



**Federation of
Westminster Special Schools
& Bi-Borough Inclusion Service**

PROBATION: POLICY (WCC)

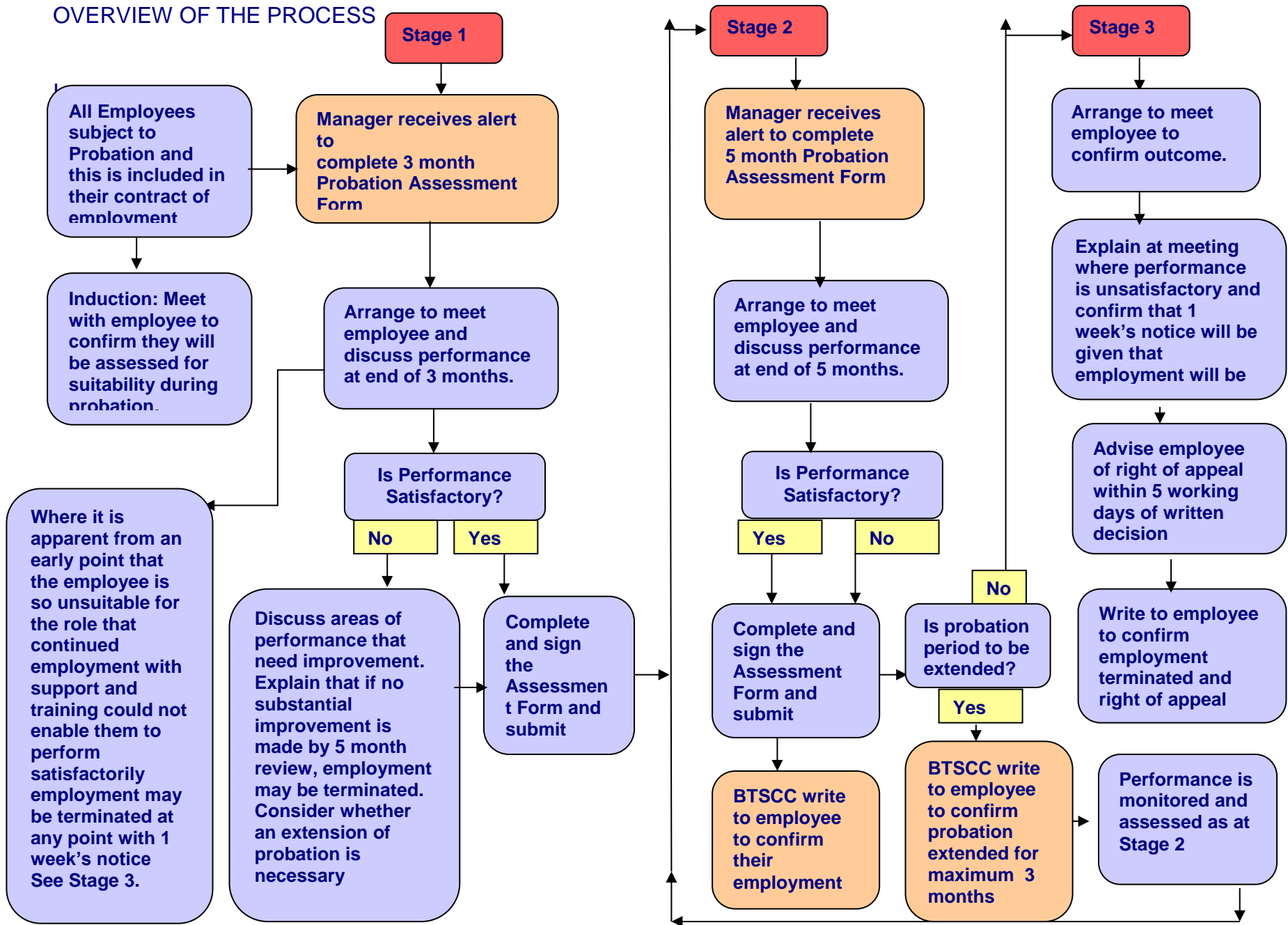
Adopted by Governing Board: May 2021

To be reviewed: May 2022 (or earlier if Westminster City Council update their policy)

The schools within the Federation of Westminster Special Schools (FWSS) are maintained by Westminster City Council (WCC). Most staff are employed by WCC and the Governing Board has therefore agreed to adopt their Change Management Policy.

The policy issued by WCC was last reviewed by them in September 2019 and remains current in May 2021. It is intended for use by managers and by any staff affected and applies to permanent employees only.

OVERVIEW OF THE PROCESS



QUICK REFERENCE

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If I have previous local authority service, but I am still subject to probation when I join the council, what value does my previous service have?

SUMMARY

This policy enables managers to determine whether you are suitable for the post and for continued employment within the council and enables you to demonstrate your suitability for a post.

What is probation?

Probation is what we call the initial 6 months of employment after joining the council, when your suitability for employment in the post you have been employed to do is assessed.

Who is subject to probation?

All new staff commencing employment with the council will be subject to a probationary review period, regardless of any previous local government service. This will include employees who have previously worked for the council whether as an employee or contractor

How long is the probation period?

The probation period is 6 months long except for Trainee Accountants who are subject to a twelve-month probation period as six months of their first year of employment is college based

Are there any key dates during the 6 month probation period?

Your manager must have a 3 month and 5 month review meeting with you, and must confirm the dates of both meetings in writing to you.

Can the probation period be extended?

Yes, Probation period can be extended for up to a maximum of 3 months in total.

The probationary period can be extended where:

- you have not been performing satisfactorily but the manager considers that a further period of probation may improve performance
- due to sickness of the employee (or the manager – except in cases of long-term sickness, in which case responsibility for assessing the performance may be delegated to another manager) it has not been possible to assess performance
- an adjustment in the workplace is introduced (as a result of medical advice, to comply with H&S requirements or reasonable adjustments)

At the 3 and 5 month review meetings, the manager must consider whether it would be appropriate to extend the probation period

What do managers have to do during the probation period?

Managers must make sure that:

- a first day induction is held with you so you understand your role in the organisation, the standards expected and how your performance will be monitored and assessed throughout the probation period
- you have access to the tools and equipment necessary to do your job, and that you receive appropriate assistance to enable to fulfil the duties and responsibilities of the post
- your performance is assessed and monitored through regular meetings with you and that feedback is provided
- they hold a probationary review meeting with you during the 3rd and 5th month of employment to discuss your performance
- they discuss areas of performance which need improvement and consider whether assistance and training is necessary, and consider whether the probationary period should be extended
- where performance is unsatisfactory, they explain to you at the 3 month review that if no substantial improvement is made by the 5 month review, your service may be terminated at the 5 month review, they decide whether you can be confirmed into post, whether an extension to the probation period is appropriate or whether your contract of employment should be terminated, clearly stating the reason for termination

The equality impact of any decision to not confirm the employee/probationer into post will be monitored to ensure that issues of gender, sexual orientation, age, marital status, disability, race, colour, transgender status, pregnancy or ethnic or national origin and religion have not affected decisions resulting in unfair and unequal treatment.

What do managers have to do when extending the probation period?

- seek advice from People Services
- discuss the reasons for the extension with you
- discuss any assistance/training needs that have been identified
- advise you on the length of the extension period
- advise you that if you have not established suitability for the post within the timeframes of the extension your employment will be terminated
- confirm any extension to the probation period in writing to you
- set up a system to continue to monitor your progress during the extension period

What happens at the end of an extension period?

Managers must

- meet and discuss performance with you
- use as a basis for discussion the 3 and 5 month reports that have been written on your performance
- determine whether or not performance is satisfactory

What happens if your performance is unsatisfactory at the end of probation?

Managers must advise you in writing that:

- your performance has been unsatisfactory and that your service will be terminated with 1 week's notice
- you have the right of appeal against the decision to terminate your employment
- appeals should be addressed in writing to the Head of Unit/ Corporate Leadership Team (CLT) member
- appeals should be made within 5 working days of receipt of the written decision
- grounds of appeal should be clearly stated

Can you appeal if your employment is terminated after probation?

- You have the right to appeal to your Head of Unit within 5 working days
- Your Head of Unit / CLT member will arrange a meeting to consider any appeal received against termination within 10 working days of receiving the appeal
- You have the right of representation at the Appeal hearing. The outcome of the appeal will be confirmed to you in writing within 5 working days of the decision being made
- The decision of your Head of Unit is final

What must an employee ensure during probation?

You must ensure you understand what is required of you in your role and clarify with your manager any standards which are not clear.

FREQUENTLY ASKED QUESTIONS ABOUT PROBATION PROCEDURE

Q1 What is the impact of TUPE on probation?

A1 Where a service has been awarded to an outside contractor and TUPE applies, employees will transfer on their existing terms and conditions of employment which includes continuous service. Following the transfer if an individual subsequently applies for a vacant post within the Council, their service will not count as continuous for the purpose of probation and they will therefore be subject to a probation period.

Where a service has been awarded to an outside contractor and TUPE applies, then is subsequently awarded back in house, the individuals transferring back to the Council will not be subject to a probationary period

Q2 Do I have to follow the Disciplinary Code if I want to dismiss an employee during or at the end of probation?

A2 **If the only reason for dismissal is because the employee's performance during probation has been unsatisfactory, dismissal will be dealt with under this policy. Dismissal for any other reason eg misconduct, must be dealt with under the Disciplinary Code.**

Q3 If an employee is clearly unable to do the job and is not going to be able to acquire the necessary skills during the probation period to perform satisfactorily, do I have to wait to the end of the 6 months probation period before terminating?

A3 No. Where it is apparent from an early point that the employee is so unsuitable for the role that continued employment with support and training could not enable them to perform satisfactorily employment may be terminated at any point with 1 week's notice See [Stage 3](#).

Q4 I have more than six month's service with another local authority and no break in service before joining the council, will I still be subject to probation?

A4 Your employment with the council will be subject to 6 months probation

Q5 If I have previous local authority service, but I am still subject to probation when I join the council, what value does my previous service have?

A5 Continuous service with another local authority will affect entitlement to Annual Leave, Occupational Sick Pay, Notice Periods after probation if you joined the council before March 2011, Occupational Maternity Leave and Pay, and Redundancy pay. (For more information see the [Continuous Service Policy](#))

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Q6 What constitutes unsatisfactory performance?

A6 [Click Here](#) for the Unsatisfactory Performance Policy

Q7 Do employees have the right to be represented at Probation Review Meetings?

A7 Although employees have no right of representation at probation review meetings, if they are likely to be terminating an employee's employment during their probation period due to unsatisfactory performance, managers should ask the employee if they wish to be represented by a WCC work colleague or trade union representative at the review meeting.

Q8 What is the procedure for an appeal

A8

- The Head of Unit/ CLT member will consider any appeal against termination based on the grounds of appeal submitted and will take into account the 3 and 5 month assessment reports
- The Head of Unit may seek additional information from the appellant or line manager who conducted the dismissal – any additional information to be confirmed in writing
- The Head of Unit will arrange an appeal hearing with the line manager and appellant to clarify information submitted. The appellant will have a right of representation by a trade union representative or WCC work colleague at the meeting
- Where the appeal is dismissed, the appellant will be advised of the outcome in writing within 5 working days of the decision being made
- Where the appeal is upheld, the Head of Unit is to seek advice from People Services. The employee will be advised in writing within 5 working days of the decision and notice of termination of employment will be withdrawn.