Flintshire Schools' Model Policies

Safe Recruitment and Selection Policy



2021-2024

CYNGOR Sir y Fflint
Flintshire
COUNTY COUNCIL

Ysgol Gynradd
Brynffordd
Brynffordd
Treffynnon
Sir y Fflint
CH8 8AD
01352 713184

Brynford CP
School
Brynford
Holywell
Flintshire
CH8 8AD
01352 713184
bfmail@hwbmail.net

'Every child, every chance, every day'
'Pob plentyn, pob cyfle, pob dydd'

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Overview

POLICY	Safe Recruitment and Selection Policy
OWNER	Chief Officer – Education and Youth, County Hall, Mold Email steven.gow@flintshire.gov.uk (HR Business Partner, People & Resources)
NOMINATED CONTACT	Steve Gow, HR Business Partner, people & Resources steven.gow@flintshire.gov.uk
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1.0 Recruitment and Selection Policy and Procedure

1.1 Purpose

People are our principal asset and it is through their individual and collective performance that our schools are able to achieve their overall aim of providing a high quality, cost effective education service to the local community. Good quality recruitment and selection is therefore essential.

All jobs will be recruited on merit and the selection criteria used will be relevant to the job and promote equality of opportunity. The principles of safe, fair recruitment and selection apply equally to all posts, including permanent opportunities, secondments, temporary, fixed-term and engagement of supply/casual workers.

1.2 Scope

This policy applies to all appointments made by the Governing Body.

Where there is any requirement that would only apply to one group of staff (for example a head teacher), the specific requirements are highlighted and referred to separately (see Appendix 1).

1.3 Principles

The recruitment and selection policy will:

- Provide for an open, fair and transparent process.
- Ensure that those appointed to work in schools are subject to a high level of scrutiny prior to appointment.
- Support working towards a diverse workforce that reflects the local community.
- Attract high quality candidates for positions.
- Provide equality of opportunity.
- Enable the selection of candidates objectively based on merit using appropriate assessment measures.
- Ensure the appointment of candidates at the right time.

1.4 Roles & Responsibilities

1.4.1 Governing Body Roles & Responsibilities

- Agree the schools staffing structure
- Adoption of a policy and procedure to meet its responsibilities with regards to recruitment and selection.
- Compliance with the Staffing of Maintained Schools (Wales) Regulations 2006 and subsequent legal requirements.
- All staffing matters at the school and should ensure that the school operates safe recruitment procedures and makes sure that all appropriate pre-employment and other checks are carried out on staff and volunteers who work with children in line with the Welsh Government guidance 'Keeping Learners Safe' (158/2015).
- Ensuring that all vacancies are advertised, internally and/ or externally as appropriate, except in specific circumstances when Headteacher/Governing Body determine restrictions are necessary or legal requirements are applied (i.e. appointment of Headteacher/ Deputy Headteacher).
- Ensuring value for money in expenditure on recruitment.

1.4.2 Headteacher (or designated Manager) Roles & Responsibilities

- Ensure that any decisions to recruit are in accordance with the agreed staffing structure.
- To ensure that the right people are employed at the right time with the right skills.
- Considering whether it is possible for the position to be filled effectively on a part-time, job share or other flexible working pattern basis where this meets the needs of the curriculum and the school.
- Confirming that new employees have met all the pre-employment checks and are fit to carry out their roles (see section 5).
- The Headteacher will offer to provide feedback to candidates who have attended interview as good practice.
- Maintaining all relevant recruitment and selection records in line with data protection regulations.

1.4.3 Human Resources Roles & Responsibilities

- Providing advice and guidance to the Governing Body and Headteacher on procedural and policy matters on the application of the schools' policy.
- Providing advice to ensure the Recruitment & Selection policy is applied fairly and consistently.

- Where appropriate, assisting with the format of the recruitment process, including types of selection techniques and model questions.
- Supporting and advising Governor Selection panels where sufficient notice is provided.
- Providing advertisement and recruitment services.
- Carrying out relevant pre-employment checks.

2.0 Equality

The schools are committed to ensuring that all recruitment is free from any form of discrimination against protected characteristics which fall within the Equality Act 2010.

Any of the protected characteristics identified in the Equality Act 2010 will not be used as the basis for shortlisting, appointment or promotion. All employees will be appointed, trained and promoted on the basis of ability and the requirements of the role. Any exception will be by virtue of legislation or an occupational requirement.

Reasonable adjustments will be made for candidates who have a disability e.g. visual or hearing impairment; or for whom English/Welsh is not their first language. The Headteacher/ recruiting manager will ascertain if special arrangements or adjustments are appropriate at any stage of the recruitment process. The Headteacher/Recruiting Manager should be aware of the Access to Work funding which may be available. All applicants will be advised in advance of any tests or assessments to ensure time for adjustments can be requested.

3.0 Recruitment Procedure – Before selection

3.1 Vacancy Management

On each occasion a vacancy arises, the Headteacher should consider the existing staff structure and service delivery needs and seek approval from the Governing Body, where necessary, to amend the staffing structure.

Time should be taken to consider whether it is appropriate to recruit to the post. Alternatively it should be looked upon as an opportunity to review current work practices and the fundamental design of the job or a number of jobs.

Consideration could also be given to alternative ways of filling the vacancy within current working arrangements.

3.2 Redeployment and Prior Consideration

Employees who are selected for redundancy, or who are redeployed on medical grounds, in accordance with the schools' redeployment and redundancy policy will be given prior consideration for a position in the first instance in the school, provided there is a skills match. Prior consideration enables these individuals to be considered before advertising more widely. There will still be a requirement to submit an application or expression of interest and attend an interview to ensure employees have the required skills and experience for the position.

3.3 Job Description & Person Specification

The job description and person specification are essential pre-requisites for effective recruitment and selection. It is important that these statements show what the job entails, how and where it fits into the organisation and the personal requirements for it to be performed to a satisfactory standard.

Headteachers/Managers are responsible for using an approved Job Description and Person Specification, at the start of the recruitment process. With the advice from HR representatives, Headteachers and Managers must ensure the Job Description and Person Specification are up to date and any changes made must go through the Job Evaluation process (for school support staff jobs).

It should also include the following main duty/responsibility for posts that involve working with children.

The school is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment.

The job description should also clearly set out the extent of the relationships and contact with children and the degree of responsibility for children that the person will have in the position to be filled.

3.4 Advertising

The prime purpose of the job advertisement is to attract a suitable number of appropriately qualified people to apply for a vacancy and to achieve this in the most cost effective way. The contents of adverts should be factual and non-discriminatory.

The advert will be designed to attract the right candidates for the job, ensuring safe recruitment requirements are adhered to where appropriate. Other advertising media should be considered as appropriate to the vacancy, and where applicable, in line with legislation. Recruitment advertisements could be placed via the Councils website, Educator Wales website, Eteach website, TES, Guardian etc.

4.0 Recruitment Procedure – Selection

4.1 Selection – Shortlisting

The Headteacher/Manager/Governors Panel (as appropriate) are responsible for short listing and interviewing candidates in a consistent, objective and non-discriminatory manner. Candidates will be shortlisted based on the essential criteria for the post.

The Headteacher should also ensure that the employment history outlined on the application form does not contain any gaps in employment. If there are gaps identified, this must be clarified with the applicant in writing and recorded on interview records.

Where possible pre-employment checks outlined in section 5 should also be confirmed and checked at the interview stage.

4.2 Interview

All recruitment will involve interviewing shortlisted candidates, either formally or informally. A Headteacher/Member of the Senior Leadership team will usually be part of the interview panel. An interview panel should select a Chair. With the exception of heads and deputies there is no requirement for governors to form part of the interview panel.

The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children.

Panel members should meet before the interview to:

- Agree the assessment criteria in the person specification.
- Agree the questions and key responses that are expected in advance, based on the criteria in the person specification.
- Agree the issues to be explored with each candidate at interview, based on information provided, especially any gaps in employment history and any concerns/discrepancies arising from the information provided by the candidate and their referee.
- Agree which panel member will ask each question and that notes will be taken by all panel members to act as a record.
- Agree the scoring criteria which the candidates will be assessed against.

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:

- The candidate's attitude towards children and young people.
- The candidate's ability to support the schools' agency for safeguarding and promoting the welfare of children.
- Gaps in the candidate's employment history.
- Concerns or discrepancies arising from the information provided by the candidate and/or a referee.

The panel should also ask the candidate if they wish to declare anything in light of the requirement for a DBS disclosure.

Panel members should confirm that it is appropriate for them to take part in the interview process and that there is nothing that might give rise to the perception of a conflict of interest. The interview panels should ensure that questions are open and non-discriminatory, information seeking and probing and seek evidence to illustrate how the applicant measures against the essential and desirable criteria.

4.3 Tests

Testing can inform decision making. Psychometric testing, personality profiling and assessment centres can be used as part of the recruitment process but only on request and in liaison with the school's HR Representative, if their support is required. Any test used must have been validated in relation to the job, be free of bias and be administered and validated by a suitably trained person. Advice is available from Human Resources regarding provision and costs.

5.0 Conditional Offer – Safe Recruitment & Pre-Employment Checks

The Governing Body is responsible for the recruitment process and subsequent appointments, and will ensure that all **safe recruitment** and routine pre-employment checks have been taken up and are evidenced. Safe practice in recruitment means considering and understanding issues relating to child protection safeguarding and promoting the welfare of children at every stage of the process for all people being recruited, including Headteachers and Deputy Headteachers.

The main elements of the process include:

Advertisement & Selection

- Ensuring that all recruitment advertisements include the Schools' commitment to safeguarding and that a Disclosure Barring Service (DBS) check is required.
- Checking that the job description and person specification makes reference to the post holder's reasonability for safeguarding and promoting the welfare of children.
- Ensuring the person specification includes specific reference to suitability to work with children.
- A face to face interview, exploring a candidate's suitability for the post.

Clearance

- Obtaining professional and character references which include specific questions relating to a candidate's suitability to work with children, e.g. allegations relating to children and/or any disciplinary action taken in relation to their work or contact with children as a result of which penalties or sanctions have either expired or remain in force.
- Verifying the successful applicant's identity, Proof of Right to Work in the UK and necessary qualifications. Evidence needs to be kept on file either within the school or employment services for audit purposes.
- Undertaking the appropriate Disclosure and Barring Service (DBS) checks. (Evidence needs to be kept on file).
- Exploring gaps in employment with candidates through the recruitment process.
- Ensuring a teacher or qualifying support staff are EWC registered (Education Workforce Council).
- Ensuring the induction status of NQTs is checked with the EWC and the school is required to notify the EWC of NQTs still in their induction period.
- An Occupational Health Assessment needs to be completed and kept on file.
- Application forms should be kept on file.

The Headteacher is responsible for ensuring these checks are completed and are satisfactory prior to commencing work. In very exceptional circumstances, due to the impact on teaching and learning, the school may determine it is necessary to start an employee. In this scenario, the Headteacher must review which checks have not been received and consider overall suitability by carrying out a risk assessment. This must be documented, including evidencing that there are no associated risks, and make any necessary provision for supervision/alternative working arrangements.

This applies to all permanent, temporary and supply appointments and should be retained on file in School.

Schools have clear responsibilities for safe recruitment as part of their safeguarding duties. This includes ensuring Disclosure and Barring Services (DBS) checks are in place and taking up written references for all employees. Estyn, WAO and the Council's Audit team would normally review that records and evidence of checks are retained in accordance with all appropriate standards as part of their routine monitoring.

5.1 The rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at the school.

5.2 Dealing with convictions

Schools operate a formal procedure if a DBS certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- The nature, seriousness and relevance of the offence.
- How long ago the offence occurred.
- One-off or history of offences.
- Changes in circumstances.
- Decriminalisation and remorse.

A formal meeting will take place face to face with the appropriate bodies to establish the facts and a decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Headteacher will evaluate all the risk factors before a position is offered or confirmed. Advice would normally be sought from the Local Authority (Human Resources or Education & Youth).

6.0 Recruitment and Appointment for Headteacher and Deputy Headteacher Vacancies – Statutory Requirements.

The Governors are required by regulation to adhere to arrangements set out in the Staffing of Maintained Schools (Wales) Regulations 2006 when a vacancy for a permanent Headteacher or Deputy Headteacher become vacant.

Please refer to Appendix 1 for further information.

7.0 Record Keeping

Accurate and relevant record keeping is very important and Panel members should ensure adequate notes are made at each stage and retained for reference in the event of a later enquiry.

Recruitment information relating to appointments should be kept for 6 months. This should include all notes made at the initial interview stage, all of which should be kept secure and confidential in line with 2018 Data Protection legislation.

8.0 Probationary Periods

8.1 Newly Qualified Teachers

Newly qualified teachers are required to undergo an induction period of supported development where performance against the Teaching Standards are assessed. The induction period is the equivalent of three school terms after which a recommendation is made on whether induction has been satisfactorily completed. NQTs who are not employed on a full time basis must complete 380 school sessions.

8.2 Support Staff

Headteachers/Managers have responsibility to ensure a newly appointed National Joint Council employee's (i.e. support staff) probationary period is properly managed. This should ensure that the performance of a new employee is monitored on a regular basis. Employees are subject to a probationary period of six months from the date of appointment, with reviews taking place at twelve, sixteen and twenty-two weeks. Please refer to Appendix 2 for further guidance.

9.0 Volunteers

Schools will request an enhanced DBS disclosure on all volunteers undertaking regulated activity with pupils at or on behalf of the school.

Under no circumstances will a school permit an unchecked volunteer to have unsupervised contact with pupils.

It is the schools' policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the school for three consecutive months or more. Those volunteers who are likely to be involved in activities with

a school on a regular basis may be required to sign up to the DBS update service as this permits the school to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the school will seek to obtain further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited) to the following:

- Formal or informal information provided by staff, parents or other volunteers.
- Character references from the volunteer's place of work or any other relevant source.
- An informal safer recruitment interview.

Appendix 1 – Headteacher and Deputy Headteacher Recruitment

The quality of leadership provided by Headteachers and Deputy Headteachers is crucial, both within the school, and in the context of a school's relationship with Governors, parents and the wider community. Appropriate selection of Headteachers and Deputy Headteachers is a critical element of effective school development and improvement.

Appointment of a Headteacher

The Governing Body must as a first step notify the Chief Officer, Education & Youth at Flintshire County Council in writing whenever a vacancy or prospective vacancy occurs in the post of Headteacher before commencing the appointment process.

Regulations 33 of the Staffing Regulations, requires that the Governing Body of a Voluntary Aided School, where the trustees under a trust deed relating to the school are also trustees of a Roman Catholic religious order, must notify the Major Superior of the vacancy in writing.

The Governing Body must advertise any such vacancy in publications, circulating throughout England and Wales, which it considers appropriate. This includes newspapers, periodicals, journals or by internet advertisement.

However, under the Staffing Regulations, Governing Bodies may choose whether to advertise a Headteacher or Deputy Headteacher if it arises in the following circumstances:

- The vacancy is in a school (new school), which is named in statutory proposals published under Part 2 of the Schools Standards and Framework Act 1998, as one which pupils may attend following the closure of their existing school (amalgamation); and
- A person employed at the new school or the school which is to be discontinued, pursuant to statutory proposals, has expressed the wish in writing to the Governing Body to apply for that post.

If there are other statutory proposals that will come into effect at the same time or similar times, creating or amalgamating other schools maintained by the same local authority, a Governing Body, which has no eligible candidates of its own may consider applicants, without national advertisement who are eligible for such posts in other newly formed or amalgamated schools.

Regional School Appointments Protocol

In order to safeguard consistency across the region, the following protocol has been agreed with all six north Wales Councils for GwE to support the appointment procedures (for Primary, Secondary and Special Schools).

1. The Local Authority will liaise with the Senior Challenge and Support Adviser to arrange appropriate support for the appointment procedure.
2. The Senior Challenge and Support Adviser (or their nominee) will attend all professional interviews/assessment centres and offer advice to the Governing Body and Local Authority regarding appointments. The Senior Challenge and Support Adviser (or their nominee) will only attend the formal interview with the Governing Body following a specific request jointly agreed by the Governing Body and the Local Authority.
3. If there is no professional interview/assessment centre, then the Senior Challenge and Support Adviser (or their nominee) will attend the formal interview to offer advice to the Governing Body and Local Authority regarding the appointment.

Welsh Government Guidance on Requirement for Headteachers to hold National Professional Qualification for Headship (NPQH)

The effect of the 2005 Regulations is that to be appointed a Headteacher in Wales candidates need to satisfy the following requirements:

- Have the NPQH qualification or an equivalent under the Mutual Recognition of Qualification regulations 2015
- Be a qualified teacher
- Register with the EWC

Those Headteachers in post prior to 01.09.05 do not have to comply with the requirements. The effect of the regulations is that if a Headteacher, in post prior to 01.09.05 in England, without the NPQH wants to be a Headteacher in Wales, they do not need to comply with the requirements and they can apply as they are specifically referenced in the regulations.

However, if a Headteacher was not in post before 01.09.05 in England, and now wants to be a Headteacher in Wales the position is that they will have to satisfy the requirements and hold NPQH or an equivalent.

Consequently, the Person Specification and selection criteria should include the mandatory requirements for applicants to hold NPQH and Education Workforce Council (EWC) registration.

Selection Panel

The full Governing Body must establish a selection panel (normally three to seven persons). The selection panel may include persons who are not Governors and it is for the Governing Body to determine whether those panel members may vote. Voluntary Aided schools may

choose to have the whole Governing Body as the selection panel for Headteachers and Deputy Headteacher appointments.

Governors who form the selection panel and take part in the selection of candidates for interview must also form the interview panel.

The selection panel is required to:

- Agree a Chairperson from amongst the Panel members. This person cannot be paid to work at the school or with a pupil. The Governing Body can remove the Chair to any selection panel from office at any time.
- Select applicants for interview (Shortlist).
- Notify the Council in writing of the details of the candidates selected for interview.
- Interview applicants.
- Recommend one of the applicants interviewed to the Governing Body for appointment.

Any decision of the selection panel must be taken by vote representing an absolute majority of all members of the panel. Where there is an equal decision on votes, the Chair (or the person acting as Chair for the purposes of the meeting), has a second or casting vote.

If the Council writes to the Selection Panel about the unsuitability of any candidate within fourteen days from the date it received the notification of the names of the short listed candidates, the Selection Panel must consider the Council's views. If that candidate is still interviewed and recommended for appointment by the Panel to the Governing Body, the Selection Panel must respond to the Council in writing and make the Council's correspondence and the Panel's reply available to the Governing Body.

If the Governing Body endorses the recommendation of the Selection Panel it will recommend that person to the Council for appointment.

In the case of Voluntary Aided, Foundation or Foundation Special schools, where the person recommended by the Selection Panel is approved by the Governing Body for appointment and the person meets all relevant staff qualification requirements, the Council must appoint that person.

If the Selection Panel makes no recommendation, or the Governing Body does not approve a recommendation, or the Council declines to appoint the recommended candidate, the Governing Body may re-advertise the vacancy.

At Foundation and Voluntary Controlled schools with a religious character, the Governing Body may take into account any candidate's suitability and ability, to preserve and develop the religious character of the school.

At Voluntary Aided schools with religious character, the Governing Body may give preference to any candidate whose religious opinions and worship are in accordance with the tenets of the religious denomination of the school. At Voluntary Aided schools whose trustees are of a

Roman Catholic religious order, the Governing Body may appoint as Headteacher a candidate proposed by the Major Superior of the order without going through the usual procedures for appointing a Headteacher, including setting up a Selection Panel. The Governing Body may not appoint a candidate who fails to meet the qualification requirements.

A Headteacher is barred by the regulations from participating in the appointment of their successor. However, the Headteacher has the right to attend meetings of the Governing Body to discuss the appointment of a Deputy Headteacher and to offer advice. If the Headteacher post is not filled, or cannot be filled, prior to the date it becomes vacant, the Governing Body must recommend to the Council a person to act in that position.

Appointment of a Deputy Headteacher

There is no legal obligation for schools either to have Deputy Headteachers, or be limited to just one, and therefore no automatic obligation for a Governing Body to take steps to replace a serving Deputy who leaves his or her post, or announces an intention to do so.

The Governing Body may wish to consider alternatives, such as reorganising management responsibilities within the school or meet any continuing staff resource needs by some other means.

The procedure for appointing Deputy Headteachers is the same as that for Headteachers with the exception of the Local Authorities' right to make representations about unsuitable candidates.

The Headteacher has the right to attend meetings of the Governing Body to discuss the appointment of a Deputy Headteacher and to offer advice. The Council also has this right. The Council must appoint the candidate recommended by the Governing Body unless they fail to meet staff qualification requirements.

Where any Deputy Headteacher post will not be filled before the date on which it falls vacant, the Governing Body may recommend to the Council for appointment a person as acting Deputy Headteacher.

Appendix 2 – Probationary Period Guidance for School Support Staff

Aims of the probation procedure

The procedure aims:

- To ensure that the probation process for all new colleagues is undertaken and applied in a fair and consistent manner, within a supportive framework and in line with employment legislation requirements.
- To ensure that the school is provided with opportunity to assess skills, capability, conduct and attendance of new colleagues before deciding whether or not to confirm their employment.

The school aims to secure equality of opportunity in all its objectives and in this respect, the probation procedure must be objective, clear, transparent and free from discrimination.

The probation procedure should work alongside induction to help create a positive and supportive working environment, allowing new colleagues to settle into the school and learn the key elements of the job within reasonable and realistic timescale.

Roles and Responsibilities

Managers

- Create an appropriate induction programme and ensure the new employee completes the required elements.
- Set objective/standards of performance at the earliest possible opportunity and monitor these through the probation process. This includes conducting mid-point and end of probation reviews, and more regular one-to-one meetings.
- Liaise with and gain pro-active feedback from appropriate colleagues in respect of the new employee.
- Encourage open dialogue with the new employee throughout the process, placing emphasis on supporting the new employee to achieve their required standards.
- Provide clear, specific and constructive feedback on performance, conduct and attendance, praising good standards and identifying where instances fall below required standards.
- Identify issues in relation to performance, conduct and/or attendance and meet with the employee at the earliest opportunity to discuss this. The line manager must be clear about the required improvement, the relevant timescales and discuss and agree appropriate support or intervention to assist improvement.
- Take advice from the HR team where appropriate.

Employees

- Carry out their job to the standard that is expected and required for the role that they have been appointed to.

- Understand the impact of their work performance, conduct, attendance on colleagues, children and the school as a whole.
- Clarify expectations, standards, tasks, objectives and behaviours with their line manager if they are unclear about them.
- Engage fully in their induction, the setting of their objectives and the monitoring of their performance, conduct and attendance through this procedure.
- Develop their skills and knowledge to carry out their role to the highest possible standard.
- Bring all relevant issues which may affect their work performance, conduct and attendance to the attention of their line manager.
- Attend meetings to discuss any aspects of their performance, conduct or attendance which are considered unsatisfactory as requested to do so and respond constructively to any feedback given.
- Cooperate with their line manager, undertake any agreed development activity and strive to help improve any aspects of their work, performance, conduct, attendance which are considered to be unsatisfactory.

Representation

Employees have the right to be accompanied by a colleague or trade union representative at formal meetings where dismissal (due to not confirmed into role) is a possible outcome, and at appeal hearings, following a decision to dismiss.

Terms of employment during a probationary period

- During the probationary period, employees will be subject to all the terms and condition of their contract of employment.
- Where an employee decides to resign during a probation period, their contractual notice period will apply.
- Any employee within a probationary period who is experiencing difficulties with their performance will be dealt with via this probation procedure rather than the schools capability procedure.
- In cases of misconduct, any employee within a probationary period will be dealt with under this probation procedure and not under the schools Disciplinary policy and procedure. The school reserves the right to invoke the statutory dismissal process in cases of gross misconduct.

The Probationary Procedure

Managing the Probationary Period

Management of the probationary period will normally be undertaken by the line manager. However, there may be circumstances where it is appropriate for an alternative manager to be nominated. Therefore any reference within this procedure to ‘line manager’ would also apply to the nominated manager.

The length of the probationary period is 26 weeks.

Appointments to fixed term contracts will be subject to a probationary period. If the duration of the fixed term contract is less than the duration of the probationary period, the whole period of the fixed term appointment counts towards the overall probationary period. This is particularly important as fixed term contracts are often extended; in such instances the length of the probation will extend in line with the appropriate probationary period.

Normally there will be three probationary meetings during the probationary period:

1) ***Initial meeting*** – This should be held as soon as possible after the commencement of employment to clarify duties (in line with the job description) and responsibilities of the new employee and to discuss the expectations regarding standards of work, conduct and attendance. Training, support and development needs should be addressed, as should induction requirements.
2) ***Mid-Point probation review*** (usually around the 3 month mark) – This should operate as a constructive and positive process to further discuss the new employee's progress. A review of the job description should take place to ensure that the probationer is delivering against the role recruited to and objectives should be reviewed. The line manager should determine whether mandatory elements of induction have been completed and also provide feedback in terms of whether standards of work performance, conduct and attendance are being met or not. Support, guidance and development needs should be discussed and agreed as necessary.
3) ***End of Probation review*** (usually around the 5 month mark) – This should operate as a constructive and positive process to further discuss the employees progress. A review of the job description should take place to ensure the employee is delivering against the role recruited to and the objectives should be reviewed. The line manager should determine whether the mandatory elements of induction have been completed and also provide feedback in terms of whether standards of work, performance, conduct and attendance are being met or not. A decision will be made as to whether the appointment will be confirmed or not. It is important that this review is held in advance of the end of the probationary period in order to ensure that a decision regarding confirmation of appointment, extension or non-confirmation of appointment can be made within the probationary period.

A new employee's performance, conduct and attendance should be subject to assessment by the line manager within a supportive and developmental context. Therefore in addition to the three probationary meetings listed above, regular one to one meetings should be held to review progress, offer praise and discuss any concerns as they arise.

Clear and accurate records of probation review meetings must be completed and maintained by the line manager. Responses/comments from the employee should also be recorded. A standard form is available from HR for this purpose.

Confirmation of Appointment

If at the end of the probation period, the new employee's progress has been satisfactory and has met all the requirements of the post, the line manager write to the employee and send a copy to

Employment Services for their employment file (Employment.services@flintshire.gov.uk). Template letters can be provided from Human Resources.

Difficulties during probation

The school expects the majority of its new colleagues to progress effectively and in a timely manner through its probation procedure to the full achievement of their role. However, we recognise that there will be situations where new employees are not able to achieve the standards expected and required. In these circumstances, it may be appropriate to give the employee an opportunity to make the necessary improvements within a defined time period.

Where appropriate, the line manager should meet with the probationer with a view to establishing the cause of the difficulties and how it can be resolved. This meeting should take place promptly after the concerns have been identified and the line manager is not required to wait for the mid-point or end of probation review meetings, although they may use these meetings if it is timely.

Any discussions in relation to probation concerns will typically cover the following:

- Clarify what the difficulties are in detail – specifying where and how the employee's performance, conduct and/or attendance are falling below what is acceptable (provide evidence, where available).
- Allow the employee the opportunity to raise and respond to any concerns.
- Discuss the action required to address the problem – set objectives specifying in detail what standards of performance, conduct and/or attendance are required to reach an acceptable level.
- Set dates of when the objectives should be met.
- Identify any training needs which may need to be met in order for the employee to achieve the objectives.
- Explain what the consequences may be in the standards are not met – that it may be necessary to extend the probation period or not confirm the appointment.
- Discuss any actions required by the line manager and agree timescales for completing these where necessary.

The line manager should keep a record of the details referred to in the meeting.

It is hoped that employees will react positively in overcoming any difficulties, however if the performance/conduct/attendance does not improve following initial discussions, within a reasonable and realistic timescale, it may be necessary to consider extending the probationary period or non-confirmation of appointment. Where either of these actions is being considered, advice can be sought from Human Resources.

Extending the Probationary Period

In circumstances where it is felt that an employee has not yet met the required standards, but are likely to do so within a reasonable amount of time, the probationary period may be extended. This is to allow the employee further time to demonstrate the required standards of performance/ conduct/ attendance.

It is acknowledged that there may be some circumstances that may require an extension to the probationary period for reasons other than not meeting the required standards. For example, due to the timing of the appointment for example if the employee has an extended holiday planned. In these situations, an extension to the probationary period can be implemented.

Extensions should normally be for no longer than 3 months (for those on a 6 month probation) and in any event not longer than the original probationary period.

Where the probationary period is to be extended, the employee should be invited to attend a meeting to discuss this.

In addition to the general discussions relating to the concerns (see above), the following will also typically be discussed:

- reasons for the proposed extension (provide evidence, where available)
- length of the extension period
- any support/ guidance/ training to be given during the extension
- areas of improvement that are required and how these will be monitored (if appropriate)
- explain the consequences should the employee not reach the required standards - that they may not be confirmed in post and have their employment with the Council terminated
- due consideration should be given to issues of inclusion and any other issues pertinent to the individual case

The line manager should ensure notes are taken of the meeting and the appropriate forms should be completed and returned to Employment Services. The extension to probation will be confirmed in writing.

In the event that the employee fails to take reasonable steps to attend the scheduled meeting, the employee will be notified in writing of any decision to extend the probationary period.

Monitoring should continue through the extended probationary period, and the employee and their line manager should meet regularly to review progress.

If sufficient improvements are made and the required standards met, the appropriate form should be completed and sent to Employment Services who will write to them to confirm that they have successfully completed their extended probationary period.

Where the employee has not reached the required standards of performance/ conduct/ attendance during their extended probation, despite efforts to address this, then the procedure described in the section on Non-confirmation of Appointment should be followed.

Non-confirmation of Appointment

Where an employee has failed to achieve the required standards of performance, conduct or attendance required for their position, they will be invited to a meeting with the staff dismissal committee where their continued employment will be discussed.

The employee should be invited in writing to the meeting. The letter should detail the concerns and should advise them that a possible outcome could be the decision not to confirm them in post.

The employee should take all reasonable steps to attend the meeting. Where the employee or their representative are unable to attend the meeting, they will be given the opportunity to reschedule the meeting within 7 calendar days. If there is a failure to attend the second meeting, a decision will be taken as to whether to hold the meeting in the absence of the employee. The employee will be notified immediately in writing of any decision to hold the meeting in their absence.

In the event that the employee is absent due to sickness and unable to attend the meeting, they may be asked to have a consultation with Occupational Health o to assess whether they are fit to attend the meeting.

In addition to the general discussions relating to the concerns, the line manager will typically:

- give reasons for considering non confirmation in post – these should be explained clearly (provide evidence, where applicable)
- allow the employee and/or their representative to respond to the concerns and to ask any questions
- ensure that due consideration has been given to issues of inclusion and any other issues pertinent to the individual case.

Notice of termination of employment during the probation period will be 2 weeks.

Right of Appeal

Where an employee's employment has been terminated during their probationary period they have a right to appeal against the decision. This right will confirmed in the termination letter and will give the employee 7 calendar days from receipt of written confirmation of the letter.

Appeals will be considered by the staffing appeals committee who has not previously been involved in the case.

At the appeal hearing, the employee will present their grounds for appeal and the chair of the committee who made the decision to dismiss will have the opportunity to respond.

The decision taken at the appeal hearing will be communicated in writing and will be the final decision.

Appendix 3 - Further information

The documents and publications listed below provide additional information on the appointment of Headteachers and Deputy Headteachers.

Circular Guidance

- Circular No 001/2008 – Mandatory National Professional Qualification for Headship (NPQH) in Wales
- Circular No 14/2006 – Revised National Standards for Headteachers in Wales.
  Regulations
- The Staffing of Maintained Schools (Wales) Regulations 2006.
- The Staffing of Maintained Schools (Miscellaneous Amendments) Wales) Regulations 2007.
- The Governance of Maintained Schools (Wales) Regulations 2005.

Useful documents or links

- Welsh Government Guidance – Keeping Learners Safe
  Guidance document no: 272/2021 Date of issue: April 2021

- Education Workforce Council
  http://www.ewc.wales/site/index.php/en/