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Trafford Alternative Education Provision

Probationary procedure and Policy

[2023]



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Policy Title:	Probationary Procedure and Policy		
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Document control

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Name	Description	Date

Approvals

Name	Position	Date
Linda Thompson	Executive Headteacher	October 2021

Links to

Policy

Our Mission Statement:

Trafford Alternative Education Provision is committed to providing....

A 21st Century education that promotes the academic, emotional and social development of our students. Our aim is to create a holistic, nurturing and inspiring environment where students are supported and encouraged to take charge of their lives, their learning and their decisions. Every student will have an understanding of their personal journey, challenges and future opportunities. All will be encouraged to become independent thinkers and learn to value and respect others thus enabling them to meet the challenges of the wider world. In partnership with parents, carers, schools and outside agencies we will provide students and staff with a positive and supportive learning experience.

We will achieve our vision by constantly thinking about the bigger picture, working as one team, valuing our staff and their continual development and by frequently reviewing, debating and developing the curriculum.

PROBATIONARY PERIOD POLICY AND PROCEDURE

FOR ALL SCHOOL EMPLOYED STAFF

(other than for Teaching Staff)

Document Control	
Title	Probationary Period Policy and Procedure
Date	June 2017 (reviewed)
Supersedes	June 2006
Review frequency	3 years
Author	Human Resources Business Partners
Owner	Human Resources, Trafford Council
Related Documents	Probationary Review Forms
Circulation	School Trade Union representatives Headteachers/Business Managers
Status	Template distributed to Schools for Governors to consider for ratification
Distribution	Schools Toolkit

1. Introduction

- 1.1 These guidelines have been produced to assist managers in monitoring the performance and/or capabilities of new entrants during their probationary period. They also set out the responsibilities of staff members during their period of probation.
- 1.2 The aim of the probationary period is to ensure that all employees of the School can meet the essential requirements of the job and perform to the standards expected.
- 1.3 During the probationary period, managers are expected to closely monitor and develop staff, to ensure that they understand the systems, procedures and requirements of their role. Managers must ensure that employees are fully inducted into their post.
- 1.4 Whilst the School recognises that employees with less than two year's service do not have the right to bring a complaint for unfair dismissal (there is no qualifying period for certain claims i.e. unlawful discrimination), the School is committed to treating individuals fairly and in ensuring that employees within their probationary period are dealt with in line with good practice principles and legislative requirements.
- 1.5 HR regularly review all the policies and procedures they recommend to ensure there are no negative equality impacts. Consultation with our customers is an important part of how we achieve this. If you feel, on reading this policy, that there may be a negative equality impact within your school, please tell us about this. Please also let us know if you need to access this policy in a different format. You can do this by contacting the following officer:-

Schools HR Team telephone number: - 0161 912 5440

HR Business Partner email address: - schoolsshrteam@trafford.gov.uk

2. Scope of the Procedure

- 2.1 A 6-month probationary period will apply to all new entrants to the School, with the exception of Teaching Staff for whom separate arrangements are in place.

- 2.2 The 6-month probationary period applies regardless of previous local government service.
- 2.3 All permanent, fixed-term and temporary employees of the School will serve a probationary period. Where the fixed-term or temporary period is less than 6 months, the appointment will count as part of the 6-month probationary period. In the event that the appointment is extended for a further period, the staff member's probationary period will continue until 6 months has been completed.
- 2.4 This procedure should be applied to monitor the employee's all-round performance in respect of skills and capability, conduct and attendance.
- 2.5 The School's full disciplinary, capability and absence management procedures do not apply to staff members during their probationary period, where there are concerns regarding underperformance in respect of conduct, skills/knowledge and/or attendance. In such circumstances, the formal meeting and appeal processes within these procedures should not be followed i.e. Stages 1 to 4 (Disciplinary), Stages 1 to 3/Formal Capability Hearing (Capability) and Stages 1 to 3/Medical Incapacity Hearing (Sickness Absence), and areas of underperformance should be managed in line with the Probationary Period Policy and Procedure.
- 2.6 Where an employee transfers to another role during their probationary period, the probation should continue in the new post until the 6-month period has expired. This is particularly appropriate where the staff member transfers to a similar role with a change of line manager. It may be appropriate in exceptional circumstances to agree an extension to the probationary period.

3. Roles and Responsibilities

- 3.1 The staff member is responsible for:
- Understanding the purpose of probation and the standards of performance expected of them,
 - Ensuring that they are fully aware of and understand the rules and requirements on absence, time-keeping, attendance and conduct,
 - Co-operating with their line manager and raising any problems or difficulties they encounter as soon as they arise, and through one-to-one/supervision meetings,
 - Seeking further clarification on any aspect of their role of which they are unsure,

- Completing the probationary period successfully and demonstrating that they are capable of reaching and maintaining good overall performance, and can be relied upon to consistently provide work of the required standard for the post.

3.2 The line manager is responsible for the following:

- Clarifying the duties and responsibilities of the staff member,
- Ensuring that an appropriate induction programme is undertaken,
- Agreeing and setting dates for the probationary review meetings,
- Planning and agreeing with the staff member the work and development objectives to be achieved during the probationary period,
- Ensuring that agreed objectives are acted upon and evaluated,
- Continuously reviewing performance and objectives set through the review meetings,
- Providing feedback, good or bad, in an honest, open and constructive way,
- Undertaking review meetings, fully completing the required documentation and ensuring that the record accurately reflects both the staff member's positive achievements, together with an action plan for dealing with areas which fall below the expected standards,
- Returning the completed review forms to the Schools Personnel team,
- Recommending termination of the staff member's employment to the manager with the authority to dismiss, where the required standards have consistently not been met.

3.3 The Headteacher is responsible for ensuring that:

- The probation review and induction process of staff is monitored within their service,
- Training and development activities within their area are facilitated,
- Formal reviews are undertaken for staff in their service,
- Advice and guidance is sought from the Schools Personnel team in the event that a staff member's performance is deemed to be unacceptable during their probationary period.

3.4 The Schools HR team are responsible for:

- Advising and supporting the line manager and Headteacher as appropriate.

4. The Procedure

- 4.1 Line managers must undertake probationary reviews after 1 month, 3 months and 5 months service and fully complete the relevant documentation.
- 4.2 The employee should be provided with reasonable notice of the meeting, to enable them to prepare for the review and arrange representation, where required. It is recommended that at least 5 working days notice is given.
- 4.3 The procedure should be seen as part of the day-to-day management of staff. HR will normally only attend/be involved in any of the meetings with probationers where there are continued issues with an employee's performance. Managers are advised to seek advice, guidance and support from an HR Advisor where a meeting may lead to either the extension of a staff member's probationary period, or termination of employment.
- 4.4 Where the manager has any concerns regarding an individual's performance in any area (i.e. skills, capability, sickness absence, unauthorised absence, time-keeping or conduct), they should discuss them with the employee as soon as they arise, rather than waiting until the next formal probationary review meeting. This allows the manager to re-set expectations, provide guidance and ensure that the staff member receives appropriate support and development. In such cases, the manager should meet with the employee on a monthly basis, or more often if deemed necessary, to monitor progress. The staff member may be advised that if the necessary standard is not reached within an agreed period, then a possible outcome could be dismissal. At the meeting, the manager should, where appropriate:
- Determine the underlying cause of the individual's underperformance,
 - Discuss and agree any training and development needs i.e. on-the-job coaching, shadowing etc,
 - Refer the employee to Occupational Health, and recommend that they seek the advice of their GP, where there are concerns regarding the individual's health. Failure to attend any meetings with Occupational Health will result in decisions being made based on the information available at the time, and the individual must be made aware of this,
 - Make the employee aware of the Employee Assistance Programme counselling service,
 - Where the individual has an underlying health condition, consider making reasonable adjustments,
 - Provide the employee with a copy of their attendance record. The individual should be given a clear indication of the acceptable level of attendance and the timescale in which their attendance is expected to improve (which should not be less than 4 weeks),

- Notify the employee that they may not be confirmed in post if there is no, or insufficient improvement,
- Record the full details of the review, ensuring that the documentation is signed by both the manager and the employee,
- Confirm the outputs of the meeting in writing to the employee.

4.5 In the vast majority of cases, the staff member will successfully complete their probationary period and will be confirmed in post. The manager should congratulate the employee and complete the 5-month Probationary Review form. This should be sent to the HR Shared Service who will issue a letter to the individual confirming that they have successfully completed their probationary period and confirming their appointment.

4.6 Where a probationer clearly falls below the required standards and there is no realistic prospect of the necessary improvements being achieved and maintained, the School may terminate employment with notice at any time during the probationary period. Managers should consider a payment in lieu of notice so that the individual is not required to work after the decision to terminate has been made, or an adjustment to the job to overcome their problems in the shorter term to allow the individual to work their notice, where appropriate. Managers must ensure that there are clear records, which demonstrate the efforts made in supporting the employee to achieve the required level of performance prior to any decision being made.

5. Extensions to the Probationary Period

5.1 In the majority of cases, a 6-month probationary period will be sufficient to determine whether the individual is demonstrating an acceptable level of performance.

5.2 In exceptional circumstances i.e. where the manager may not have been able to complete their assessment of the staff member effectively due to unforeseen circumstances, or where the employee is only just below the required standards of performance and there is a realistic expectation that they will achieve these in a short timescale, then a staff member's probationary period may be extended by a further 3 months, up to a maximum of 9 months. If this is anticipated to be a likely outcome, the manager concerned is advised to seek guidance and support from HR. The 9-month maximum probationary period applies in all cases.

- 5.3 The manager should discuss the reasons supporting their decision to extend the probationary period with the employee, clearly document these on the 5-month Probationary Review form and confirm the decision in writing to the staff member.
- 5.4 An improvement plan should be developed, clearly identifying where the employee needs to improve, and the manager should identify appropriate support strategies to help the individual deliver the required improvement.
- 5.5 The manager should monitor progress and provide honest, constructive feedback to the employee on a regular basis during the extension period.
- 5.6 If, during this period it is determined that the employee's improvement is not at the level required regardless of the support in place, it may be appropriate to advise the employee that dismissal will be a likely outcome.

6. Right to Representation

- 6.1 The employee has the right to Trade Union or work colleague representation when attending their probationary review meetings.
- 6.2 Where progress is unsatisfactory and/or the outcome of the meeting is in question, then the manager should endeavour to ensure that the employee is accompanied either by their Trade Union representative or a work colleague. The manager should also be accompanied by an HR Advisor or another manager, to ensure that a record of the meeting and the outcome is recorded.

7. Meetings Which Could Lead to Termination of Employment

- 7.1 Where, despite evidence of continuous support and development, the staff member has not achieved the required level of performance, or where allegations of misconduct/gross misconduct have been investigated and action is to be taken, the manager, after seeking advice, guidance and support from HR, must apply the following procedure in all cases.

Usually, these meetings would be held after 1, 3 or 5 months service, or at the end of any agreed extension to the probationary period, unless an incident has occurred in the intervening periods, which necessitates a meeting outside of these timescales i.e. allegations of misconduct/gross misconduct, where action is to be taken.

- a) A letter must be sent to the individual, setting out the grounds for taking action and advising the employee that dismissal may be a possible outcome of the meeting. The staff member must be invited to attend a meeting with their manager, where the matter can be discussed. At least 5 working days notice should be given for the meeting and the employee should be informed of their right to representation. The manager should also be accompanied by an HR Advisor or another manager.
- b) At the meeting, both the manager and the employee should be given the opportunity to put their views across. After the meeting, a letter must be sent to the staff member to inform them in writing of the outcome. Where the decision is to dismiss, the employee must be informed of the reason for the dismissal and of their right of appeal.
- c) Where the individual wishes to exercise their right of appeal, they must state their intention in writing to the Headteacher within 20 working days of the notification of the initial decision.

The employee must then be invited to attend a further hearing with an appeals panel to appeal against the manager's decision. The employee should be informed of their right to be represented at this meeting. The panel should consist of an independent manager at a more senior level to the hearing manager, supported by an HR Advisor or manager.

The final decision must be communicated to the employee in writing