

Report to: Personnel Committee

Date of Meeting 30 June 2026

Heading/Title: Revised Probation Policy

Cabinet Member(s): Cllr John Loudoun

Director/Assistant Director: Melanie Welman

Author and Directorate: Caroline Hall, HR Operations Manager, Governance

Contact Details Caroline.hall@eastdevon.gov.uk

Key decision No

If a Key Decision has it appeared on Forward Plan

Document classification: Part A Public Document

Exemption applied: None

1. Background

- 1.1 The Council's Probation Policy has been reviewed and updated in light of a change to employment legislation which takes effect on 1 January 2027; specifically the reduction in the qualifying period for unfair dismissal rights from two years to six months and the removal of the unfair dismissal compensation cap.
- 1.2 These changes require the Council to ensure that any decisions regarding the termination of employment during probation are made within a shorter timeframe and are supported by clear, fair, and evidence-based processes in order to mitigate the risk of successful, potentially high value, claims.
- 1.3 The revised policy introduces a more structured approach to probation management, including earlier intervention, defined review points, and strengthened governance, to ensure the Council remains compliant and mitigates legal risk whilst benefiting employees with a transparent and fair process aimed at supporting success.
- 1.4 The revised policy introduces the following key changes:
 - a. Legislative alignment: Updated to reflect the reduction in qualifying service for unfair dismissal rights from 2 years to 6 months.

- b. Structured review framework: Retaining but clarifying timing of probation review stages at end of months 1, and start of months 3 and 5 to ensure timely monitoring and decision-making.
- c. Earlier intervention: Stronger expectation for managers to identify and address performance concerns early, with clear documentation.
- d. Formal improvement process: Clear process for formal review meetings and improvement plans where concerns arise, including employee right to representation.
- e. Timely decision-making: Requirement that decisions regarding continued employment, including dismissal, are made by the end of Month 5; and dismissals following a probation extension are affected under the relevant employment policy rather than the probation policy to reflect employment protection status.
- f. Enhanced governance and fairness: Stronger emphasis on evidence-based decision making, consistency, and transparency throughout the probation process.

2. Recommendations/Decision

2.1 Personnel Sub Committee is asked to:

- a. Approve the revised Probation Policy (June 2026) for implementation from 1 July 2026.
- b. Note that this follows Executive Leadership Team (ELT) consideration and reflects a legislative change.

3. Reasons for Recommendations/Decision

3.1 Approval is recommended to ensure the Council:

- Complies with employment legislation relating to unfair dismissal.
- Has a robust, fair, and consistent process for managing employees during probation.
- Reduces the risk of legal challenge and associated costs.
- Supports employees through a clear, transparent and structured onboarding and performance process aligned with the People Strategy.

4. Options

- 4.1 Option 1 – Approve the revised policy (recommended)
Ensures compliance with legislation and embeds best practice processes.
- 4.2 Option 2 – Do not approve
Would leave the Council exposed to legal and financial risk and operating under a policy that no longer reflects current legislative requirements.
- 4.3 Option 3 – Request revisions

Would delay implementation and increase risk of non-compliance.

5. Relevance to Council Plan/priorities

Set out how report links to the Council Plan/priorities:

- A supported and engaged community that has the right homes in the right places, with appropriate infrastructure
- A sustainable environment that is moving towards carbon neutrality and which promotes ecological recovery.
- A vibrant and resilient economy that supports local business, provides local jobs and leads to a reduction in poverty and inequality.
- A well-managed, financially secure and continuously improving council that delivers quality services

Indicate how the recommendations/decision contributes to the delivery of the Council Plan and its priorities

- 5.1 The policy strengthens governance, workforce management, and legal compliance, supporting the delivery of high-quality services through effective people management.

6. Financial Comments/Implications

- 6.1 There are no direct financial implications arising from the policy update.
- 6.2 Indirectly, the policy supports cost avoidance by reducing the risk of employment tribunal claims and associated legal costs.

7. Legal Comments/Implications

- 7.1 The revised policy is required to ensure continued compliance with employment legislation and mitigate associated legal and financial risk associated with the reduction in the qualifying period for unfair dismissal rights to six months, and removal of the compensation cap for unfair dismissal claims.
- 7.2 The policy strengthens procedural fairness and documentation, which are critical in defending potential claims.

8. Risk Implications

Please complete the risk table – further guidance available on the [Intranet](#)

- 8.1 Risks if decision is not taken:
 - a. Increased risk of successful employment tribunal claims.
 - b. Non-compliance with current employment legislation.
 - c. Inconsistent management of probation across services.

- 8.2 Risks if decision is taken:
- a. Implementation risk (manager understanding and application).

8.3 Mitigation:

- a. Manager briefings and guidance.
- b. HR support and oversight.
- c. Clear documentation and structured review processes.

9. Equality Implications (Public Sector Equality Duty)

- 9.1 An EqIA is included at Appendix B.

10. HR and Workforce Implications

- 10.1 As detailed within the main body of the report.

11. Community Safety Implications (Crime and Disorder)

- 11.1 No applicable.

12. Climate Change Implications

- 12.1 Not applicable.

13. Health & Safety and Health & Wellbeing Implications

- 13.1 Detailed within main body of report and EqIA, where applicable.

14. Procurement and Social Value implications

- 14.1 Not applicable.

15. Land and Buildings (non-housing)/Asset Management Implications

- 15.1 Not applicable.

16. Overview and Scrutiny Committees Comments/Recommendations

- 16.1 Not applicable.

17. Digital and Data

- 17.1 Not applicable.

18. Consultation and Engagement

- 18.1 The policy has been shared with Unison for consideration, comment and review.

19. Communications

19.1 Not applicable.

20. Next Steps

20.1 Once the new policy is approved, it will be published taking effect from 1 July 2026. It will apply to all new hires from that date. Existing 'in-probation' cases as at that date will be managed in line with the new policy in principle and where reasonably practicable on a case-by-case basis.

21. Appendices

21.1 Appendix A – Probation Policy

21.2 Appendix B – Equality Impact Assessment

22. Background Papers

22.1 Not applicable.

Proposed Report Sign Off process

Please make sure you have obtained the relevant sign off and the date completed before submitting your report to Democratic Services.

	Officer Name	Date requested	Date Completed
Legal & Governance	Monitoring Officer or Deputy Monitoring Officer	11/06/2026	Required
Finance	Section 151 Officer or Deputy S151 Officer	11/06/2026	Required
Communications	communications@eastdevon.gov.uk		If applicable
Digital and Data	digital@eastdevon.gov.uk		If applicable
Engagement	engagement@eastdevon.gov.uk		If applicable
HR	HR Lead		If applicable
Chief Executive	Chief Executive		If applicable
Director	Relevant Director		Required
Assistant Director(s)	Relevant Assistant Director(s)		Required
Cabinet Lead Member(s)	Relevant Lead Member (s)		Required
Executive Leadership Team	ELT	9/6/2026	Required
Strategic Leadership Team	SLT		If applicable