



# Probation Policy

## Overview

This policy provides guidance in relation to the administration of probation as provided by s22 (6) of the *Public Service Act 1999*.

The purpose of this policy is to outline the structure and process of a probation period. 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.

While contractor staff are not engaged under the *Public Service Act*, managers must still set clear expectations, provide regular feedback and monitor staff performance. Contract staff engaged for more than six months will also undergo a probation process during the first six months of their engagement to assess their suitability for the role.

## 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 to be unsuitable for the role, identify this early and, where necessary, recommend termination of their employment.

## 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. For the purpose of consistency, the AIHW also applies a probation process to contract staff engaged for more than six months. 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.

### Final review

HR Managers or the Head of PFU have the ability to make decisions about the assessment and outcome of the probationary period.

Prior to submitting a probation report for final review, the report must be signed off as follows:

Probation report signoff	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

### Responsibilities

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

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

In addition to the above, managers also have a responsibility to:

- advise the staff member on probation about the duties and responsibilities of the position on their commencement
- outline to the staff member, the standards of work and conduct expected of them during the probationary period
- ensure the staff member is provided with the necessary advice, information, resources and support they need to perform well in their new roles
- monitor the behaviour and performance of the new staff member to measure their suitability for the AIHW
- provide consistent, regular and constructive feedback on the person's performance
- 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)
- provide formal feedback on the individual's progress at the three and five month points

- where issues arise, communicate early with the Unit Head and PFU about the performance of the staff member, the strategies that are currently being implemented to improve performance, and whether it is expected employment will be recommended to continue after probation.

## The probation process

Throughout the probation period the manager and staff member should be having 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.

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.

The first formal discussion will occur at the three-month point. The report should identify any development required or areas of concern and document strategies to support the staff member.

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 also a recommendation to the delegate regarding the outcome of their probation.

PFU will manage the probation process and contact managers with staff who are due to complete a probation report.

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 of which 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.

## Conclusion of probation

Based on the recommendation at the five-month period, the outcome of the probation will be confirmed. If the staff member has satisfactorily met the requirements of their role, their employment will continue and their performance and conduct will be continued to be assessed as per the Managing for Performance Policy.

At the end of the probation period, where a staff member has not satisfactorily met the expectations and standards of their role:

- The CEO or delegate may terminate their engagement; or
- They may be reassigned to other duties (if other duties are available) within the AIHW.

In relation to contract staff who have not met the expectations and standards of their role the Unit Head or Head of PFU must inform the recruitment agency prior to termination of their contract.

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.

## Reasonable Adjustment

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.”

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:

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

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.

Should a probationer require any reasonable adjustment, the HR Managers must be consulted by the manager and/or the staff member.

## Confidentiality and record keeping

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.

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](#).

## Review of decisions

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

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 and/or review of employment actions, as outlined in Section 8 of the EA, be followed.

## 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](#).

#### Version Control Table

Policy Owner	People and Facilities Unit
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