

**PROBATIONARY PERIODS:
WHY HAVE THEM?**

The Employer guide to importance of Probationary Periods.

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WHAT IS A PROBATIONARY PERIOD?

A probationary period is a contractual period of time between an employer and employee, it is usually for the first three/six months of an employee's new employment. It can be referred to as a trial period for both employer and employee.



There is no fixed time frame for a probationary period, standard probationary periods are for three months but can be as long as twelve months, the length of probation should reflect the role of the employee.

Probationary periods can only be used by companies for new employees at the start of employment. They exempt employees from certain contractual obligations, the main one being the standard notice period. (Notice due during the probationary period can be much shorter than the contractual notice)

Probationary periods should be clearly stated in the employment contract.

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WHY EMPLOYERS SHOULD MAKE USE OF THE PROBATIONARY PERIOD



They are used by employers to assess an employee's performance, commitment and suitability to the company; to ensure they are happy with the employees' conduct and work level and to be able to take required action if the employee is failing to meet the standards required of them.

They are also beneficial for employees as they allow employees to make sure that the job and company is right for them too.

DO YOU HAVE TO SET A PROBATIONARY PERIOD?

There is no legal requirement in the UK for employers to set a probationary period, it is up to the employer to decide if they require one or not, but it is best practice and advantageous to have a probationary period.

CAN AN EMPLOYEE BE DISMISSED DURING THEIR PROBATION?

Yes, during a probation period an employee can be dismissed, an employer must ensure that they have explained the reason for dismissal to an employee and confirmed this in writing. An employer also must give the employee the required notice as per their contract of employment.

Dismissal during a probation period must still be done fairly - as with other dismissals.

WHAT IS THE NOTICE PERIOD DURING AN EMPLOYEES PROBATION?

If an employee has one month's service or more, the minimum statutory notice that has to be given during any probationary period is one week. Employers can choose to give more notice than this if they want to, any notice must be detailed in an employee's contract of employment.

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MANAGING THE PROBATIONARY PERIOD?

Employers must ensure that during an employee's probationary period they explain in detail to the new employee:

- What is expected from them during their probation period and also once completed
- What training they will receive and the skills they need for the role
- Any issues with their performance during the probationary period before it comes to an end

Employers must also:

- Provide employees with a job description or list of their responsibilities
- Schedule any training that is needed straight away for the employee
- Inform the employee how their performance is to be monitored, when and by whom
- Ensure they provide a copy of all company rules and procedures to employees

It is good practice during an employee's probationary period that, managers and their new employee, have regular face to face meetings to discuss how things are going; and for the employee to ask for extra guidance or assistance if required. It is a good idea to document these meetings to record what has been said, and to agree actions going forward.

ENDING AN EMPLOYEES PROBATIONARY PERIOD

If an employee has successfully passed their probation period, the manager should call the employee to a meeting to review how the probation period has gone and confirm to the employee that they have successfully passed their probation with the company. This must be followed up with a letter of confirmation also.

EXTENDING AN EMPLOYEES PROBATIONARY PERIOD

Employers have the option to extend an employees' probation period if they feel that the employee will make the required improvements they are looking for, there is no law that states the length of an employee's probation period.

If an employer wishes to extend an employee's probationary period, they must ensure they explain to the employee why their performance or attendance is not up to the standard required by the company and what improvements are required from the employee. Any extension must be confirmed in writing to the employee, confirming how long the extension is for and also inform the employee if the required improvements are not made it could lead to the termination of the employees' contract of employment.



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