

Dismissing Staff on Probation?

The law is changing. What UK employers need to know.



MACGREGOR
LAW LIMITED



The rules are changing

- Currently, employees generally need two years of service to claim ordinary unfair dismissal.
- From **1 January 2027**, this qualifying period drops to just six months.
- Reaching six months of service means you must be able to justify both the reason for dismissal and the process you followed.



1

Probation cannot be passive

- You must actively manage the employment relationship from the outset.
- Set clear expectations, provide structured training, and measure performance against clear standard.
- Hold formal review meetings and record all performance concerns in writing as they arise.



2

One size does not fit all role

- A straightforward junior role may only require a three-month assessment period.
- Complex or senior roles often need longer to evaluate suitability, judgement, and relationship building.
- The priority is making a clear, documented decision before the probation period expires.



Before you dismiss, check these risks:



Is there a clear, lawful reason for dismissal that excludes discrimination or whistleblowing risks?



Has the employee been told about the concerns and given a fair chance to respond?



Will contractual notice periods push the termination date past the critical six-month threshold?



MACGREGOR
LAW LIMITED

Review your contracts now

With major employment law reform approaching, now is the time to audit your probation clauses, staff handbooks, and management training. Contact Macgregor Law Limited for direct, commercially focused support.

Macgregor Law Limited – An indomitable firm of tough solicitors
To discuss how Macgregor Law can support your business,
contact us at info@macgregorlaw.co.uk or visit macgregorlaw.co.uk