

Probation Policy and Procedure for Support Staff in Schools

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1. POLICY STATEMENT

- 1.1 This policy is primarily intended to support employees during the probation period and ensure that they are treated in a supportive way as well as a fair and equitable manner throughout their probationary period. It enables schools to manage probation in a way which is fair and consistent and adheres to employment, equalities, and education legislation.
- 1.2 This policy and procedure has been agreed with schools and the relevant trade unions.
- 1.3 This policy allows both, the employee and the school, to assess objectively whether or not the employee is suitable for the role. The school believes that new employees will perform effectively in their employment, i.e. they will meet the school's expected standards regarding performance, capability, conduct, attendance, timekeeping and suitability for the role.
- 1.4 The probation period is for six months (and may, in certain circumstances, be extended by up to 10 weeks).
- 1.5 One of the most important periods during an individual's employment is the first few months in a new job. It is during this time that the employee must become fully acquainted with the School and its' pupils, the key functions of the job, and the most effective and appropriate ways of accomplishing the desired objectives. The probationary period provides the opportunity to help staff to settle into their new role and offers the appropriate framework to give employees the necessary support to meet the agreed performance objectives and the school's expectations.
- 1.6 A probation period ensures that a new employee's performance can be monitored, and the required support can be provided. Progress will be discussed at assessment meetings and the Headteacher/Manager will encourage and assist the new employee to improve and develop.
- 1.7 The Headteacher/Manager is responsible for ensuring that all new employees are properly monitored during their probationary period. If any problems arise, the Headteacher/Manager should address these promptly and in accordance with this policy. However, the Headteacher/Manager should raise any concerns without delay and not wait until the probation review meeting to address these. The employee should be made aware that some aspects of their performance or conduct are unsatisfactory. This will help prevent the problem from escalating and hopefully lead to sufficient improvements. The decision whether their employment is confirmed or terminated or their probationary period is extended rests with the Headteacher.

- 1.8 Employees have a right to be accompanied at the final assessment meeting. The chosen companion can be a work colleague, a trade union representative, or an official employed by a trade union. The employee must notify the Headteacher/Manager in advance of their wish to be accompanied, giving details of who that person is. It is the employee's responsibility to make arrangements for their chosen representative to attend the final assessment meeting.
- 1.9 Staff who are within their probation period are not subject to the formal capability, sickness management and disciplinary procedures. If issues of conduct, sickness and/or poor performance arise during the probation period, the probation procedure (or where appropriate the associated guidance for dealing with disciplinary issues during probation – see below) should be used to address such matters.

2. SCOPE

- 2.1 The procedure does not apply to teaching staff, who are subject to a separate procedure.
- 2.2 All newly appointed support staff will be subject to a probationary period.
- 2.3 The probationary period does not apply to an existing member of staff who has already completed their probation and is transferred or promoted to another post. These individuals are subject to the appraisal process. Headteacher/Managers should provide an induction programme and agree objectives with the employee for the period between the commencement of the new post and the new appraisal cycle. For employees whose performance falls short of the requirements for the new post, the relevant school policies will apply.
- 2.4 All aspects of suitability such as performance, conduct, attitude, commitment, and attendance will be assessed and monitored. Where necessary, employment will be terminated with notice prior to the completion of the full probationary period, except in cases of gross misconduct which will lead to summary dismissal (i.e. dismissal without notice).
- 2.5 For new employees on term time only contracts, probation timescales exclude school holiday periods as these are non-working periods.

3. ROLES & RESPONSIBILITIES

3.1 The Headteacher/Manager:

- Manages and monitors the probation period.
- Sets expectations of the individual in line with their job description and person specification and the criteria against which performance will be measured.
- Is responsible for putting a plan in place to support the successful start to any new role.
- Ensures any necessary support, guidance and development is provided.
- Records assessment meetings/outcomes.
- Ensures during probation review meetings that any concerns are addressed and recorded on the appropriate forms.
- Ensures the employee is made aware of the seriousness of any issues highlighted, especially if these could result in the extension of the probationary period or the termination of employment.
- Make themselves available and respond to any questions and concerns raised by new employees in a timely fashion.

3.2 Employees must:

- Raise any questions or concerns about their role or the probation process as soon as they arise.
- Actively participate in assessment meetings and any development activity provided.

4 EQUAL OPPORTUNITIES CONSIDERATIONS

4.1 There are equalities implications involved when any employment procedure is applied. Application of the Probation Procedure for Support Staff in Schools has particular implications for the multi-cultural workforce employed by schools in Tower Hamlets.

4.2 In order to establish whether any single person or group of employees is being treated less favourably than others under this procedure, it is important that all action taken is monitored. If details are not already available, employees may be asked to provide information (e.g. about their ethnic origin) to enable the school and the Local Authority to review the impact of this procedure.

5. PROCEDURE

5.1 Headteachers/Managers must inform new job holders in writing of the probationary review period and set up a programme of assessment meetings. The line manager should conduct a total of 3 formal probationary reviews with a new member of staff:

- Upon completion of 8 weeks' service with the school
- Upon completion of 18 weeks' service, and
- Upon completion of 24 weeks' service.

5.2 These reviews should take the form of a confidential meeting between the line manager and member of staff, in which there is opportunity for two-way discussion. It is essential that the above timescales are complied with so that the appropriate notice period can be served where a decision is made to dismiss at the end of the probation period.

5.3 The First Review

The purpose of this meeting is for the line manager to evaluate the employee's performance and discuss any key issues with the member of staff. If improvements in performance are required, there should be a discussion about how to make the necessary improvements, including appropriate management support/training.

Upon completion of this review meeting, the manager should complete Form A (Appendix 1). This should then be signed by the manager and the employee. The original should be placed on the employee's personal file, and a copy given to the individual.

5.4 The Second Review

The purpose of this meeting is to review the employee's performance over the past 18 weeks. Where the previous review indicated that improvements in performance were required, the second review meeting should be used to consider the extent of any improvement that may have taken place.

Where the employee has not met the required standards, they should be informed that continued failure to meet those standards may result in their dismissal.

Upon completion of this meeting, the manager should complete Form B (Appendix 2). This should be signed by the line manager and the employee, and the original placed on the personal file with a copy to the individual.

5.5 The Final Review

Prior to the final review meeting, which normally takes place after the employee has completed 24 weeks service, the line manager should consider whether:

- The employee's appointment should be confirmed, or
- The probationary period should be extended, or
- The employee should be dismissed

Where a dismissal or extension of the probationary period is a possible outcome of the review meeting, the following preparation should be undertaken by the line manager:

- The employee should be written to with details of the date, time and purpose of the review meeting.
- The letter should state reasons why the performance has been unsatisfactory to date.
- The individual should be notified in writing of their right to be accompanied at the meeting by a work colleague, or a trade union representative.
- Where a dismissal may result, the employee should be notified of this in writing and arrangements made for the Headteacher to conduct the meeting.

5.6 Upon completion of the final review meeting, the Headteacher/Manager should complete Form C (Appendix 3). This should be signed by the Headteacher/Manager and – if appropriate – the employee. The form should be placed on the employee's personal file with a copy to the individual if appropriate. Additionally, where a decision was made to extend the probation period or to dismiss, the Headteacher/Manager will write to the individual confirming the decision and advising of the right to appeal against it.

5.7 Employees must be advised that they should appeal in writing within 10 working days of receiving the decision and of their right to bring a trade union representative or work colleague. The written notice of appeal must explain why the employee wishes to appeal.

6 TERMINATION OF EMPLOYMENT

- 6.1 Ordinarily, it is the school's policy to allow the employee to complete the designated period of probation rather than terminating employment before the probation has come to an end. This is to give the employee a full opportunity to come up to the required standards. If, however, the employee is wholly unsuitable for the role, the employment may be terminated early.
- 6.2 If an employee's performance, capability, conduct, attendance, timekeeping and suitability for the role has not met the required standards during probation, and it is thought unlikely that further training or support would lead to a satisfactory level of improvement, the employee will not be confirmed in post.
- 6.3 If it is decided not to confirm the employee in post, they will be given one week statutory notice of their last day of service with the school. Consideration will be given in exceptional circumstances to payment in lieu of notice if it is felt to be in the best interest of the school. The decision to pay in lieu of notice will be made by the Headteacher following discussions with the Chair of Governors and the HR provider.

7 DISCIPLINARY ISSUES ARISING DURING THE PROBATION PERIOD

- 7.1 The Schools Disciplinary Code does not apply to those employees covered by the Probation Procedure. Instead, the following procedure will apply where issues of misconduct arise during the probation period.
- 7.2 Where allegations have been made against an employee, a management investigation will be conducted into the matter. If, as a result of this investigation, there is found to be a case to answer, the employee will be invited to a meeting with the Headteacher. The purpose of this meeting is for the Headteacher to consider the allegations, question the employee (and any witnesses if relevant) and reach a decision based on the balance of probability. As a result of this meeting, the Headteacher may:
- Find that the allegations are unsubstantiated and that no further action is necessary.
 - Issue an oral, written or final written warning.
 - Dismiss the employee.
- 7.3 Warnings will be retained on an employee's file and will be taken into account in any subsequent disciplinary matter either during or after the probation period. In any event warnings will be disregarded for disciplinary purposes after the following timescales, provided that there is continued satisfactory conduct.

- Oral warning – 6 months
- Written warning –12 months
- Final written warning –18 months

7.4 Prior to this meeting, the employee should be written to with the following information:

- The date/time/place of the meeting.
- The purpose of the meeting.
- Where a dismissal may result, details of the allegations and reasons for making those allegations.
- The right to representation at the meeting by a trade union or work colleague.

7.5 The Headteacher will write to the individual within 5 working days of the meeting having taken place, confirming the decision and (where a dismissal has resulted) advising of the right to appeal.

7.6 For examples of misconduct and gross misconduct, please refer to the Schools Disciplinary Code.

8 APPEALS

8.1 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.

8.2 Appeals against decisions to extend the probation period, will be heard by the Headteacher, unless the Headteacher made the decision to extend, in which case the Chair of Governors will nominate a Governor to hear this appeal. In the case of appeals against dismissal, these will be heard by the Governors Appeal Panel.

8.3 In all instances, notices of appeal will be made to the Chair of Governors, who will determine (in conjunction with the Headteacher/Manager) the appropriate person/s to hear the appeal. The Governors Appeal Panel will be advised by a Human Resources advisor on all appeals against dismissal.

8.4 The written notice of appeal must explain why the Employee is requesting the appeal. The purpose of the appeal hearing is to review the decision made to:

- Extend the probation period or
- Dismiss for failure to meet the required standards of performance or
- Dismiss for reasons of gross/misconduct

8.5 Appeals will not be a repeat of the Final Review/Misconduct meeting and 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.

8.6 The Employee must be written to with the details of the date, time and venue of the appeal meeting as well as who is on the appeal panel. They should be informed, in writing, of their right to be accompanied by a trade union representative or work colleague.

8.7 Appeals will be heard as speedily as possible normally within 15 working days of the appeal being lodged. The purpose of the appeal hearing is to review the decision to extend the probation period or to dismiss. The outcome will be to confirm it, substitute a lesser penalty or to cancel it. The person chairing the appeal will communicate their decision, which will be final, in writing to the individual within 10 working days of the appeal hearing. The decision of the appeal panel is final and there is no further internal recourse.

9. FURTHER INFORMATION

For further information please contact your HR provider.

APPENDIX 1: PROBATION PERIOD – FORM A

PROBATION PERIOD – FORM A	
<i>(This form should be completed by the employee's line manager after the employee has completed 8 weeks' service with the school.)</i>	
Employee's name:	
Start date:	
Job title:	
FIRST PROBATION REVIEW	
Date of review meeting	
Line Manager's comments (to include progress against specific targets, if previously set):	
Progress required before next review (this is also the section where specific targets or objectives for the forthcoming period should be recorded):	
Support to be provided:	
Employee's comments:	
Employee signature:	
Line Manager signature:	
Line Manager print name:	

APPENDIX 2: PROBATION PERIOD – FORM B

PROBATION PERIOD – FORM B	
<i>(This form should be completed by the employee's line manager after the employee has completed 18 weeks' service with the school.)</i>	
Employee's name:	
Start date:	
Job title:	
SECOND PROBATION REVIEW	
Date of review meeting	
Line manager's comments (to include progress against specific targets, if previously set):	
Progress required before next review (this is also the section where specific targets or objectives for the forthcoming period should be recorded):	
Support to be provided:	
Employee's comments:	
Employee signature:	
Line Manager signature:	
Line Manager print name:	

APPENDIX 3: PROBATION PERIOD – FORM C

PROBATION PERIOD – FORM C	
<p><i>(This form should be completed by the employee's line manager after the employee has completed 22 weeks' service with the school. It may also be used for the final review where the probationary period has been extended)</i></p>	
Employee's name:	
Start date:	
Job title:	
FINAL PROBATION REVIEW	
Date of review meeting	
Line Manager's recommendation:	
<p><i>Confirm appointment/confirm appointment with reservations/extend probation/do not confirm appointment (dismissal recommended) *</i></p>	
<p><i>*delete as appropriate</i></p>	
<p><i>(N.B. Probation may be extended once only, for up to a maximum of 10 weeks)</i></p>	
<p>Progress required before next review (this is also the section where specific targets or objectives for the forthcoming period should be recorded):</p>	
<p>Please provide further information to support your recommendation. For example, if the recommendation is to confirm the employee's appointment with reservations, or to extend the probationary period, you should state what improvement is required, with clear objectives. Where relevant, you should also state what support will be provided to the employee to assist with any improvements identified as being required:</p>	
Employee's comments:	

Employee signature:	
Line Manager signature:	
Line Manager print name:	
Line Manager's comments (including recommendation to the Headteacher)	
Line Manager signature:	
Headteacher's decision:	
Headteacher signature:	