



# Probation Policy

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## 1.0 Introduction

All newly appointed support staff in Maintained Community schools are subject to a probationary period of 26 weeks.

There are some exceptions, for example, if an employee has continuous service from organisations listed under Schedule 1 of the continuity of employment in Local Government Modification Order.

For support staff appointed in Maintained Non Community, Academy and Free schools, although there is nothing in law that requires employers to use probationary periods, they are recommended as good employment practice and are a useful way of assessing performance in a given timeframe.

In this:-

- the 'Local Authority' or the 'Authority' means Birmingham City Council acting in its capacity as a Local Education Authority;
- Any reference to a 'school', also includes an 'academy';
- 'employee' means a non-teaching employee who is employed to work at the school as a member of support staff;
- reference to a 'headteacher' includes a 'principal' in an academy as appropriate; and
- reference to a committee of the governing body includes an 'academy trust'

## 2.0 Probation Review Meetings

The designated manager must meet with the employee at 2 months and 4 months of their 26 week (6 month) probation period. Where the employee is term time only and there is a school closure during the probation period, the designated manager should write to the employee to inform them that the review period has been paused and will commence upon the school reopening.

At the review meeting, the designated manager and employee should talk about the following:

- the employee's performance to date against their objectives
- areas of good work and areas of concerns and any improvements needed
- whether the employee has all the sufficient tools and equipment needed to do their job
- training that the employee has completed and any further training needs
- employee's conduct, behaviour, and attendance
- employee's wellbeing and the support available.

The designated manager should record what they have discussed, in particular the employee's progress and any agreed actions on the probation review form. A copy of the probation review form should be given to employee within 2 working days of the meeting.

A copy of the completed review form must be placed on the employee's personnel file.

During the employee's probation period, the employee or their designated manager may identify that an extension is required, for example, if the employee has had a long period of absence or an underlying medical condition impacting their ability to carry out their role. The designated manager should discuss, and mutually agree this, with the employee, as appropriate.

The designated manager can decide to extend the probation period to allow the employee a fair opportunity to demonstrate their ability to do the job. They can make this decision without a formal hearing, following discussion with the employee.

They must confirm their decision in writing, clearly stating the reason(s) for extending the probation period, and the expectations over the agreed extension period.

### 3.0 Successful Probation period

If the designated manager has no concerns about the employee's attendance, performance or conduct, and the reviews at 2 months, 4 months, or more (where a longer probation period applies) are satisfactory, they should write to the employee to let them know that they have successfully completed their probation period.

### 4.0 Unsatisfactory Improvement

If the designated manager has serious concerns about the employee's attendance, conduct or performance, they must arrange to meet with the employee as soon as possible.

They should not wait to raise this at the scheduled 2 month and 4 month reviews.

At the meeting, the designated manager must explain clearly why the employee is not meeting the standards expected of them, and what they need to do to improve.

The designated manager and employee must discuss any additional training or support they feel may help the employee improve their performance.

The designated manager must consider that the standard training provided may not be enough for all employees, as people have many different learning styles and needs.

They should also consider whether the employee needs any reasonable adjustments to support them, if a disability or physical or mental health condition impacts on their ability to do their job or maintain their attendance.

The employee and/or their designated manager should consider a referral to occupational health for advice on any reasonable adjustments.

The designated manager must make it clear to the employee, that if their attendance, conduct or performance does not improve, their probation period may be extended (up to a maximum of 3 months), or their employment may be terminated.

The designated manager and employee should agree an action plan, for a specified period of time, with regular reviews.

The designated manager should record what has been discussed at the meeting using the probation period record of discussion form.

Note: There is no formal right to representation at informal meetings. In some cases, it may be appropriate to have a trade union representative or workplace colleague in attendance.

### **Review the action plan**

The designated manager and employee must meet to review the action plan on a regular basis, and within the agreed timescales.

If the employee shows satisfactory improvement by the end of the agreed timescales, the designated manager should continue to hold regular probation review meetings, supervision meetings, or one to ones.

If the employee does not show satisfactory improvement in their performance, conduct, or attendance, the designated manager must arrange a probation improvement meeting.

This is in addition to the scheduled reviews at 2 months, 4 months, and any regular supervision meetings or one to ones.

## **5.0 Probation Improvement Meeting**

The designated manager must give the employee 10 working days' notice of the improvement meeting taking place and let them know that they have a right to be represented by a trade union representative or a workplace colleague at the meeting.

The designated manager should use the invitation to probation improvement letter template for this.

The designated manager should check if the employee needs any reasonable adjustments to attend the improvement meeting, so they can make the appropriate arrangements.

### **During the improvement meeting**

At the improvement meeting, the designated manager will discuss with the employee:

- what they had discussed as part of the unsatisfactory meeting, using the discussion form
- the attendance, performance, or conduct issue(s) that they had identified, in accordance with the action plan completed at the last meeting
- the standards that the employee was expected to achieve
- what support has already been provided
- what further training and support the employee needs to help improve their performance or conduct.

The designated manager must be clear about the timescales for the employee to show improvement, and when their attendance, performance, or conduct will be reviewed again.

The designated manager must record the outcome(s) of the meeting on the probation action plan form.

### **After the improvement meeting**

The designated manager must write to the employee within 5 working days to confirm the outcome(s) from the meeting and must provide them with a copy of the completed probation action plan.

The designated manager and employee must meet to review the action plan on a regular basis and within the agreed timescales.

If the employee shows satisfactory improvement by the end of the agreed timescales, the designated manager should continue to hold regular probation review meetings, supervision meetings, or one to ones.

If the employee's attendance, performance, or conduct does not improve to the required standard within the agreed timescales, the designated manager should arrange a probation hearing.

## **6.0 Probation Hearing**

The designated manager must consider sufficient time scales for a hearing to be held taking into account the probation period i.e., all stages should be completed within 6 months (excluding any extension period). If the designated manager has decided to refer this matter to a hearing, they should take advice and guidance from their chosen Employee Relations team.

The clerk to the governing body should invite the employee to a probation hearing giving 10 working days' notice. The invite letter should outline the key concerns and be supported with any relevant documentation.

At the probation hearing:

- the designated manager (presenting officer) will present their findings
- the headteacher (where they have not previously been involved) or committee of the governing body will listen to the case
- the employee, their trade union representative, the hearing officer/committee, and technical advisor will be able to question the presenting officer
- the employee will have the opportunity to put their case to the hearing officer/committee

The employee may ask their trade union representative, if they have one, to do this on their behalf.

- the hearing officer/committee, the presenting officer, and the technical advisor will be able to question the employee
- the employee, their trade union representative, the hearing officer/committee, presenting officer and technical advisor will be able to question any witnesses, if appropriate

- both parties will summarise their case
- the hearing officer/committee will release both parties and start deliberations in confidence.

The hearing officer/committee may choose whether to announce the hearing decision in person or receive it subsequently in writing, but this choice shall not prevent the hearing officer/committee from choosing to adjourn and reconvene before making a decision. The final outcome will be confirmed in writing within 5 working days of the hearing or the adjournment.

## 7.0 Probation Hearing Outcomes

**Possible outcomes could be:**

- employee's probation is extended for a reasonable timescale
- employee is dismissed
- employee is confirmed in post

### **Employee's probation period is extended**

If the Chair of the committee decides to extend the employee's probation period, they must write to the employee to let them know:

The probation period can be extended for up to a **maximum of 3 months**.

## 8.0 Appeals

If the employee is dismissed as a result of a probation hearing or their probation period is extended, they have the right to appeal. They must do so within **5 working days** of receiving the letter.