attendance procedures as appropriate. In such cases, the guidelines below will not apply.

#### **c) Final Review Meeting**

Where the Line Manager is of the view that the employee has not met the required standards and/or attendance, despite reasonable efforts having been made to correct the problem, a final review meeting will be arranged. The employee will be given written notice of at least **5 working days** of the final review meeting and the individual will be advised that dismissal will be considered as a possible outcome of that meeting. The employee will have the right to be accompanied by a friend, work colleague or trade union representative to the meeting.

The Head of School who has the delegated authority to dismiss should meet with the employee and the employee's companion and if the Line Manager is anyone other than the Head of School, then he/she will be in attendance to present the case.

The Head of School should review the employee's performance and attendance record and the employee should be given the opportunity to respond to any questions of poor attendance or incapability before any decision is made to extend the probationary period or dismiss the employee.

The decision will be confirmed to the employee in writing within **5 working days** of the meeting. Where the decision is to dismiss, the letter will inform the employee of his/her right to appeal against the decision.

#### **d) Appeal**

If the employee wishes to appeal against the decision to dismiss, he/she must submit the appeal in writing within **10 working days** of receiving the letter notifying of the decision to dismiss.

The Head of School will set up an appeal meeting as soon as possible after receiving notification of the appeal letter from the employee. The employee will be given **5 working days'** notice of the meeting and he/she will have the right to be accompanied by a friend, work colleague or trade union representative.

The appeal should be heard by someone independent who has not been previously involved in the case i.e., Chair or Vice Chair of the Governing Body/Trust Board. It would be advisable to have at least two members on the Appeal Panel. The Head of School would be responsible for presenting the case. In the papers for the consideration of the panel, the Head of School should include a management

report indicating the history of the case and to include what means of support have been put in place to address the issues, dates of the probationary assessment meetings with the assessment reports, rationale for the decision to dismiss. This paperwork should be sent to the employee with the letter notifying him/her of the Appeal Meeting.

The outcome of the Appeal Meeting should be confirmed to the employee within **5 working days** of the meeting.

## Appendix 1

### Induction check list for permanent staff

This induction check list should be completed with the Line Manager.

<b>Name of Employee:</b>				
<b>Start Date:</b>				
<b>Name of Line Manager:</b>				
<b>Line Manager – Action Required</b>	<b>Before Starting</b>	<b>1<sup>st</sup> Day</b>	<b>Within 1<sup>st</sup> Week</b>	<b>Within 1<sup>st</sup> Month</b>
<b>1. Upon appointment</b> Workstation/workplace equipped <input type="checkbox"/> ICT equipment is working and network passwords/email address are in place <input type="checkbox"/> Networking: <ul style="list-style-type: none"> <li>• Relevant people/groups are identified <input type="checkbox"/></li> <li>• Relevant diary dates are recognised <input type="checkbox"/></li> <li>• Inform team of employees' details <input type="checkbox"/></li> <li>• Contact SGP to make ID badge <input type="checkbox"/></li> </ul>				
<b>2. Initial Reception</b> <ul style="list-style-type: none"> <li>• Disabled access to work area, if applicable <input type="checkbox"/></li> <li>• Introduction to immediate colleagues <input type="checkbox"/></li> <li>• Staff facilities indicated e.g. <input type="checkbox"/> <ul style="list-style-type: none"> <li>• Car parking arrangements</li> <li>• Smoking policies</li> <li>• Facilities for people with disabilities</li> <li>• Confirm payroll arrangements</li> <li>• Refreshment arrangements</li> <li>• Security arrangements</li> </ul> </li> </ul>		<input type="checkbox"/>		
<b>3. Health and Safety</b> <ul style="list-style-type: none"> <li>• Responsibilities under the Health and Safety at Work Act</li> <li>• Academy Health &amp; Safety Policies explained</li> <li>• Fire evacuation procedures explained</li> <li>• Hazards identified and protective measures to be taken, risk assessments explained</li> <li>• Workstation assessment conducted (if applicable)</li> <li>• Procedures for dealing with assaults at work explained</li> <li>• Safety equipment explained (if applicable)</li> <li>• Accident/incident reporting systems explained</li> <li>• First aid arrangements explained</li> </ul>			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
<b>4. Conditions of Service</b> <ul style="list-style-type: none"> <li>• Probationary period</li> <li>• Annual leave (for staff employed all year round)</li> <li>• Sickness</li> <li>• Flexible working practices (if applicable)</li> </ul>			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<b>5. Outline Introduction to the Job</b> <ul style="list-style-type: none"> <li>• Introduce the tasks and responsibilities of new post</li> <li>• Further introduction to your teams' systems</li> <li>• Explanation/demonstration of relevant equipment</li> <li>• Relevant other staff in the team/Academy introduced and contacts made</li> </ul>		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

<ul style="list-style-type: none"> <li>• Authorised signatories created, where appropriate</li> </ul>			<input type="checkbox"/>	
<b>6. Learning and Development</b> <ul style="list-style-type: none"> <li>• Initial mentoring and support arrangements in place</li> <li>• Awareness of the performance management process i.e. annual appraisal, regular supervision etc.</li> <li>• Access to other training needs discussed</li> <li>• Further courses booked if necessary</li> </ul>			<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<b>7. Trade Unions</b> <ul style="list-style-type: none"> <li>• Informed of recognised trade unions and contact points</li> </ul>			<input type="checkbox"/>	
<b>8. Information Communication Technology (ICT) Security Guidelines</b> <ul style="list-style-type: none"> <li>• Responsibilities under the Data Protection Act explained</li> <li>• Trust's ICT Usage Policy explained</li> </ul>			<input type="checkbox"/> <input type="checkbox"/>	
<b>9. Trust Policies (Shared Drive)</b> <ul style="list-style-type: none"> <li>• Disciplinary</li> <li>• Grievance</li> <li>• Capability for Support Staff</li> <li>• Leave of Absence</li> <li>• Managing Attendance Policy</li> <li>• Trust Policy on Safeguarding Children</li> <li>• Trust Child Protection Policy</li> <li>• Trust Equality and Diversity Policies</li> </ul>			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
<b>10. Team Specific Information</b>				
<b>Line Manager's Signature:</b>		<b>Date Completed:</b>		
<b>Employee's Signature:</b>		<b>Date Completed:</b>		



**Appendix 2**

**PROBATION REPORT - 10 WEEK REPORT - CONFIDENTIAL**

<b>Name of School:</b>	
<b>Name of Employee</b>	
<b>Job Title</b>	
<b>Start Date</b>	

1. Your comments on performance in each of areas listed below should be stated in full and discussed with the member of staff concerned. Areas of weaknesses which are not merely indicative of inexperience should be specified.
  - a) UNDERSTANDING/KNOWLEDGE OF JOB AND CAPACITY TO LEARN  
How has this developed.
  
  - b) INTEREST IN WORK AND DETERMINATION TO SEE THINGS THROUGH
  
  - c) RELIABILITY AND ACCURACY IN CARRYING OUT WORK/INCLUDING ATTENDANCE AND TIMEKEEPING
  
  - d) ABILITY TO ORGANISE HIS OR HER WORK AND MEET PLANNED WORK DEADLINES
  
  - e) DOES HE/SHE ACHIEVE A SATISFACTORY LEVEL OF WORK OUTPUT
  
  - f) WILLINGNESS TO ACCEPT THE RESPONSIBILITIES OF THE JOB

- g) EFFECTIVENESS OF WORKING RELATIONSHIPS EG. WITH WORKING COLLEAGUES, CLIENTS OR THE PUBLIC AS APPLICABLE
  
- h) **TO BE COMPLETED ONLY WHERE MEMBER OF STAFF BEING APPRAISED IS RESPONSIBLE FOR MANAGING AND SUPERVISING A GROUP OF STAFF**
  
- i) ABILITY TO LEAD, SUPPORT AND MOTIVATE OTHERS
  
  
- j) COMMUNICATIONS WITH STAFF
  
  
- k) ABILITY TO DELEGATE WORK
  
  
- l) WORK PLANNING OF THE GROUP AND USE OF TIME EFFECTIVELY BY THE GROUP

2. WHAT IS YOUR OVERALL ASSESSMENT OF PERFORMANCE FOR PERIOD UNDER REVIEW

- At required standard in all matters
  
- At a satisfactory standard generally, but with some areas where improvement should be sought
  
- Below standard in an important matter or matters and not giving general satisfaction.

3. WHAT ARE SPECIFIC AREAS IN WHICH FURTHER IN JOB TRAINING AND GUIDANCE WILL BE GIVEN TO IMPROVE PERFORMANCE

(Details of specific areas and action to be taken must be discussed with the member of staff).

4. DO YOU RECOMMEND THAT HIS/HER EMPLOYMENT SHOULD CONTINUE

Yes

a)  Satisfactory completion of the probationary period and appointment confirmed.

b)  With an extension to the probationary review period of (insert period of extension which can be up to 6 months) ..... to end on ..... (date)

For a further review at 18 weeks

No

Recommend the matter be considered at a Final Probationary Review Meeting

5. WHAT ARE THE COMMENTS OF THE MEMBER OF STAFF ON THE WAY IN WHICH THE FORM HAS BEEN COMPLETED AND YOUR OVERALL ASSESSMENT

Date of interview \_\_\_\_\_

6. I have seen and discussed this probation with my Supervisor

Signature of Staff Member \_\_\_\_\_

Date \_\_\_\_\_

Signature of Supervisor \_\_\_\_\_

Date \_\_\_\_\_

COUNTERSIGNED BY HEAD OF SCHOOL

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Appendix 3**

**PROBATION REPORT – 18 WEEK REPORT - CONFIDENTIAL**

<b>Name of School:</b>	
<b>Name of Employee</b>	
<b>Job Title</b>	
<b>Date of Appointment</b>	

1. Your comments on performance in each of areas listed below should be stated in full and discussed with the member of staff concerned. Areas of weaknesses which are not merely indicative of inexperience should be specified.
  - a) UNDERSTANDING/KNOWLEDGE OF JOB AND CAPACITY TO LEARN  
How has this developed.
  
  - b) INTEREST IN WORK AND DETERMINATION TO SEE THINGS THROUGH
  
  - c) RELIABILITY AND ACCURACY IN CARRYING OUT WORK/INCLUDING ATTENDANCE AND TIMEKEEPING
  
  - d) ABILITY TO ORGANISE HIS OR HER WORK AND MEET PLANNED WORK DEADLINES
  
  - e) DOES HE/SHE ACHIEVE A SATISFACTORY LEVEL OF WORK OUTPUT

- f) WILLINGNESS TO ACCEPT THE RESPONSIBILITIES OF THE JOB
  
- g) EFFECTIVENESS OF WORKING RELATIONSHIPS EG. WITH WORKING COLLEAGUES, CLIENTS OR THE PUBLIC AS APPLICABLE
  
- h) **TO BE COMPLETED ONLY WHERE MEMBER OF STAFF BEING APPRAISED IS RESPONSIBLE FOR MANAGING AND SUPERVISING A GROUP OF STAFF**
  
- i) ABILITY TO LEAD, SUPPORT AND MOTIVATE OTHERS
  
  
- j) COMMUNICATIONS WITH STAFF
  
  
- k) ABILITY TO DELEGATE WORK
  
  
- l) WORK PLANNING OF THE GROUP AND USE OF TIME EFFECTIVELY BY THE GROUP

2. WHAT IS YOUR OVERALL ASSESSMENT OF PERFORMANCE FOR PERIOD UNDER REVIEW

- At required standard in all matters.
  
- At a satisfactory standard generally, but with some areas where improvement should be sought.
  
- Below standard in an important matter or matters and not giving general satisfaction.

3. WHAT ARE SPECIFIC AREAS IN WHICH FURTHER IN JOB TRAINING AND GUIDANCE WILL BE GIVEN TO IMPROVE PERFORMANCE

(Details of specific areas and action to be taken must be discussed with the member of staff).

4. DO YOU RECOMMEND THAT HIS/HER EMPLOYMENT SHOULD CONTINUE

Yes

a)  Satisfactory completion of the probationary period and appointment confirmed.

b)  With an extension to the probationary review period of (insert period of extension which can be up to 6 months) \_\_\_\_\_ to end on \_\_\_\_\_ (date)

No

Recommend the matter be considered at a Final Probationary Review Meeting

5. WHAT ARE THE COMMENTS OF THE MEMBER OF STAFF ON THE WAY IN WHICH THE FORM HAS BEEN COMPLETED AND YOUR OVERALL ASSESSMENT

Date of interview \_\_\_\_\_

6. I have seen and discussed this probation with my Supervisor

Signature of Staff Member \_\_\_\_\_

Date \_\_\_\_\_

Signature of Supervisor \_\_\_\_\_

Date \_\_\_\_\_

COUNTERSIGNED BY HEAD OF SCHOOL

Signed \_\_\_\_\_ Date \_\_\_\_\_

## **Appendix 4**

### **Letter 1 – Appointment Confirmed**

Dear

I am pleased to inform you that you have successfully completed your period of probation and your appointment as (enter post title) has been confirmed with effect from (enter date of probationary meeting).

Yours sincerely

Head of School

## Appendix 5

### Letter 2 – Extension of Probation Period

Dear

I refer to your 18 week probationary meeting on (enter date of meeting).

As discussed at the meeting I was unable to confirm your appointment as (enter job title) due to reasons given below:-

*(State areas where standards are not being met)*

With a view to give you more time to achieve the level of standards required in the areas mentioned above, I would like to extend your probationary period for a further *(3 or 6)* months to end on (enter date). During this time your performance will continue to be monitored.

I must inform you that if at the end of this period you fail to meet the required standard consideration will be given to your dismissal on the grounds of failed probation.

Yours sincerely

Head of School



## Appendix 6

### Letter 3 – Notification of Final Review Meeting

Dear

I refer to your 10/18 week probationary meeting on (enter date of meeting).

As discussed at the meeting I was unable to confirm your appointment as (enter job title) due to reasons given below:-

*(State areas where standards are not being met)*

This is despite the measures of support put in place to help you achieve the required standard. This has been as follows:-

*(State what has been done over the period to help the employee to reach the required standard)*

In the circumstances I would like you to attend a Final Review Meeting on (date), at (time) at (place) with (Head of School) who will review your performance and/or attendance record and you will be have the opportunity to respond to any questions of poor attendance and/or incapability. You are entitled to be accompanied to this meeting by a friend, work colleague or trade union representative.

I must inform you that following the review, dismissal will be considered as a possible outcome of the meeting.

Yours sincerely

Head of School

## **Appendix 7**

### **Letter 4 – Dismissal following unsatisfactory probation**

Dear

Further to our meeting on (enter date), I am writing to confirm that, having reviewed your situation, I have no option but to confirm that you have not satisfactorily completed your probation period and that we are unable to continue your employment with the Academy with effect from (enter date)

In making my decision, I took into account the following points:-  
(state the facts of the case and the reason for the decision)

If you wish to appeal against this decision you must submit your appeal in writing to me within 10 working days of receiving this letter. It is your choice whether you would like your appeal to be heard through a further meeting or through the submission of a statement. You will have the right to be accompanied to this meeting by a work colleague or trade union representative.

In line with your Contract of Employment, you are entitled to receive one month's paid notice and this will be paid in lieu of notice and will be credited to your bank account in the normal way.

I would like to thank you for choosing to work for the Middlesex Learning Partnership and your efforts since joining us and wish you every success for the future.

Yours sincerely

Head of School