Section 5

PROBATIONARY SERVICE

Local Government Service Staff (Support staff in schools)

The national conditions of service provide for Local Government Service staff to serve a probationary period. Details of the provisions and the arrangements that should be made are set out in Appendix 5A. Where LGS /support staff have previously worked for Brighton & Hove Council in a different school or in a substantially different role they may be subject to the appointment support procedure – details appear in Appendix 5B.

Teachers

Statutory Induction arrangements were introduced with effect from September 1999. All newly qualified teachers are required to complete a period of induction if they wish to work in a maintained school or non-maintained special school.

The period of induction for a full-time NQT is one academic year, for a part-time NQT the period is calculated pro rata.

The Induction programme is the joint responsibility of the headteacher, the LEA, the induction tutor, the newly qualified teacher and the governing body. The programme consists of an individualised programme of inter-related monitoring, support and assessment, opportunities for development, formal assessments, and a timetable of 90% of normal average teaching time.

Guidance on the induction arrangements can be obtained from the Learning and Development Centre at Moulsecoomb Tel: 01273 293699

Appendix 5A

PROBATIONARY SERVICE: Schools' Support Staff

I Introduction

- 1.1 It is the intention of the School that every employee is treated in a fair, consistent and objective manner. An employee's entitlement to conditions of service, such as annual leave and sick pay are not affected by the probationary period, likewise statutory rights are not affected.
- 1.2 Capability and Disciplinary Procedures will not apply during an employee's probationary period.
- 1.3 This procedure assumes that power to dismiss has been delegated to the Headteacher under the 2003 Staffing Regulations (following the Education Act 2002). If dismissal powers are retained by the governing body then where the Headteacher is referred to under section 6, please replace with the relevant panel of the governing body.

2 Scope

- 2.1 It is the School's policy that all offers of employment made to employees new to the School, will be subject to the employee satisfactorily completing a probationary period.
- 2.2 School Support Staff who are promoted to a post either internally or externally (to another School) are covered by the Appointment Support Procedure.
- 2.3 If an employee changes jobs within the first six months of their employment with the School, he/she will normally be expected to complete a further period of probationary service (i.e. six months) from the date of their appointment to the new post.

3 Purpose

- 3.1 The period of probationary service provides a formal opportunity for managers to review the progress of new employees and to assess their suitability for the post to which they have been appointed. It enables managers to address any problems at an early stage and assess any training and guidance, which may be necessary for the employee to achieve a satisfactory level of work performance. It also provides a check on the effectiveness of the Recruitment and Selection Procedure as it has been applied to the particular post.
- 3.2 Once the probationary period has been completed, successfully, the school should confirm this in writing to the employee, with a copy to Human Resources.

4 Period of Probationary Service

- 4.1 For most employees the Probationary period will be six months, which is a reasonable period within which to determine whether an individual is suitable for the post, providing a fair opportunity for them to settle into the job and taking account of any learning curve which may be necessary.
- 4.2 It is possible to terminate an employee's employment before the end of the probationary period, where the employee's failings are such that dismissal action is warranted.

5 Representation

- 5.1 It is not necessary for employees to be represented at probationary review meetings. However, if the employee requests to be represented by either a trade union representative or an employee who works for the School then this request should not be unreasonably refused. This is particularly important where the employees performance is considered to be unsatisfactory.
- 5.2 Employees have the statutory right to be represented by either a trade union representative or an employee of the School at a formal Probationary Hearing or a Probationary Appeal Hearing. Employees should be informed of this right in the invitation letter to the Probationary Hearing/or Probationary Appeal Hearing.

6 Procedure

6.1 It is the responsibility of the line manager to assess the suitability of the employee for the post to which they have been appointed and to ensure that the Probationary Review forms are completed. Normally assessments will be made initially after eight weeks, and subsequently at sixteen and twenty two weeks. However earlier or more frequent review interviews may be conducted if necessary e.g. if you have concerns regarding the employee's conduct or progress in post.

6.1.1 First Probationary Review Meeting - 8 weeks

After eight weeks an objective assessment should be made of the employee's suitability for the type of work he/she is employed to undertake, using the job description, the person specification and the employee's attendance record as a guide. A review meeting should take place to discuss work performance/conduct, achievements and areas for improvement or development, including giving the employee the opportunity to discuss any difficulties he/she may have identified, and establishing any guidance and support which may be needed for the remainder of the probationary period.

A Probationary Assessment form should be completed, using the following headings as guidance: general conduct, reliability, timekeeping/attendance, flexibility, health and work performance. Any further training needs should be identified, whether they are continuing "on-the-job" training, or more formal courses. The employee should be given the opportunity to make written comments on the form regarding the assessment if he/she so wishes. Once completed the form should then be signed and dated by the employee and manager. The employee should retain one copy of the form and a further copy should be placed on the employee's personal file.

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If the employee's conduct and work performance is satisfactory at this point, then he/she should be informed of this.

If the employee's work performance/conduct falls short of that required, he/she should be told of the improvement(s) required, and informed of the possible consequences of not achieving this i.e. he/she will not have his/her employment confirmed on a permanent basis unless his/her work performance/conduct improves to a satisfactory standard.

6.1.2 Second Probationary Review Meeting - 16 weeks

After sixteen weeks a second review meeting should be held, assessing work performance/conduct using the same criteria as for the first probationary review.

A second Probationary Assessment form should be completed again giving the employee the opportunity to make written comments on the form regarding the assessment if he/she so wishes. Once completed the form should be signed and dated by the employee and manager. The employee should retain one copy of the form and a further copy should be placed on the employee's personal file.

If the work performance /conduct is satisfactory, the employee should be informed of this. If performance/conduct still falls short of the standard required, the employee must be told that if no improvement has taken place by the final review meeting at twenty-two weeks, that dismissal may be recommended.

If, however, the employee's work performance/conduct had previously been satisfactory, but has now deteriorated, the reason for this present unsatisfactory work performance should be identified, remedial action agreed and the employee informed that improvement to the previous satisfactory standard should be attained by the final probationary review interview.

6.1.3 Final Probationary Review Meeting - 22 weeks

At twenty-two weeks a final probationary review meeting should be held, assessing work performance/conduct using the same criteria as for the first and second probationary reviews. If the work performance/conduct is satisfactory the employee should be informed of this and the satisfactory completion of the probationary period confirmed in writing.

A copy of the letter should be sent to Human Resources, for placing on the employee's personal file.

Where the employee has had either four periods of short-term sickness absence or a period of long-term sickness absence (see Schools' Absence Policy) during the probationary period, the manager <u>must</u> seek advice from Human Resources prior to confirming the employee's appointment..

If the employee's work performance /conduct is not satisfactory, the employee must be advised that his/her appointment will not be confirmed in writing and that a recommendation will be made to dismiss the employee. A formal Probationary Hearing will then be arranged.

6.1.4 Unsatisfactory Work Performance/Conduct by the Employee

If the employee's work performance/conduct gives cause for concern <u>at any time</u> during the probationary period, such shortfalls must be discussed with the employee as specified in the Procedure. It is also important to seek advice and, if appropriate, the involvement of Human Resources.

If, in exceptional circumstances, it is difficult to make a firm decision about the suitability of the employee for the post after twenty-two weeks, it may be appropriate to extend the probationary period. This decision should be taken in consultation with Human Resources, and the extension should be no more than three months over the original six months. An extension in these circumstances should only be used when periods of absence e.g. annual leave, sick leave etc.

- a) Have made it impossible to carry out the review; or
- b) If an identified problem is likely to be resolved within the extra time allowed.

If, after an extended probationary period, the employee's work performance/conduct still falls short of that required, a recommendation for dismissal should be made, following the procedure detailed below.

Where the employee's shortcomings are such that dismissal <u>before the end</u> of the probationary period is contemplated, the manager should arrange a meeting with the employee. The employee must be advised of his/her right to representation at that meeting. At the meeting, the manager should advise the employee of the decision to recommend dismissal and the reasons for such a recommendation.

The manager should then inform the Headteacher, recommending that the employee's employment be terminated. He/she should clearly state the reasons why the dismissal of the employee is being recommended. If the Headteacher has been empowered to dismiss they will then need to conduct a Formal Probationary Hearing in accordance with section 6.2).

If the power of dismissal lies with the governing body then the manager can approach the headteacher for further advice prior to recommending dismissal.

Where the Headteacher is the line manager of the employee being recommended for dismissal, then the Headteacher should make the recommendation for dismissal to the appropriate panel of the governing body (even if the formal power of dismissal has been delegated to the headteacher in other cases).

6.2 Formal Probationary Hearing

On receipt of that written recommendation, the Headteacher/ relevant panel of the governing body should arrange a Formal Probationary Hearing with the employee, the employee's manager and where the employee so wishes his/her representative. A Human Resources representative who has not previously been involved in the case will also attend to provide advice to the Headteacher conducting the hearing.

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The employee should be given 5 working school days notice in writing of the Formal Probationary Hearing. The letter should give the date, time and location of the hearing, details of managements concerns, the identity of all present at the hearing, the employee's right to be represented /accompanied at the hearing and details of any witnesses. A copy of the management case should also be enclosed. If the trade union representative has been notified to HR then the papers will be copied to them.

At the Probationary Hearing, the manager will present his/her case for dismissal and the employee will have the opportunity to respond and raise any issues which may be relevant.

Having heard the evidence from both sides, the Headteacher/ governing body panel will decide on the action to be taken. The options are to:-

- Dismiss the employee
- Extend the probationary period for no more than 3 months.
- Allow the original probationary period to continue.

In cases where the probationary period is restarted or extended the employee should again be advised of the standards expected and the consequences of not achieving the required standard. The employee's performance in post should then continue to be reviewed using the same criteria as for the previous probationary reviews.

The Headteacher/governing body panel will inform the employee of the decision at the conclusion of the Probationary Hearing. A letter confirming the decision must be sent to the employee within 5 working school days of the Probationary Hearing. Where the outcome of the hearing is to dismiss the employee, the employee must be advised of his/her right to appeal against the decision. A copy of the letter should be sent to Human Resources.

Should an employee wish to appeal against the Headteacher's/ governing body panel decision they will need to do so within ten working days of his/her having received written notification of the outcome of the Probationary Hearing. The appeal will be heard by an appropriate panel of the governing body. The appeal hearing represents the employee's final level of appeal.

6.3 Composition of the Appeal Panel

A panel of governors appointed and authorised by the governing body to determine appeals shall hear the appeal. No governor hearing an appeal shall have been involved in the decision to which the appeal relates. Staff governors may be members of the Panel, unless they could be a candidate for the post held by the employee concerned, or if they have been involved in any way in the case, either as a witness or as the person making the allegation under consideration.

6.4 Notice of the Appeal Hearing

Within twenty working days of the receipt of a notice of appeal arrangements will be made for the case to be heard. The employee and the headteacher shall be given ten working days notice of the date of an appeal hearing or such shorter notice as may be mutually agreed. The employee has the statutory right to be represented/accompanied at the hearing by either a trade union representative or an employee of the School and all reasonable attempts should be made to convene a mutually convenient hearing date.

6.5 Possible Outcomes of an Appeal Hearing

The Panel of Governors hearing the appeal may:

- a) Uphold the Headteacher's/first governing body panel recommendation to dismiss the employee
- b) Extend the employee's probationary period for no more than three months
- c) In exceptional cases to re-start the probationary period

6.6 Giving the decision

The decision of the appeal panel of governors shall be given to the employee orally and shall be confirmed in writing by the clerk to the governors to the employee and the headteacher within five working days of the hearing.

Amendments agreed by Schools Consultation Group meeting - 16 May 2008



FIRST PROBATIONARY REVIEW – to be completed at 8 weeks

EMPLOYEE'S NAME:			DATE OF REVI	EW:
POST TITLE:			DATE APPOIN	TED:
DEPARTMENT:			SECTION:	
Please objectively assess the review	employee's work pe	rformance /	conduct / attendance	during the period under
Comments on the employee should be stated in full. The required to do the job, work targets and objectives. Area specified and supported by e	following performar ling relationships, rel (s) of concern, which	nce factors s liability and a n are <u>not</u> me	hould be used in the as accuracy, oral and writ	ssessment: knowledge ten skills, ability to meet
GENERAL ATTENDANO (Please tick box as appropria		CT - Since	the date of appointmen	nt to post
Level of sickness absence:	Number of days		Number of periods	s
Time keeping:	Satisfactory		Unsatisfactory	
General conduct:	Satisfactory		Unsatisfactory	



To be completed in cases where it has been identified that improvement is required

Please give a clear and specific description of the ways in which the employee is falling short of the standards required (with examples of the failings); any explanation for the under-performance; the action to be taken to aid improvement and, where appropriate, any mitigating circumstances on the part of the employee for their failings.

I have him/he	discussed the area(s) of concern with the employee and have clearly specified the standards expected of er.
	I have informed the employee that lack of improvement in his/her work performance / conduct / attendance could result in the School terminating his/her employment.
	The employee's work performance / conduct / attendance is unsatisfactory and I have pointed out the area(s) in which he/she is not meeting the standards required. I have also informed the employee that I shall be recommending the termination of his/her employment.
(Please	e tick one box only to indicate which applies)
	IMENTS FROM THE EMPLOYEE ON THE ASSESSMENT MADE section only to be completed by the employee)
(
Line N	1anager's Signature Dated
Desig	nation
	rm that I have read and understood the probationary report, and been given the opportunity to comment on sessment made. I also confirm that I understand the implications of the assessment for my continued yment.
Signed	I (Employee) Dated



SECOND PROBATIONARY REVIEW – to be completed at 16 weeks

EMPLOYEE'S NAME:			DATE OF REVIE	W :
POST TITLE:			DATE APPOINT	ED:
DEPARTMENT:			SECTION:	
Please objectively assess the ereview	employee's work p	performance / co	onduct / attendance du	uring the period under
Comments on the employee's should be stated in full. The frequired to do the job, worki targets and objectives. Area(specified and supported by expecified and supported b	ollowing performang relationships, resolutionships, resolutionships, resolutionships, whi	ance factors sho eliability and acc ch are <u>not</u> mere	uld be used in the assocuracy, oral and writte	essment: knowledge in skills, ability to meet
GENERAL ATTENDANC (Please tick box as appropriat		UCT - Since the	e date of the previous	review
Level of sickness absence:	Number of day	'S	Number of periods.	
Time keeping:	Satisfactory		Unsatisfactory	
General conduct:	Satisfactory		Unsatisfactory	



To be completed in cases where it has been identified that improvement is required

Please give a clear and specific description of the ways in which the employee is falling short of the standards required (with examples of the failings); any explanation for the under-performance; the action to be taken to aid improvement and, where appropriate, any mitigating circumstances on the part of the employee for their failings. Please also indicate whether or not the problem(s) with the employee's work performance have improved, deteriorated or remained largely the same.

I have discusse him/her.	ed the area(s) of concern with the employee and have clearly specified the standards expected of
	e informed the employee that lack of improvement in his/her work performance / conduct / attendance d result in the Council terminating his/her employment.
in wh	employee's work performance / conduct / attendance is unsatisfactory and I have pointed out the area(s) nich he/she is not meeting the standards required. I have also informed the employee that I shall be mmending the termination of his/her employment.
(Please tick or	ne box only to indicate which applies)
Line Manage	r's Signature
_	r's Signature
Designation.	6



FINAL REVIEW - to be completed at 22 weeks

EMPLOYEE'S NAME:	DATE OF REVIEW:
POST TITLE:	DATE APPOINTED:
DEPARTMENT:	SECTION:

Please objectively assess the employee's work performance / conduct / attendance during the period under review

Comments on the employee's work performance both in terms of quality and quantity of work produced should be stated in full. The following performance factors should be used in the assessment: knowledge required to do the job, working relationships, reliability and accuracy, oral and written skills, ability to meet targets and objectives. Area(s) of concern, which are <u>not</u> merely indicative of inexperience <u>must</u> be specified and supported by examples in the section overleaf.

Level of sickness absence:	Number of da	ys	Number of period	s
Time keeping:	Satisfactory		Unsatisfactory	
General conduct:	Satisfactory		Unsatisfactory	
OVERALL ASSESSMENT PROBATIONARY PERIC				
	•		conduct / attendance is s/her appointment is co	•
			conduct / attendance is nination of his/her emplo	
			iod is extended for a peduct a further review.	eriod of
COMMENTS FROM THI (This section <u>only</u> to be com			SESSMENT MADE	
Line Manager's Signature			Dated	
Designation		•••••		
I confirm that I have read a opportunity to comment of implications of the assessm	on the assessmer	nt made. I a	lso confirm that I und	
Signed (Employee)			. Dated	

Appendix 5B

APPOINTMENT SUPPORT PROCEDURE

I Introduction

- 1.1 It is the intention of the School that every employee is treated in a fair, non-discriminatory, consistent and objective manner.
- 1.2 In cases where the Appointment Support Procedure is to apply, it should be stated in the employee's contract of employment.

2 Scope

- 2.1 It is the school's policy that all existing employees who have completed their probationary period and then subsequently take up a new appointment with the Council will be subject to the provisions of the Appointment Support Procedure (except teaching staff who are subject to an induction year covered by separate arrangements see Section 5).
- 2.2 Employees who change jobs within the first six months of their employment with the School will also not be covered by the Appointment Support Procedure. In these circumstances, employees will normally be required to complete a further period of probationary service (i.e. six months) from the date of their appointment in the new post.
- 2.3 Employees will only be subject to the appointment support procedure when changing jobs within the school if there is a substantial change in role.

3 Purpose

- 3.1 The purpose of the Procedure is to support an employee during the important first few months following their transfer to a new post. By providing additional support during the transitional phase it is hoped to maximise the chances of the employee successfully adapting to their new role whatever the reason for the change.
- The period of appointment support provides a formal opportunity for the new manager to set the standards of work performance expected of the new employee, to review progress and to assess the suitability of that employee for the post they have accepted. The Procedure enables managers to address any problems at an early stage and assess any training and guidance, which may be required for the employee to achieve a satisfactory level of performance. It also provides a check on the effectiveness of the recruitment and selection and induction processes.
- 3.3 Once the period of Appointment Support has come to an end, the employee's performance will be monitored on an on-going basis and formally assessed under the School's normal arrangements.

4 Period of Appointment Support

4.1 For most employees the Appointment Support period will be six months, which is a reasonable period within which to determine whether an individual is suitable for the post, providing a fair opportunity for them to settle into the job and taking account of any learning curve which may be necessary.

5 Representation

- 5. I It is not necessary for employees to be represented at Appointment Support review interviews. If, however, the employee requests to be represented/accompanied by either his/her Trade Union representative or a work colleague, the request should not be unreasonably refused. If necessary, the Appointment Support review interview should be adjourned for a reasonable period to enable the employee to arrange for his/her representative/companion to attend. This is particularly important in cases where the employee's performance is considered to be unsatisfactory.
- 5.2 Appointment Support review interviews do not constitute formal hearings as defined in the ACAS Code of Practice on Disciplinary and Grievance Procedures and therefore an employee does not have a statutory right to be accompanied at any of these meetings held under the Procedure.
- 5.3 Trade Union representation will be afforded to an employee, where requested, irrespective of whether or not the union to which the employee belongs is recognised by the School.

6 Procedure

6.1 It is the responsibility of the line manager/headteacher to assess the suitability of the employee for the post to which they have been appointed and to ensure that the Appointment Support Assessment forms are completed. Normally assessments will be made initially after eight weeks, and subsequently at sixteen and twenty-two weeks. However, earlier or more frequent review interviews may be conducted if there are any concerns about the employee's work performance/conduct. It is particularly important that any shortcomings on the part of the employee are addressed at the earliest opportunity and are not left to the next scheduled review interview.

6.1.1 First Review Interview

After eight weeks an objective assessment should be made of the employee's suitability for the type of work he/she is employed to undertake, using the job description, the person specification and the employee's attendance record as a guide. A review interview should take place to discuss work performance/conduct, achievements and areas for improvement or development, including giving the employee the opportunity to discuss any difficulties he/she may have identified, and establishing any guidance and support which may be needed for the remainder of the appointment support period.

An Appointment Support Assessment form should be completed, using the following headings as guidance: general conduct, reliability, timekeeping/attendance, flexibility, health and work performance. Any further training needs should be identified, whether they are continuing "on-the-job" training, or more formal courses. The employee should be given the opportunity to make written comments on the form regarding the assessment if he/she so wishes. Once completed the form should then be signed and dated by the employee and manager. The employee should retain one copy of the form; a further copy should be placed on the employee's personal file.

If the employee's work performance and conduct is satisfactory at this point, then he/she should be informed of this.

If the employee's work performance or conduct fails short of that required, the manager should clearly explain how the employee is under performing and identify a course of action to remedy the situation, e.g. closer supervision, additional training etc. Timescales for improvement should be clearly specified and the possible consequences of not achieving the required standard(s) should also be explained to the employee, i.e. demotion, re-deployment etc.

6.1.2 Second Review Interview

After sixteen weeks a second review interview should be held, assessing work performance/conduct using the same criteria as for the first review.

A second Appointment Support Assessment form should be completed again giving the employee the opportunity to make written comments on the form regarding the assessment if he/she so wishes. Once completed, the form should be signed and dated by the employee and manager. The employee should retain one copy of the form; a further copy should be placed on the employee's personal file.

If the work performance/conduct is satisfactory, the employee should be informed of this. If work performance/conduct still fails short of the standard required, the employee must be told of the likely consequences if no improvement has taken place by the final review interview at twenty-two weeks. If, however, the employee's work performance/conduct had previously been satisfactory, but has now deteriorated, the reason(s) for this present unsatisfactory work performance/conduct should be identified, remedial action agreed and the employee informed that improvement to the previous satisfactory standard should be attained by the final review interview.

6.1.3 <u>Final Review Interview</u>

At twenty-two weeks a final Appointment Support review interview should be held, assessing work performance/conduct using the same criteria as for the first and second reviews.

If, at the final review, the employee's work performance/conduct is satisfactory then he/she should be informed of this and a recommendation made on the Appointment Support Assessment form that the employee should continue in the current post.

A letter should be sent subsequently to the employee to confirm the decision and a copy passed to Human Resources for placing on the employee's personal file.

If by the time of the final review, despite additional training, and/or close supervision and/or other remedial action, the employee's work performance/conduct has not improved sufficiently to meet the standards required, the headteacher/manager should consult Human Resources for advice and to discuss the options available.

The options available to the Headteacher/manager include:

- Extension of the Appointment Support period; or
- Instigation of Stage 3 of the School's Capability Procedure or
- Examining the feasibility of re-deployment.

6.1.4 <u>Extension of Appointment Support Period</u>

If, in exceptional circumstances, it is difficult to make a firm decision about the suitability of the employee for the post after twenty-two weeks, it may be appropriate to extend the appointment support period. This decision should be taken in consultation with Human Resources, and <u>the extension should be no more</u> <u>than three months</u> in addition to the original six months.

An extension in these circumstances should **only** be used when periods of absence, e.g. annual leave, sick leave etc.

- have made it impossible to carry out the review; or
- if an identified problem is likely to be resolved within the extra time allowed.

If, after an extended appointment support period, the employee's work performance/conduct still fails short of that required, advice should be sought from Human Resources with a view to instigating Stage 3 of the Capability Procedure (see section 24 of the Schools' Personnel Handbook).