



**General Purposes Committee**  
22 June 2026

**Report from the Corporate Director  
Finance and Resources**

**Lead Member – Deputy Leader &  
Cabinet Member for Finance &  
Resources  
(Councillor Gwen Grahl)**

**Contractual Change to Probationary Periods**

<b>Wards Affected:</b>	None
<b>Key or Non-Key Decision:</b>	Not Applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One Appendix 1 Supporting New Staff Policy & Procedures (Probation policy and Procedures)
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Musrat Zaman, Director of HR and OD 020 8937 4081 <a href="mailto:Musrat.Zaman@brent.gov.uk">Musrat.Zaman@brent.gov.uk</a>  Krupa Peshavaria, HR Business Partner – Policy & Projects <a href="mailto:Krupa.Peshavaria@brent.gov.uk">Krupa.Peshavaria@brent.gov.uk</a>

**1.0 Executive Summary**

1.1 The Employment Rights Act 2025 introduces a significant change to the qualifying period to claim unfair dismissal reducing from 2 years to 6 months with effect from 1 January 2027. This will be applied retrospectively so that any new starters from 1 July 2026 can claim unfair dismissal when the change is implemented. To mitigate against this, it is proposed to reduce the probationary period from 6 months to 4 months' so that decisions about suitability for confirmed employment are made in a timely way. This is in line with other London Councils which are moving to either a 3- or 4-month probationary period. A revised policy

is attached that sets out the revised periods for assessment and changes the focus to support staff that are new to the Council.

- 1.2 The trade unions have been consulted (7 May 2026) with the changes to the probation policy renamed Supporting New Staff policy and procedures and they are in agreement with the policy and procedures and the required contractual change to the probation period from 6 months to 4 months.
- 1.3 The Corporate Management Team (CMT) considered a report on 20 May that set out the changes to the probationary period.
- 1.4 The purpose of this report is to seek approval from the General Purposes Committee to make a contractual change as of 1 July 2026 to the probation period for new starters from 6 months to 4 months changes and reduce the probation extension period from 13 weeks to 4 weeks.

## **2.0 Recommendations**

That the Committee:

- 2.1 Approve the contractual change required to the probation period for all new starters as of 1 July 2026 from 6 months to 4 months.
- 2.2 Approve the contractual change for reducing the probation extension period from up to 13 weeks to up to 4 weeks.

## **3.0 Detail**

### **3.1 Contribution to Borough Plan Priorities & Strategic Context**

- 3.1.1 The Supporting New Staff policy, including a shortened probation period, supports the Borough Plan by strengthening workforce stability, service quality, and organisational effectiveness. Through structured onboarding and early performance management, it helps recruit and retain capable employees, contributing to prosperity and stability, while enabling staff to quickly adopt sustainability practices that support a cleaner, greener future. By ensuring new starters are well supported, aligned to Brent's values, and able to deliver consistently high-quality services. It also reflects good employment practice by fostering a positive start, encouraging development and wellbeing, and supporting staff who deliver essential services to children, young people, and families. Additionally, early support and clear expectations help reduce stress and improve wellbeing, ensuring a confident workforce that can contribute to the needs across the borough.

### **3.2 Background**

- 3.2.1 The Supporting New Staff policy and procedures replaces the current Probation Policy to reflect the Council's response to forthcoming changes under the Employment Rights Act 2025, coming into force from 1 January 2027, which will

reduce the qualifying period for unfair dismissal from two years to six months. This significantly shortens the timeframe for assessing performance and increases the need for robust, fair and well-documented management practices from the outset. The policy therefore strengthens early performance management, ensuring clear expectations, regular review points, and timely, evidence-based decision-making to support legal compliance and reduce organisational risk.

3.2.2 Alongside this, the policy sets out the Council's broader approach to supporting employees during their probationary period, reinforcing our commitment to a positive, inclusive and supportive workplace. It focuses on early support, constructive feedback, wellbeing and development to help new starters succeed, feel a strong sense of belonging, and integrate effectively into their roles. It also establishes a consistent framework for managers and employees, ensuring the initial employment experience is positive, engaging and aligned to Brent's Values and Behaviours.

### **3.3 Unfair Dismissal employment law change**

3.3.1 Whilst the unfair dismissal claim period is changing from a two-year qualifying period to a 6-month qualifying period as of 1 January 2027 this will be applied retrospectively therefore claims for unfair dismissal can be made from 1 July 2026.

3.3.2 The Employment Rights Act will also remove the existing cap on compensatory awards for unfair dismissal (which as of 6 April 2025 is the lower of either £118,223 or 52 weeks' gross pay).

### **3.4 Probation Key Implications**

3.4.1 The new Supporting New Staff policy and procedures aims to provide clearer guidance for managers and new starters, while placing greater emphasis on supporting employees during their onboarding period and fostering a positive and inclusive workplace culture.

3.4.2 The Council's current six-month probation period will need to reduce to four months as the time limit for staff to claim unfair dismissal at tribunal will be reduced from the two-year unfair dismissal qualifying period to a six-month qualifying period.

3.4.3 Probation extension period will reduce from 13 weeks to 4 weeks for exceptional circumstances to ensure all matters are managed prior to the six-month qualifying period.

3.4.4 Managers will have less time to identify and address concerns, requiring stronger early intervention to support staff to achieve the required performance level.

3.4.5 Revised processes will need to be clearly communicated and consistently applied with the exception of newly qualified social workers who will continue to

go through a robust 52-week programme as per the assessed and supported year in employment (ASYE) programme.

- 3.4.6 Amendments to the Probationary Service section of the employment contracts is required to change the length of the probation period and extension period. In addition, to remove reference to a probationary period for internal staff. Due to the changes required to the contracts GPC approval is required as detailed within Appendix 1 Supporting New Staff policy and Procedures (Probation policy and Procedures)

### 3.5 Risks to the Council

- **Changes in the law:** new starters who join the council from 1 July 2026 onwards will meet the 6-month qualifying period to claim unfair dismissal.
- **Operational Risk:** all managers will need to ensure that they support new starters to avoid claims for unfair dismissal and understand the organisational impact.
- **Financial Risk:** removal of the unfair dismissal compensation cap may be a financial risk should an unfair dismissal claim be successful at Employment Tribunal.
- **Reputational Risk:** Non-compliance or inconsistent implementation could damage organisational credibility and undermine staff trust.

### 3.6 Mitigation Actions

- Line managers to support employees during their probationary period through early performance management, regular reviews and constructive feedback.
- Ensure any reasonable adjustments required are in place within a reasonable time period.

### 4.0 Financial Considerations

- 4.1 The introduction of the reduced qualifying period for unfair dismissal could potentially see an increase in volume of claims being brought against the council.
- 4.2 With the compensatory awards for unfair dismissal now being uncapped this could potentially lead to a higher value of claim against the council.
- 4.3 The impact of the change in policy will be closely monitored by HR&OD on an ongoing basis to measure its impact on the council.

### 5.0 Legal Considerations

- 5.1 The Employment Rights Act 2025 introduces significant change that will impact the Council. The Council must proactively review and update its policies, procedures and contracts of employment/ engagement to ensure compliance with the new legal framework. Failure to adapt to these changes could result in legal liability, financial penalties for non-compliance and reputational harm. It is recommended that HR works closely with Legal to navigate these changes effectively and mitigate potential risks.

## **6.0 Equity, Diversity & Inclusion (EDI) Considerations**

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 An Equality Impact Assessment for the amended Probation Policy has been completed to assess the impact on different groups.

## **7.0 Climate Change and Environmental Considerations**

- 7.1 There are no climate change and environmental considerations contained within this report.

## **8.0 Human Resources/Property Considerations (if appropriate)**

- 8.1 All HR considerations are contained within the body of this report.
- 8.2 There are no Property considerations contained within this report.

## **9.0 Communication Considerations**

- 9.1 Clear, and consistent communication will be essential to support managers in supporting new starters with the reduced probationary period.

**Report sign off:**

***Minesh Patel***

Corporate Director Finance and Resources