

Statutory Trial Periods – Manager Guidance

What is a Statutory Trial Period (STP)?

Under section 138 of the Employment Rights Act 1996 if an employee on notice of redundancy is redeployed into a job that is in any way different to their redundant job they are entitled to a 4 week STP which commences at the end of their notice period.

This is a statutory requirement and allows both the employee and the council to assess the suitability of the new role. If the employee finds the new role unsuitable during the trial period, they can leave without having to give notice and still be eligible for redundancy pay. The council can also consider whether the employee is suited to the job during the STP.

An employee cannot waive their entitlement to a STP, and it **must** come at the end of the notice period of their redundant job.

Can an employee start a new job with the council during their notice period?

Yes, it is possible for an employee to commence their new role whilst still on notice in their redundant job but only if their pay, terms and conditions are not negatively impacted. Where allowances or enhancements are different it is preferable for the new job to start at the end of the notice period.

Where the employee is in the early stages of their notice and the change to enhancements is minor, it may be possible for the employee to start earlier if they so choose. In these instances you should seek [HR Advice](#) to discuss if it is possible to agree an earlier start date.

If the employee does start the new job during their notice period, the STP will still apply at the end of the original notice period (i.e. partway through their new job).

How will I know if there is a requirement for a STP and what do I need to do?

If you appoint an employee who states that they are at 'risk of redundancy' please email hr.consultations@derbyshire.gov.uk who will confirm whether the employee is under notice of redundancy and as such requires a STP applying to their contract.

Manager Checks

Please see below a checklist of actions you are required to take in respect of an STP, along with a flow chart outlining the process.

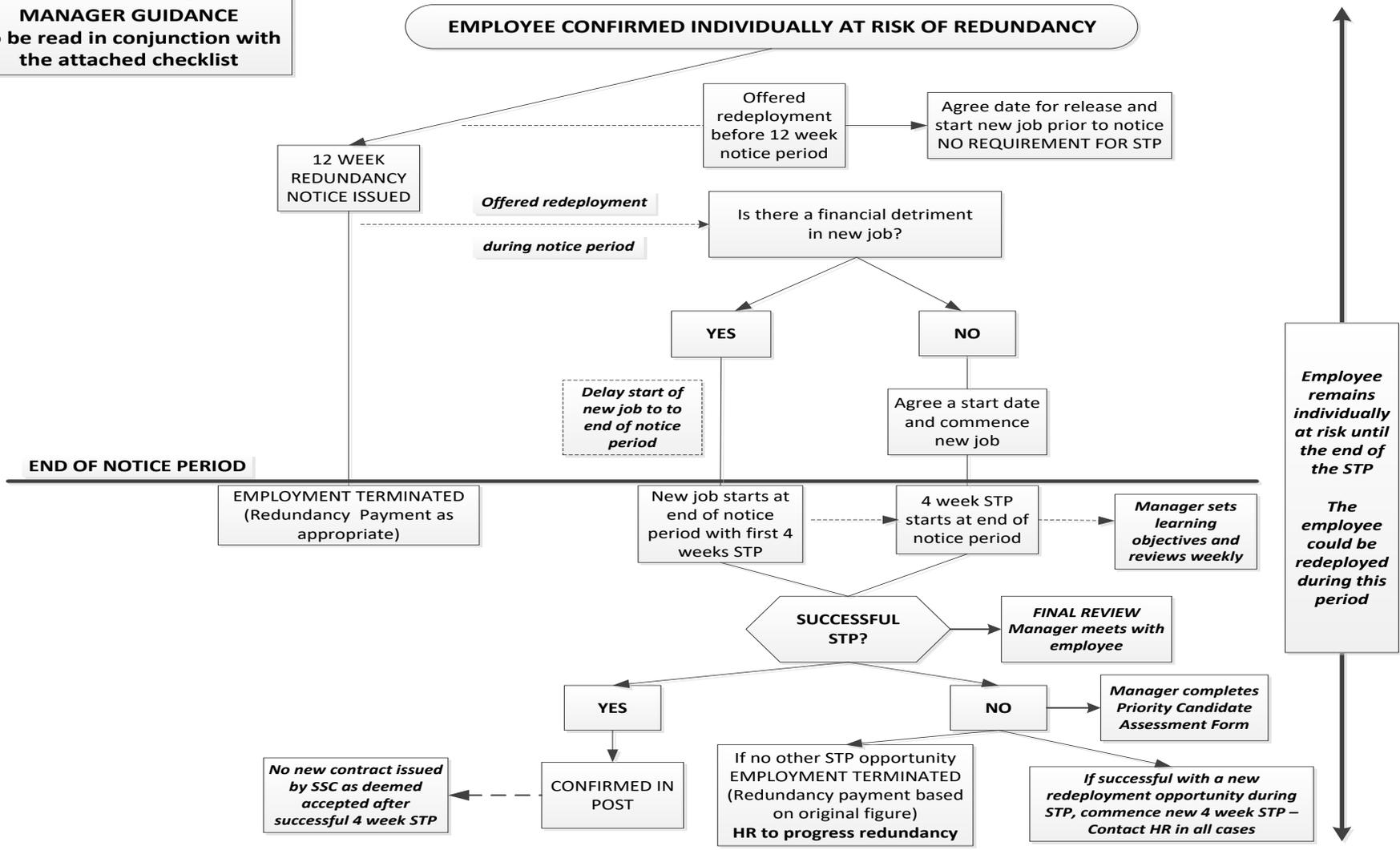
Manager checks	Actions/considerations
Prior to an employee under notice starting work with you:	<ul style="list-style-type: none">• Contact HRS Recruitment Team as soon as possible to notify them that a STP is required. Please complete and return the 'Statutory Trial Period Form'. The Recruitment Team will add this onto Recruit making note of the STP.• Inform HRS Recruitment Team if the work schedule is different to the employee's substantive pattern. Where the pattern is different, and there is not an existing work schedule available within the system, a new work schedule will be required. If a new work schedule is required, it may not be possible to apply this at the start of the new job as configuration of the SAP system is required. If this is the case, HRS can advise on a 'dummy' work schedule until this has been created.

Manager checks	Actions/considerations
	<ul style="list-style-type: none"> • HRS Recruitment Team will process any relevant pre-contractual checks e.g. medical (if job has different physical requirements), references, DBS if required (see below). • Encourage employees to complete paperwork quickly to avoid delays. • Consider if it is possible to speed up the recruitment process to avoid a break in service. • HRS Pay Team will issue a contract fully detailing the STP when all checks are complete. • The employee should not start in post until all checks complete.
DBS requirement:	<ul style="list-style-type: none"> • The Recruitment Team will contact the DBS Team (db@derbyshire.gov.uk) to check whether a portable check is already in place. If not, the manager should carry out a DBS risk assessment prior to the employee starting. Ensure the employee does not work unsupervised until the check has been received.
Once the employee has started work with you:	<ul style="list-style-type: none"> • Be clear about the new job's start date and the STP start date. • The STP must start at the end of the notice period of their redundant job, even if the new job starts earlier. • Confirm if pay protection applies as per the Council's policy. • The purpose of the STP is to enable the employee and manager to consider if the job is suitable without losing any right to redundancy. • Ensure the employee understands that they can end the STP at any time if they feel the job is not suitable and revert to their original redundancy, or commence a further STP, where agreed, in another role. • Ensure the employee is aware once they have worked beyond the 4 week trial, or the mutually agreed extension, it is deemed that they have accepted the new job and the right to claim a redundancy payment is lost. • Managers must agree learning objectives and record in the same way as they would for an Induction Period and review weekly. These records will be used to support the final decision. Guidance can be found at https://staff.derbyshire.gov.uk/learning-and-development/learning-and-development.aspx Arrange a final review meeting prior to the end of the STP to confirm whether it has been successful. • If successful, the employee continues with the new job (no requirement for a new contract letter).
Do you need to extend the STP for training purposes?	<ul style="list-style-type: none"> • The STP can only be extended if the employee needs additional training for the new role, not for other reasons like absence due to illness. • Any extension must be agreed in writing by all parties prior to the end of the original 4-week trial period and should specify a clear end date. Practice is that extensions can be for up to a further 4 weeks, but if a longer period is required the individual circumstances should be considered when agreeing the extension, ensuring that any extension is relevant and not protracted. • In these instances, refer to HRS who will confirm the extension in writing to the employee and retain a copy of the extension on the employee's personnel file. Contact your relevant payroll team at the email below immediately as you become aware the STP is to be extended. CST.PlacePayroll@derbyshire.gov.uk CST.AdultCarePayroll@derbyshire.gov.uk CST.PlacePayroll@derbyshire.gov.uk • Once the employee has worked beyond the four-week trial or the mutually agreed extension it is deemed that they have accepted the new employment and the right to claim a redundancy payment is lost. There

Manager checks	Actions/considerations
	<p>will not normally be an extension to the STP where the employee has started in the post during their notice period.</p>
<p>Was the STP unsuccessful?</p>	<ul style="list-style-type: none"> • If either party does not consider the employment to be 'suitable' during the trial then the employee will revert to their original contract and the employment will officially end on the original dismissal date, unless another redeployment opportunity becomes available and proves successful. • In all cases managers must complete the Priority Candidate Assessment Form to record the reasons the STP has been unsuccessful and advise the employee that they will be notified in writing of the redundancy terms applicable to their previous job. • Email the completed Priority Candidate Assessment form to HR.consultations@derbyshire.gov.uk • Seek HR Advice on any disagreement concerning an unsuccessful STP. • Seek HR Advice if the STP has been unsuccessful due to a reason unconnected with redundancy, e.g. disciplinary action. • Service during the STP does not count towards the redundancy payment. • Service accrued during the STP is pensionable.
<p>Leavers Form:</p>	<ul style="list-style-type: none"> • Submit a Leavers Form through Fiori (SAP Fiori: How to Start A Process) to advise HRS that the STP has been unsuccessful and the employee is to be made redundant. • Enter both the end date of the STP and the end date of notice that the redundancy payment should be based upon (in the comments section of the form). • Seek approval from the authorising manager prior to forwarding to the HRS. • Where possible submit the form prior to the 5th working day of the month in which the employee is leaving. Payroll lockdown dates can be found here SAP pay deadlines and work schedules - Our Derbyshire • If the STP comes to an unplanned end after the payroll lockdown deadline (normally around 15th of the month) the employee may be overpaid for the remainder of the month in which they leave. In this case, advise the employee that they will be required to pay back the amount owed, and that HRS will make arrangements for recovery. This will be recovered via an invoice following closure of the record. • Contact your relevant payroll team at the email below immediately as you become aware the STP is unsuccessful so that every attempt can be made to prevent an overpayment. CST.PlacePayroll@derbyshire.gov.uk CST.AdultCarePayroll@derbyshire.gov.uk CST.PlacePayroll@derbyshire.gov.uk
<p>Redeployment Support:</p>	<ul style="list-style-type: none"> • The employee will have priority status: <ul style="list-style-type: none"> ➤ until the last day of the STP. ➤ until the last day of notice, if they return to their redundant role due to an unsuccessful STP.

MANAGER CHECKLIST

**STATUTORY TRIAL PERIODS –
MANAGER GUIDANCE**
To be read in conjunction with
the attached checklist



Employee remains individually at risk until the end of the STP

The employee could be redeployed during this period

Statutory Trial Periods – Manager Guidance

To be read in conjunction with the attached checklist

Employee Confirmed Individually at Risk of Redundancy

12 Week Redundancy Notice Issued

- Offered redeployment before 12-week notice period
 - Agree date for release and start new job prior to notice – NO REQUIREMENT FOR STP

Offered redeployment during notice period

Is there a financial detriment in new job?

- Yes
 - Delay start of new job to end of notice period
- No
 - Agree a start date and commence new job

End of Notice Period

- Employment Terminated if the employee was not offered redeployment during the 12 week redundancy notice period.
- Redundancy Payment issued as appropriate.

New job starts at end of notice period with first 4 weeks STP

- 4 week STP starts at end of notice period
 - Manager sets learning objectives and reviews weekly

Successful STP?

Final Review - Manager meets with the employee to determine this.

- Yes
 - Confirmed in Post
 - No new contract issued by SSC as deemed accepted after successful 4-week STP
- No
 - If no other STP opportunity: Employment Terminated (Redundancy payment based on original figure) – HR to progress redundancy
 - If successful with a new redeployment opportunity during STP: Commence new 4-week STP → Contact HR in all cases
- Manager completes Priority Candidate Assessment Form

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