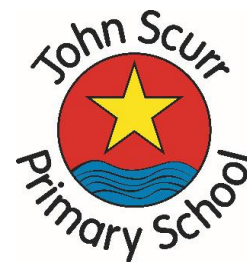


John Scurr Primary School
Cephas Street
London E1 4AX
Tel: 0207 790 3647

Email: admin@johnscurr.towerhamlets.sch.uk
www.johnscurrprimary.weebly.com

Headteacher: Maria Lewington



Probation Policy & Procedure

Guidance for Headteachers

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1. INTRODUCTION

The purpose of this guidance is to provide good practice guidance to Headteachers and managers in supporting new employees through the probation period.

2. PURPOSE OF A PROBATION PROCESS

- 2.1 A structured probationary period increases the probability that new employees will succeed in their new posts, by establishing expectations of the role in line with the job description and person specification as well as identifying any specific training needs of the individual to get them up and running in the role quickly. It ensures there is a clear framework of management, monitoring and support for the new employee.
- 2.2 The probationary period allows a specific time period for the school to assess the suitability of the new employee for the post taking into account their capability, skills, performance, attendance, training needs and general conduct.
- 2.3 A well-managed probation period is important for both career development and as a means of assessing an individual's competency to do the job to which they are appointed. The probation period should be a positive two way process designed to assist the new employee in integrating into their new role and the school. It also enables the school to assess the contribution of a new employee, and to ensure that they fulfil the requirements of the post.
- 2.4 The probationary period gives both manager and new employee the opportunity to recognise progress and to address any difficulties encountered.

3. PROBATION AND INDUCTION

- 3.1 Besides being inducted in School health and safety and fire procedures, the new employee must be shown where to access and gain familiarity with key School and HR policies and procedures as well as IT usage guidelines and safeguarding policies and practices.
- 3.2 It is important for the Headteacher to set up regular formal probationary review meetings for all new employees and to ensure these meetings are accurately recorded. The probation period is a critical window of time for a new employee to be able

assimilate new information and job knowledge quickly and for the Headteacher to monitor performance and provide feedback, advice and where necessary, additional support and training.

The probation period should be followed for all newly appointed staff. It cannot be assumed that an individual who initially settles in well will not experience difficulties at a later stage in the probation period.

4. GOOD PRACTICE FOR MANAGING PROBATION PERIODS

- 4.1 Planning is essential for an effective probation period. Headteachers/Managers should consider what information should be provided as part of induction objectives, training, the assignment of a mentor, development activities, relevant policies and procedures, as well as scheduling relevant meetings.
- 4.2 Headteachers/managers should conduct regular meetings to discuss the employee's progress and identify support that they need. There are 3 formal probationary review meetings in the process, but there should also be ongoing informal supervisory meetings with the employee. Document the discussions during progress meetings – this will serve as a reminder for both parties as well as provide a record in the event of underperformance at a later stage.
- 4.3 Objectives should be set. Providing formal objectives allows employees to understand exactly what is expected of them during the probation period and enables measurement of performance.
- 4.4 A learning and development plan that outlines what an employee needs in order to carry out the role effectively should be agreed. This should include standard training, such as general workplace practices, health and safety and equal opportunities, as well as more specific role related training. Engage the employee in conversation about what training and development they feel they need to be more successful.
- 4.5 An open dialogue should be encouraged. A probation period is more likely to be successful if the employee has been given plenty of opportunity to ask questions, have regular conversations and raise areas of concern.
- 4.6 Headteachers/Managers must provide feedback. Meetings during the probationary period should be used as an opportunity to provide feedback on any areas of improvement. Never leave any issues of underperformance until the formal probation

review. Explore any problems at the earliest possible opportunity. These meetings are also an opportunity to provide positive feedback and recognition.

- 4.7 The job description should be referred to in the probation meetings. The job description describes what the job involves, the scope of responsibilities and tasks. This can be a working document for both parties to refer to throughout the probation period.
- 4.8 In the event of performance concerns, the Headteacher/manager should agree an action plan for improvement. This could include additional formal training, support, and provision of a mentor or working with more experienced colleagues. Review regularly.

5. GUIDANCE ON ORGANISING FORMAL PROBATIONARY REVIEW MEETINGS

5.1 Preparing for the meeting

- A suitable time should be arranged so that meetings are not hurried but are private and free from interruption.
- The employee should be told in advance the time and date of the meeting and asked to think about their performance and any questions they wish to raise.
- The Headteacher/Manager should make sure that they are clear about the points that they wish to raise and that these can be substantiated.
- The Headteacher/Manager should monitor, record and regularly discuss performance with the employee concerned, and be prepared to suggest ways, if necessary, of improving performance.

5.2 At the formal probationary review Meetings the Headteacher/Manager should:

- Explore both positive and negative aspects of performance and expand and explain comments made on the review Form.
- Reinforce areas of strength where the employee is doing well.
- Discuss and seek the employee's views and comments and record them as part of the meeting.
- Suggest and discuss ways of improving performance if appropriate. This might include extra training/coaching or closer supervision. This could also be an appropriate time to give encouragement.
- Document the key points including any successes and areas identified for improvement on the probation form.

- After the probation meeting a copy of the probation review form should be given to the employee and the original should be given to HR in a timely manner.

5.3 The second probationary review meeting is key. If any concerns have been identified, this meeting should be used to highlight concerns, identify improvements required before the final meeting, and agree support. If the concerns are such that an extension to the probation period, or non-confirmation of appointment are being considered, then the member of staff should be told so with clear direction regarding the improvements that need to be made, why and by when. The manager should seek HR advice before doing so.

5.4 Where performance has not yet reached a satisfactory level:

- It is important to be open and honest with the employee about areas of concern, giving specific examples as well as expectations of performance level.
- Ensure the employee understands the degree of progress required and that successful completion of the probationary period is dependent upon it.
- Warn the employee that if this standard is not reached their employment with the School may be terminated.

5.5 Where the final assessment recommends that the employee is confirmed into their permanent/fixed term post:

- This decision will be conveyed at the meeting and confirmed in writing afterwards.
- The meeting may also clarify any future development or training planned for the employee and set objectives that will be reviewed as part of the on-going appraisal process.

5.6 If the employee is experiencing problems at any stage during their probationary period the Headteacher/Manager should discuss these with the employee and not wait until the next scheduled review meeting.

5.7 In some rare cases when it is clear that the individual is not, and is unlikely to even with appropriate support meet the required expectations in terms of performance/conduct, a decision may be made to terminate employment before completion of the probation period. In such circumstances, HR advice must have been sought before such a recommendation is made, and the concerns discussed with the Headteacher.

6. EXTENDING PROBATION

- 6.1 It is important to think carefully about whether there is sufficient evidence that the new employee is suitable or not for the post and has the necessary aptitude to achieve a satisfactory level of performance within an extended probation period.
- 6.2 Is there additional support/guidance/training that can be given that has not already been provided? Can this be provided within the time frame of an extension to probation? It may also be necessary to think about what additional arrangements to put in place to ensure that the required volume and quality of work is achieved during the extension period, e.g. double checking, re-organising tasks/responsibilities.
- 6.3 If considering extending the probationary period due to sickness, review the nature of the sickness period(s). Was there a one off absence or have there been for a series of short term absences? In these circumstances the Headteacher can consider extending the probationary period by the length of the sickness period(s).
- 6.4 Where the final assessment is that an employee's period on probation should be extended:
- The letter arranging the meeting should make this clear, together with the reasons, and inform the employee of their right to be accompanied.
 - The meeting will explore both positive and negative aspects of the assessment, and seek the employee's views and comments.
 - The outcome will normally be conveyed to the employee at the end of the meeting and confirmed in writing. The letter will set out the extension period and the nature/level of improvement required, along with details of any additional support that has been agreed, along with the interim review meeting dates.
- 6.5 The length of the extension period depends on:
- How close the employee is to achieving the required level of performance.
 - How long the identified training/support will take to arrange/deliver and transfer to the work place.
 - What a reasonable time period is for the employee to improve in the context of their role, the requirements of the school and the impact of the unsatisfactory performance.

- 6.6 Where an extension is granted due to sickness absence, an extension can mirror the amount of time the employee has been absent during the probation period; for other types of authorised absence (e.g. adoption or parental leave), the extension should match the length of the absence where necessary and practicable. Where the employee's absence is long term the Headteacher should take advice from the school's HR Provider.

Any extension will be for a maximum of 10 weeks. For any potential extension period, schools are advised to seek advice from their HR Provider before taking action.

7. DISMISSING EMPLOYEES DURING PROBATION

- 7.1 Where dismissal is being considered, it is important to review the process that has been followed. Ensure that the probation procedure has been properly applied, with a clear audit trail of assessment meetings and that any additional support/training that has been agreed to, has been provided.
- 7.2 Where the employee has the potential to improve to the required standard in a reasonable timescale, it is usual to extend the probation period.
- 7.3 It is important that the employee is advised that dismissal is a potential outcome of the final assessment meeting.
- 7.4 It is possible to dismiss before the end of the probationary period in cases of gross misconduct or gross incapability e.g. where the continued presence of the employee would put pupils at risk and/or their educational attainment at risk. Schools should seek guidance from their HR Provider in these instances.

8. INVOLVING TRADE UNIONS IN PROBATIONARY PERIOD EXTENSIONS AND/OR DISMISSALS

- 8.1 Whilst an employee may choose to discuss their progress during probation with a representative of their trade union or a work colleague, it is only at the later stages of the procedure that they are entitled to be accompanied at meetings.
- 8.2 Where an extension of probation or dismissal is a potential outcome of the probation period, the Headteacher must advise the employee that they have a right to be

accompanied at the final assessment meeting by a chosen companion - who would need to be a work colleague, trade union representative or an official employed by a trade union. Only one person can be the nominated representative. The employee may request one rearrangement of the meeting date to enable the representative to attend. The employee may also be accompanied at a dismissal appeal meeting if they wish.

9. IMPACT OF AN EMPLOYEE'S SICKNESS ABSENCE RECORD IMPACT ON THE PROBATION PERIOD

- 9.1 The Headteacher's assessment of the suitability of a new employee during the probation period includes consideration of attendance. Where there are concerns regarding attendance these will be included as part of the probation review process, but should have been already raised and discussed as part of the return to work sickness process.
- 9.2 The Headteacher can explore the reasons for absence with the employee and consider whether there is any assistance that can be given, where absences are work-related.
- 9.3 The Headteacher will set out the improvement required from the employee in relation to their absence record, and that absence levels will be taken into consideration at the final assessment meeting and may impact upon the overall assessment of suitability for the job. Where absence levels are significant and improvement is not achieved, employment may be terminated at the end of the probation period.
- 9.4 In cases where an employee is unable to complete their probationary period due to long term absence, or has a lengthy absence period during the probationary period, the Headteacher can extend probation to allow additional time to assess the employee's performance. The probation may also be extended due to frequent short term absence, where the Headteacher determines this to be appropriate. Schools can seek advice from their HR Service Provider on attendance concerns during probation.
- 9.5 Where an employee has a disability that is impacting on their sickness levels during the probation period, it is important to discuss this with them. Remember that the individual will have been assessed as fit to do the job by Occupational Health as part of the pre-employment checks. It will be helpful to understand whether absences are linked to the role or the working environment, in which case it may be useful to seek further Occupational Health guidance. It is recommended that such cases are always discussed with the school's HR Service Provider. It is important that any reasonable adjustments that the school agree to implement are put in place as quickly as possible.

10. ABSENCES RELATED TO PREGNANCY

Generally speaking short-term absences relating to pregnancy should be disregarded when reviewing attendance levels unless absences are so frequent that it becomes difficult to effectively assess performance. Such cases should always be discussed with the school's HR Provider.

11. RESIGNATIONS DURING THE PROBATION PERIOD

- 11.1 If an employee submits their resignation whilst in their probation period the Headteacher should consider any reasons provided, seeking additional feedback if necessary.
- 11.2 If an employee resigns to avoid dismissal in instances of gross misconduct or incapability, it is important to consider whether the school's concerns require further action, regardless of the resignation. For conduct that is potentially a criminal offence – it will still be necessary to report the matter to the police. Where conduct or performance concerns relate to safeguarding, the school will need to contact the Council LADO and conduct an investigation as soon as possible. It may be necessary to consider whether it is appropriate to refer the matter to the Disclosures Barring Service and/or another professional organisation. It is advisable to seek advice from the school's HR Provider in these circumstances.
- 11.3 Any waiving of notice periods must be approved by the Headteacher and will be assessed on a case by case basis.

12. APPEALS

- 12.1 Where as a result of the final review meeting an employee has had their probation period extended, or where an employee subject to this probation procedure has been dismissed for reasons of capability/performance/conduct, they will have been informed in writing of the decision and of their right to appeal against it. The employee will also have been advised of their right to be accompanied by a Trade union representative or work colleague.

12.2 Appeals will normally be restricted to considering one or more of the following:

- The reasonableness of the decision made;
- Any relevant new evidence;
- Any procedural irregularities.

Appeals are not an opportunity to repeat the final review meeting at which the decision they are appealing against was made.

12.3 Arranging an appeal hearing

2.1.1 The appeal hearing will normally be convened within 15 working days or as soon as is practicably possible after receipt of letter confirming the appeal grounds.

2.1.2 If possible, a date should be agreed with both the employee and the management representative, although where this is not possible, they will be notified of the date via the invite letter.

2.1.3 In either case the employee will be provided with written notification confirming the date and time of meeting, usually 10 working days prior to the hearing, unless otherwise agreed.

2.1.4 The letter will also advise the employee:

- of their right to be accompanied by a Trade Union Representative or a work colleague.
- the names of those who will be present at the hearing.
- that the appeal hearing will not be a full re-hearing of the case. It will only address the specific grounds of appeal set out in the letter of appeal.
- that the hearing may be postponed by up to 5 working days to enable the employee's chosen representative to attend.
- that both the employee and the employer must provide each other with any documents to be used by them and the names of any witnesses to be called, no later than three working days before the appeal hearing.
- In the case of an appeal against dismissal The Chair of Governors will chair the meeting and Human Resources and a note taker will be in attendance.
- Appeals against extensions to the probation period, will be heard by the Headteacher. If the Headteacher is the line manager who made the decision to extend the probation period, then the appeal will be heard by a governor nominated by the chair of governors, Human Resources and a note taker will be in attendance.

- The Appeal Panel's decision will be final and there shall be no further internal right of appeal.

2.1.5 The school management representative (usually the Headteacher) will be asked to provide their paperwork in response to the employee's appeal documentation no later than 3 working days prior to the date of the appeal hearing.

2.2 Conducting the meeting

2.2.1 The purpose of the appeal is to examine the grounds of appeal that the employee may raise, to decide if termination of employment was reasonable in the circumstances and to take the opportunity to remedy any procedural defects.

2.2.2 It is not the purpose of the appeal to restate the original case/facts, but any new evidence that may be available may be included in an appeal case.

2.2.3 The Appeal Panel will have the authority to confirm the dismissal decision or to overturn it. In the latter event, re-instatement or re-engagement with continuous service will apply.

2.2.4 The employee and/or their representative will state their grounds of appeal and make representations to the Appeal Panel based on the relevant factors.

2.2.5 The employee can call any witnesses (who must withdraw after questioning) and refer to any appropriate documentation in their pack.

2.2.6 The Headteacher/Chair of Hearing Sub Committee, Appeal Panel, and local authority representative to the Appeal Panel can ask any relevant questions of the employee and the witnesses.

2.2.7 The school will then respond to the grounds of appeal with their 'management case' outlining the reasons for the decision normally based on the same criteria and produce any relevant witnesses, following the same order as above.

2.2.8 After a suitable adjournment, (if requested by either side), both sides shall sum up, with the case for the employee being summarised first, followed by the school/management summary.

2.2.9 Any witnesses may be recalled to clear up points of uncertainty, but only in the presence of a representative of both sides.

2.2.10 Both parties will be asked to withdraw whilst the Panel consider their decision.

2.2.11 In reaching their decision the panel should consider whether the decision to dismiss was fair and justified, by taking into account:

- Whether the level of performance has been unacceptable.
- that the employee has been given the opportunity to address the problems and that there are no overriding mitigating circumstances.
- what consultation has there been with the employee.
- Was there any other reasonable support or adjustments that the school could have offered / put in place.

2.3 Outcome of the Appeal Hearing

2.3.1 Some of the options for the Appeal Panel to consider will be to:

- confirm the termination of employment;
- adjourn the case in order to obtain more information;
- grant the appeal and reinstate the employee.

2.3.2 The Panel will recall both parties and announce their decision. If this is not possible, the Panel will convey the decision in writing as soon as is practicable. In all cases the decision will be confirmed in writing to both sides within 5 working days.

2.3.3 The decision of the Appeal Panel shall be final and there shall be no further right of appeal.