



Probation Policy

Owner	People and Facilities Unit (PFU)
Approving Delegate	Chief Executive officer
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1. Introduction

1.1. Overview

This policy provides guidance in relation to the administration of probation as provided in s44 of the [2022 APS Commissioner's Directions](#).

The purpose of this policy is to outline the structure and process of a probation period for APS employees. This includes the setting of objectives consistent with the Australian Institute of Health and Welfare's (AIHW) behavioural expectations, the establishment and review of performance expectations during the probationary period and making decisions on the final probation outcome.

Contractor staff are not engaged under the *Public Service Act* and are not subject to probation by the AIHW. To assess their suitability for the role, managers must set clear expectations via a Work Order or a Performance and Development Agreement (PDA), monitor performance, and provide regular feedback to support performance.

1.2. Policy statement

Probation provides the basis for the AIHW to assess a new staff member's attitude, skills, knowledge, and competence for the role, the agency, and APS.

The probation process focuses on performance and behaviour and enables a manager to:

- confirm that a new staff member is suited to their role, the AIHW, and the APS environment
- assess whether the overall work performance, conduct, and attendance of the staff member meets the requirements of the AIHW
- identify if the expected skills and knowledge acquisition is occurring at an appropriate rate, and where it is not, implement strategies to address this, and
- in the event where a staff member is considered unsuitable for the role, identify this early and, where necessary, recommend termination of their employment.

1.3. Scope

Probation applies to all new ongoing and non-ongoing Australian Public Service (APS) employees on commencement with the AIHW, regardless of whether they are employed on a full-time or part-time basis. The probation period is six months from the date of commencement.

In the event that an APS employee is promoted, transitions from non-ongoing to ongoing, or is reassigned duties within AIHW during their probation period, their probation will continue for the six-month period from their original commencement date.

In exceptional circumstances the probationary period may be extended by the manager in consultation with the Unit Head, People and Facilities Unit (PFU). Possible reasons for extension include lengthy absences preventing an assessment of performance, or allowing sufficient time for requested performance improvements or skills to be developed.

A probation period does not apply to ongoing APS employees who have transferred to the AIHW from another APS agency, unless the transfer or promotion occurs during their original probation period. If an APS employee transfers to the AIHW during their probation period, their probation will continue for the six-month period from their original commencement date with the APS.

New APS employees who have worked at the AIHW previously and who are not transferring from another APS agency, or who are transitioning from being an AIHW contractor to an APS employee, may apply to the delegate to have their probation period shortened or waived. For

contract staff who transition to APS employment, probation may only be waived if they are appointed to the same or a similar role (i.e., similar duties, expectations, classification).

2. Delegations

Delegations for making decisions about the assessment and outcome of the probationary period are detailed in the table below:

Delegate	Level of employee
Unit Head	Staff up to and including Executive Level 1
Group Head	Staff at the Executive Level 2
CEO	Staff in the Senior Executive Service

3. Responsibilities

3.1. All staff who are either on probation or supervising a staff member (the manager) on probation are expected to:

- a) have properly informed themselves in relation to this policy and the relevant legislations listed below
- b) ensure their behaviour and conduct aligns with the *AIHW’s Respect in the Workplace Policy* and the [APS Code of Conduct](#)
- c) actively participate in probation and performance conversations, and
- d) ensure any documentation and record-keeping requirements are met.

3.2. In addition to the above, managers have a responsibility to:

- a) advise the staff member on probation about the duties and responsibilities of the position on their commencement
- b) outline to the staff member the standards of work and conduct expected of them during the probationary period
- c) ensure the staff member is provided with the necessary advice, information, resources, and support they need to perform well in their new role
- d) monitor the behaviour and performance of the new staff member to measure their suitability for the AIHW
- e) provide consistent, regular, and constructive feedback on the person’s performance
- f) raise any concerns or areas for development with the person as they arise and implement strategies to help address these (such as training, workplans, or specific deliverables)
- g) provide formal feedback on the individual’s progress at the three- and five-month points
- h) where issues arise, communicate early with the Unit Head and PFU about the performance of the staff member, the strategies that are being implemented to improve performance, and whether it is expected employment will be recommended to continue after probation.

4. The probation process for APS employees

- 4.1. Throughout the probation period, the manager and staff member should have regular informal discussions about the individual's work, conduct, attendance and performance. During these discussions, both the manager and staff member are responsible for identifying any areas where improvement is required and strategies to address these to enable the individual to effectively perform their role.
- 4.2. In addition to regular informal discussions, there are two formal discussions which are documented and should be reflective of the informal discussions that have been occurring.
- 4.3. The first formal discussion must occur by the three-month point. The report should identify any development required or areas of concern and document strategies to support the staff member.
- 4.4. The final formal discussion will occur at five months where the manager will complete a formal probation report, which includes comments on the person's work, conduct, attendance, and work performance, and a recommendation to the delegate regarding the outcome of their probation.
- 4.5. PFU will manage the probation process and contact managers with staff who are due to complete a probation report.
- 4.6. Staff on probation are still required to participate in the performance cycle. This includes establishing a *Performance and Development Agreement (PDA)*. New staff and their managers must establish a PDA and participate in mid-cycle and end-of-cycle performance discussions. The expectations and standards the individual is assessed against during their probation period must align with those documented in their PDA. Refer to the *Managing for Performance Policy* for further information.

5. Conclusion of probation

- 5.1. Based on the recommendation at the five-month mark, the outcome of the probation will be confirmed by the delegate. If the staff member has satisfactorily met the requirements of their role, their employment will continue, and their performance and conduct will continue to be assessed as per the *Managing for Performance Policy*.
- 5.2. At the end of the probation period, where a staff member has not satisfactorily met the expectations and standards of their role:
 - a) the CEO or delegate may terminate their engagement, or
 - b) they may be reassigned to other duties (if other duties are available) within the AIHW.
- 5.3. In exceptional circumstances (e.g., where an APS employee has been absent for a significant portion of the probation period), the CEO or delegate, in consultation with the HR Manager or the Head of PFU, may extend the probation period to allow sufficient time to assess the employee's suitability.

6. Reasonable Adjustment

- 6.1. The [*Disability Discrimination Act 1992*](#) makes it unlawful to discriminate on the basis of a disability. Disability is defined in the Act to include a disability that "presently exists; or previously existed but no longer exists; or may exist in the future; or is imputed to a person."
- 6.2. When a person with a disability is engaged, the principle of reasonable adjustment must be applied in the probation period to enable the probationer to perform the "inherent requirements of the job". In effect, the application of the principle of reasonable adjustment requires employers to modify workplaces or processes to enable the person with the

disability to perform the job, unless such provision would impose 'unjustifiable hardship'. Reasonable adjustment could include:

- a) provision of work-related devices or special equipment, or modification of existing equipment
- b) structural modifications to the workplace
- c) rearranging the physical layout of the workplace
- d) providing essential information in a manner suitable for people with sight and hearing impairments and
- e) exchanging duties between a worker with a disability and other people in a team.

6.3. The person who has identified that they have a disability should be consulted on what adjustments or modifications may be required to enable them to perform the inherent requirements of the job as part of probation activities.

6.4. Should a probationer require any reasonable adjustment, PFU must be consulted by the manager or the staff member.

7. Confidentiality and record keeping

7.1. All staff and managers must understand their responsibilities to maintain confidential information and adhere to the requirements set out by the [Privacy Act 1988](#) and regulation 9.2 of the [Public Service Regulations 1999](#) (the Regulations) regarding the use and disclosure of personal information.

7.2. Any personal information collected during the probation process must be used for the primary purpose in which it was collected – that is, to assess an applicant's suitability for their role. Where a staff member's information will be used or disclosed for a purpose other than that for which it was collected, the AIHW will obtain the consent of the staff member or determine where a relevant exception applies as per the [Australian Privacy Principles](#).

8. Review of decisions

8.1. Equity, effectiveness, and accountability underpin induction and probation. For natural justice reasons, it is essential that managers provide new staff with guidance, feedback, counselling, and an opportunity to respond to comments on their performance.

8.2. All APS employees on probation are covered by the *AIHW Enterprise Agreement 2016 (EA)*. Any APS employee who feels they have been treated unfairly is entitled to request that the procedures for dispute prevention and settlement or review of employment actions, as outlined in Section 8 of the EA, be followed.

9. Legislative and further information

[Public Service Act 1999](#)

[Fair Work Act 2009](#)

[APS guidance on probation](#)

Recruitment & Selection Policy and Procedures

HR Delegations

For further information and guidance, contact the HR Managers or Unit Head for PFU at [Helpdesk – Recruitment](#).