

Why Probation Periods Matter

A probation period is a period at the start of employment used to assess whether a new employee is suitable for their role. It allows managers to review performance, conduct, attendance, skills and overall fit while providing support, training and guidance to help employees succeed.

An effective probation process benefits both the organisation and the employee by:

- Supporting successful onboarding and integration into the team
- Setting clear expectations and performance standards
- Identifying training and development needs
- Providing structured feedback and support
- Enabling informed employment decisions early in the employment relationship

Did You Know?

- ✓ Probation periods are not a legal requirement. Employers can choose whether to use them and can determine an appropriate length for the role.
- ✓ Employees have important employment rights from day one, including protection from discrimination, entitlement to paid holiday and the National Minimum Wage.
- ✓ There is no legally defined probation period length. While many organisations use 3- or 6-month periods, longer periods may be appropriate for specialist or technical roles.
- ✓ A fair and well-documented process is more important than the length of the probation period.

New Employment Law Changes

From 1 January 2027, employees will gain protection from ordinary unfair dismissal after 6 months' continuous service, rather than the current two-year qualifying period.

Importantly:

Employees who already have at least six months' service on 1 January 2027 will gain unfair dismissal protection from that date, even if they have not completed two years' service.

This means probation periods will become an increasingly important management tool. Managers should ensure probation reviews are completed on time, concerns are addressed early and decisions are evidence-based.

However, ACAS is clear that ending a probation period before six months does not eliminate legal risk. Employers can still face claims relating to discrimination, whistleblowing or breach of contract regardless of an employee's length of service.

Your Responsibilities as a Manager

At the Start of Employment:

- Explain the probation period and review process
- Set clear objectives and expectations
- Provide a structured induction
- Identify any training requirements
- Arrange review meetings throughout the probation period

During the Probation Period Managers should:

- Hold regular one-to-one meetings
- Monitor performance and behaviour
- Provide timely and constructive feedback
- Recognise achievements and progress
- Address concerns as soon as they arise
- Keep accurate records of discussions and actions

Before the End of Probation Review:

- Performance against objectives
- Attendance and punctuality
- Conduct and behaviours
- Training and development outcomes

Decide whether to:

- Confirm employment
- Extend probation (if appropriate)
- End employment in accordance with organisational procedures
- Ensure decisions are communicated clearly and confirmed in writing

Suggested Review Timeline

First Month:

- Complete induction and onboarding
- Confirm expectations and objectives
- Identify support and development needs

Mid-Probation Review:

- Discuss progress against objectives
- Highlight strengths and achievements
- Identify any areas requiring improvement
- Agree actions and support

Final Review:

- Assess overall performance
- Consider conduct, attendance and capability
- Make and communicate a final decision

Managing Performance Concerns

If concerns arise during probation:

Do:

- ✓ Raise issues early
- ✓ Provide specific examples
- ✓ Explain the required standard
- ✓ Agree improvement actions
- ✓ Set review dates
- ✓ Keep written records

Don't:

- ✗ Wait until the end of probation to discuss concerns
- ✗ Make assumptions
- ✗ Apply inconsistent standards
- ✗ Avoid difficult conversations

Early intervention gives employees the best opportunity to improve and demonstrates a fair approach.

Extending Probation

An extension may be appropriate where:

- Further assessment is needed
- Training has not yet been completed
- Improvement has been demonstrated but standards are not yet consistently met

Where probation is extended:

- Explain the reasons clearly
- Confirm the extension period
- Set measurable objectives
- Outline available support
- Confirm expectations in writing

Employment Rights During Probation

Managers should remember that probationary employees still have legal rights.

These include:

- National Minimum Wage
- Paid annual leave
- Protection from discrimination
- Whistleblowing protection
- The right to join a trade union
- Statutory sick pay (where eligible) and the ability to take sickness absence in line with organisational procedures

Being on probation does not mean an employee has fewer day-to-day employment protections.

Good Record Keeping

Managers should maintain records of:

- Objectives and expectations
- Review meetings
- Feedback provided
- Training completed
- Attendance discussions
- Improvement plans
- Final probation decisions

Good documentation supports fair decision-making and helps demonstrate that the organisation has followed a reasonable and evidence-based process.

Key Takeaways

- Probation periods are not legally required, but they are valuable tools for assessing and supporting new employees.
- Employees have important employment rights from day one.
- From 1 January 2027, employees will gain unfair dismissal protection after six months' service, including those who already have six months' service on that date.
- Managers should focus on a fair, supportive and evidence-based probation process.
- Concerns should be addressed early, with regular reviews and documented feedback.

Remember

A successful probation period is not simply about deciding whether someone passes or fails. It is an opportunity to support new employees, build capability, establish expectations and create the foundations for long-term success.

Sources:

ACAS Probation periods (updated July 2026)

CIPD Probation periods: Guidance and tools for HR practitioners on effectively managing probation (July 2026).