

# The effective<sup>HRM</sup> Guide to **PROBATIONARY PERIODS**



# Hiring new employees is always a risk...

No matter how well someone comes across in an interview, or how vast their experience is, until they start working for you, you have no idea how it will all work out.

That's why most companies offer a probationary period- It gives you time to make sure they're right for the job and it gives the employee time to make sure it's right for them too.

Here's everything you need to know about probationary periods:

## What exactly is a probationary period?

While there's nothing within employment law that requires you to use probationary periods, they are commonly used by businesses of all shapes and sizes.

Put simply, it's a trial period and during this time certain contractual obligations don't apply. Namely, the notice period is shorter, which allows you to dismiss the employee more quickly, or the employee to quit and leave with minimal notice.

However, after successful completion of the probationary period, employment commences as per your contract.



HIRING



## How long should a probationary period be?

Since there are no laws around probationary periods, there is no defined length of time. However, it is reasonable to make the period no longer than six months. Typically, you'd expect a period of between one and six months.

Of course, the length of the probationary period should depend on the role. The more complex and senior the position, the longer the probationary period. The key factor in deciding on a suitable length of time is how long it may take your new employee to learn the job, take any necessary training, and for you to review this. Usually by three months both you and your employee should have a good idea of how things are working out.

While you can opt for a longer probationary period to protect your business, it's worthwhile remembering the impact this may have on your employee. It can signal a lack of trust and loyalty towards them and may even be a red flag for your working environment or company culture.

Use a probationary period that is reassuring to both you and your new hire, and no longer.

# Are contractual rights affected?

First and most importantly, an employee's statutory rights are not affected by probationary periods.

That means they must be paid National Minimum Wage or more, they are still entitled to paid holiday, rest breaks, and are protected from discrimination, as examples.

But when it comes to contractual rights, it's down to you as the employer whether they differ during the probationary period.

Primarily, one right you will likely change is the notice period throughout the probation period. If you find the employee isn't working out in the role for whatever reason, you may decide that one week's notice is more suitable than one month.

You may also withhold other contractual benefits until successful completion of the probationary period. That could be healthcare, discounts, or any other additional benefit employees receive.

## How does the probation process work?

It's in everybody's best interests to keep the management of probation as simple as possible.

Believe it or not, early performance issues arise because the probation process isn't clear or isn't followed, which means issues aren't dealt with.

Often, probationary periods are passed through laziness, which leaves issues much harder to address retrospectively.



## So how can you make the process as simple and smooth as possible?

### Set clear expectations

You want your new hire to pass their probationary period. Give them the best chance to succeed possible.

### Give them a clear job description.

You should have created this before you started the recruitment process, so this should be simple.

### Set short term goals and objectives.

These should be things that can be worked on during the probationary period. They should be clear, measurable, and attainable.

### Introduce the business.

Tell your new recruit everything they need to know about the company, including general business practices and procedures, and standards of attendance, as well as the repercussions of failing to meet these.

### Outline your company culture.

Discuss your company's core values, your mission, and your expectations of behaviour from all employees.

### Plan the right training.

Most aspects of any role will need a degree of training, whether it's by shadowing another employee or more formal, external training. Make sure all the necessary training is scheduled and completed.

### Discuss reviews.

Explain how you'll monitor and feedback on your new employee's performance, as well as how and when reviews will take place.

# Review progress regularly

It can be tricky to know how someone's getting on when they start a new job, so regular communication is key.



As well as regular weekly or monthly 121 meetings, you and your manager should offer on-the-spot guidance and feedback day-to-day, too. This should be specific, constructive, and should offer solutions rather than simply highlighting problems. Encouraging this type of communication to be two-way is helpful as it will also help to give you insight into your new hire's experience.

For 121 meetings, gather feedback from those who work directly with your new employee, and listen to any concerns colleagues or direct managers may have.

During the meeting, go through their progress, explain which things are going well, and be open about areas of improvement. If there are performance issues, be honest and create a plan for improvement.

If your requirements are being met with ease, add something more challenging to see how they cope. If they're struggling, make reasonable adjustments so that goals become more obtainable.

Always give your employee an opportunity to respond to your feedback. There may be a legitimate reason that they're not meeting your expectations and the sooner you're aware, the easier the issue is to resolve.

Keep records of all performance reviews, including any agreed actions. You may also consider a follow up email after the meeting so that your employee has a clear understanding of their next actions.

## Create opportunities for improvement

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## Consider extending the probation

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If, by the time the end of the probationary period rolls around, your employee isn't quite where you would expect them to be, an extension of the probation may be your solution.

It may be that you think a little more training would help them hit the mark, or perhaps other factors have interfered with progress, like absence, for example.

In these cases, extend probation by a short period, like a month. Confirm this in writing with your employee and state the reasons for your decision. It's also a good idea to confirm the standard the employee needs to reach to pass this extended probation.

# At the end of the probationary period



Once the probationary period is over (including any extensions), you will need to confirm the outcome with your employee, in writing. This will tell them if they passed or failed.

If they pass, it means all contractual benefits come into effect, and they'll be given a new notice period.

If they fail and you've given them a fair opportunity to improve, you'll need to set out the next steps. There may be another role in the business they would be more suited to, or they may be dismissed.

N.B. in some cases, a probationary period may be failed due to poor behaviour or conduct. Here it is appropriate to follow your disciplinary process, discussing it in your reviews. If the behaviour is classed as gross misconduct, your policy should cover dismissal. It's important to follow your standard fair dismissal if you reach this stage.

When probation has failed, you can move on to your dismissal procedure. You will need to invite the employee to a meeting to review probation, and state that dismissal is a possible outcome. Set out the reasons why they've not successfully completed their probationary period and allow them the opportunity to present their case. Finally, provide a letter confirming the dismissal and offer an opportunity to appeal.

## Do not skip this process!

While an employee with less than two years' service doesn't have unfair dismissal rights, they can still claim 'automatic unfair grounds'.

If you don't follow your dismissal procedure this will be automatically unfair, according to the law.





# Any tips for a successful probationary period?

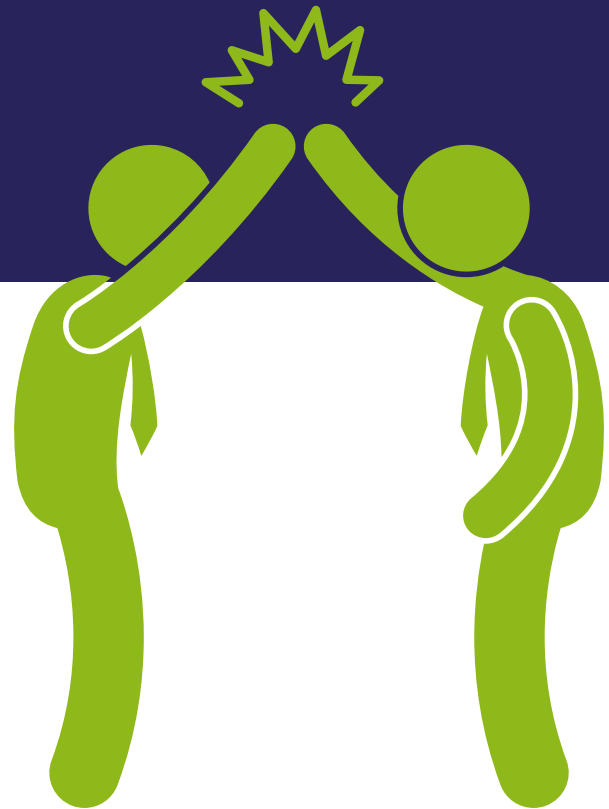
## Of course!

As well as making the entire process as clear and simple as possible, there are some other ways to give your new hire the best chance of getting things off on the right foot.

Make sure your managers are all on-board with the process. They should understand the standards set and the expectations upon the new hire in order for them to pass probation.

Your managers are managers for a reason – they do a great job and support others to do the same. Make sure this extends to your new employee, especially during probation when they may require extra support.

It will also be up to your managers to ensure your new employee feels confident to approach them for guidance, with an issue, or for anything else. That will mean they need to be approachable, welcoming, and trustworthy, while encouraging open, honest communication with everyone.



One of the best ways to ensure a successful probationary period is to provide a great induction for your new employee. Give them the grand tour, explain everything clearly and concisely, and provide all the training they need, as well as giving them all the tools they'll need from day one.

Finally, if you have any concerns or questions about hiring new staff, probationary periods, or onboarding, don't be shy about taking professional advice. There's a lot that can go wrong when it comes to employment law, so it's better to be safe than sorry!

If we can help with this, or anything else HR, just give us a call.



# NEED SOME EXPERT HR ADVICE?

Simply contact our team on 03300 414589 or email  
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