

Employment Matters Committee

2 September 2025

Probationary Policy

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Summary

This report outlines the review and amendments to the Council's current Probationary Policy, which has been updated to include probationary notice periods, allow temporary staff to eschew probation if they become permanent, and provides better guidance on probationary processes and action.

The proposed changes will increase the efficiency and effectiveness of the probationary process, allowing conduct or medical issues to be highlighted earlier and better support given to managers and staff to handle these cases.

1. Recommendations

- 1.1 The Committee is asked to approve the updated Probationary Policy set out as Appendix A to the report and approve the implementation of the policy across all areas of the organisation.
- 1.2 The Committee is asked to support the provision of adequate communication and training to support the effective uptake of the revised policy.

2. Budget and policy framework

- 2.1 The adoption of the revised policy is within the purview of the Employment Matters Committee and the decision is within the Council's budget and policy framework.
- 2.2 The Probationary Policy does not have a direct impact on the overall Council framework and strategies. However, the revised policy does support the relevant strategies indirectly as the adoption of the policy will support ambitions to be an employer of choice. By strengthening our onboarding and probationary process, this will support employees and managers better as they adjust to their role, increasing performance and preventing issues at an earlier stage in employment.

3. Background

- 3.1 The [Employment Rights Bill 2024](#) aims to modernise employment protections and improve job security. One of the Bill's key provisions is the removal of the two-year qualifying period for unfair dismissal claims, making it a day-one right for employees.
- 3.2 These legislative changes require employers to demonstrate fair and transparent processes from the outset of employment. Medway Council's updated policy reflects this shift by formalising performance reviews, clarifying manager responsibilities, and ensuring decisions are evidence-based and legally defensible.
- 3.3 Key enhancements include a structured assessment timeline starting at induction, followed by reviews at 12 and 20 weeks, and concluding with a final review at 12 months. This approach supports early intervention and continuous feedback, in line with good HR practice that structured probation improves performance and retention. It also ensures that underperformance is addressed proactively, reducing the risk of disputes and supporting employee development.
- 3.4 The policy now explicitly assigns accountability to line managers for adhering to probationary procedures and timescales. This promotes consistency and reduces legal exposure, particularly under the new statutory requirements. The inclusion of rehires with a break in service under the probation definition ensures equitable treatment across the workforce.
- 3.5 Procedures for managing unsatisfactory performance have been strengthened, requiring documented improvement plans and HR involvement. This aligns with the Bill's emphasis on procedural fairness and protects both the employee and the organisation. The ability to extend probation with justification and the option to end early if progress stalls add flexibility while maintaining accountability.
- 3.6 Finally, the appeals and termination processes have been updated to reflect best practice and legal compliance. The use of Pay in Lieu of Notice (PILON) and clearer appeal routes ensures respectful and transparent handling of dismissals.
- 3.7 These changes position Medway Council as a legally compliant, fair, and forward-thinking employer, ready to meet the expectations of a modern workforce and regulatory environment.
- 3.8 A version of the revised policy as tracked change amendments to the current policy is provided as Appendix C to this report.

4. Options

- 4.1 Approve the Policy: This option ensures compliance with legal requirements and promotes fair and transparent probationary processes.

- Advantages: Legal compliance, improved onboarding and retention, better support for employees at an early stage.
- Disadvantages: More time managers must spend completing documentation and greater involvement of HR.

4.2 Do Not Approve the Policy: This option avoids immediate work required and resulting officer and manager time across the organisation but risks potential legal challenges and no improvement to employee support and retention.

- Advantages: No immediate outlay of officer time and development of training and communication. No increased responsibility for managers to complete thorough probationary procedures.
- Disadvantages: Risk of legal challenge, no increase in employee support, retention and fair treatment.

5. Advice and analysis

5.1 The recommendation is to approve the policy. This decision supports the Council's commitment to a fair and inclusive workplace, as well as legal compliance. The analysis includes considerations of financial and operational sustainability as well as diversity, ensuring that the policy promotes a supportive environment for all employees.

5.2 Appendix B to the report is a Diversity Impact Assessment (DIA) which has been undertaken.

5.3 To summarise, there is no detrimental impact due to the adoption of this policy. It would likely advance equality and foster good relations for Disability.

6. Risk management

6.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Non-compliance with legal requirements	Insufficient probationary evidence collection and due process could put the Council at risk of litigation.	Implement the policy. Improve awareness and practice through communication and training.	C II
Resistance to change/new processes not taken up and	If the policy is adopted but not followed and acted upon or there is a lack of 'buy in' this	Conduct awareness programs and signpost the policy in managerial	C III

Risk	Description	Action to avoid or mitigate risk	Risk rating
followed by managers	could cause inconsistent support for employees in their probationary period	training and recruitment guidance	

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

7. Consultation

- 7.1. The policy was shared with Trade Unions on 25 July 2025.
- 7.2. Feedback was sought and received from the wider Human Resources team, including Recruitment.
- 7.3. Staff forums and interest groups have been engaged, and feedback has been received from the Healthy Mind and Wellbeing Group.
- 7.4. All feedback has been considered and implemented where appropriate.

8. Climate change implications

- 8.1. There are no climate change implications regarding this report and policy.

9. Financial implications

- 9.1. There are no significant financial implications arising from this policy, although, any additional impact on managers and HR will need to be funded from existing revenue budgets. However, the implementation of a more robust probationary process may lead to cost savings from improved retention and less spending on dismissals.

10. Legal implications

- 10.1. The Employment Rights Bill includes a proposal for day-one rights to unfair dismissal claims. This requires organisations to have robust dismissal procedures, including in the case of dismissal due to issues arising during the probationary period.
- 10.2. The revised policy and planned training will provide clearer, fairer and more supportive probationary periods for employees, this will help to prevent potential claims to the Employment Tribunal of unfair dismissal which could

have a financial and reputational impact on the council. It will assist managers and employees to address issues during probation in a timelier manner and with robust processes to protect both employees and the Council.

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Appendices

Appendix A: Probationary Policy

Appendix B: Diversity Impact Assessment

Appendix C: Probationary Policy updates as tracked changes

Background papers

None