Procedure: Probation

Purpose
To outline the process for managing probation at ANU, in accordance with the ANU Enterprise Agreement.

Definitions
Probation refers to the period at the commencement of employment (or commencement of a new, substantially different role for fixed term staff) in which a staff member’s suitability to a position, the University, and to the particular workplace can be assessed.

Performance and Development Process (PDP) is the process which guides performance management practices within the University, assisting staff to meet their career goals and job expectations.

Performance and Development Review (PDR) is referred to as a Performance and Development Agreement in the Enterprise Agreement 2013 – 2016, is the pro-forma designed to record a staff member’s performance objectives/indicators; development needs; and actual performance over a defined period.

Performance Objectives outline the tasks and outcomes to be achieved by the staff member as a result of carrying out prescribed roles and responsibilities. These will include the manner in which work is undertaken to ensure consistency with the Code of Conduct and ANU values.

Performance Indicators describe the way in which a staff member and supervisor will define whether a performance objective has been achieved.

Review period occurs where a supervisor is concerned about the performance or conduct of a probationer, the supervisor may initiate a review period where the probationer’s performance, conduct and suitability will be closely monitored for a defined period of time.

Performance Improvement Plan is the pro-forma designed to record steps a staff member needs to take in order to improve their performance/conduct within a defined period of time. This pro-forma is introduced where a formal underperformance process has been initiated.
Principles

1. Probation is the initial period of employment when the suitability of a new staff member (other than a casual) is determined. It provides an opportunity for the supervisor to determine whether a new staff member meets the standards required for confirmation of appointment. The staff member’s employment offer will specify the period of the probation.

2. Probation entails setting and clarifying work performance objectives and indicators for staff. During a probation period the University will offer appropriate support, development opportunities and feedback to assist the probationer.

3. Confirmation of employment may be approved at any time during the probationary period. Employment will be deemed to be confirmed, and the probation period concluded, where a staff member is promoted or reclassified (professional staff) to a higher level during the probationary period.

Probation periods

4. A request to reduce, increase or extend the standard probationary period for a new staff member may be made to the Director – Human Resources.

5. A staff member changing from fixed term to continuing employment may be required to serve another probationary period.

6. The length of the probation period will be reasonable, having regard to the nature and circumstances of the offer of employment and will not exceed the following:

<table>
<thead>
<tr>
<th>Type of appointment</th>
<th>Probationary periods</th>
</tr>
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<tbody>
<tr>
<td>Academic staff (continuing)</td>
<td>Up to three (3) years initially, extendable to a maximum of four (4) years</td>
</tr>
<tr>
<td>Academic staff (fixed term)</td>
<td>Three (3) months for a contract up to twelve (12) months, six (6) to nine (9) months for others. No probation period required for second and subsequent employment for the same position. A new probation period applies for an appointment to a new position.</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
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<tr>
<td>--------------------------------------------</td>
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</tr>
<tr>
<td>Professional staff fixed term</td>
<td>Three (3) months for a contract up to twelve (12) months, six (6) months for others. No probation period required for second and subsequent employment for the same position. A new probation period applies for an appointment to a new position.</td>
</tr>
<tr>
<td>Continuing (contingent funded) employment</td>
<td>Where an academic staff member on their first employment contract with the University (excluding casual contracts) is appointed directly to a CCF appointment, the Academic staff (continuing) probation periods will apply. Where a professional staff member on their first employment contract with the University (excluding casual contracts), is appointed directly to a CCF appointment, the Professional staff (continuing) probation periods will apply. If on conversion to a continuing (contingent funded) employment contract, and the staff member’s fixed term appointment has been confirmed through a probation process, no further probation period is required.</td>
</tr>
<tr>
<td>Professional staff (continuing)</td>
<td>Up to six (6) months initially, extendable to a maximum of nine (9) months upon approval from the Director – HR.</td>
</tr>
<tr>
<td>Graduate Recruitment and Development Program</td>
<td>Twelve (12) month probation for the development program referred to in the Enterprise Agreement as a Graduate Recruitment and Development program</td>
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<tr>
<td>Student Internships</td>
<td>Three (3) months</td>
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</table>

**Probation procedures**

7. Supervisors will ensure that ANU probation procedures are complied with in developing probation objectives, including all required meetings. An initial probation meeting between a supervisor and probationer will normally occur within one month of the staff member commencing in the position.

8. During the initial probation meeting the supervisor will set the performance objectives and indicators (performance standards) to be achieved during the probation period. The performance standards may relate to:
a. The specific requirements of the position;

b. Expectations for conduct and suitability to the workplace;

c. Participation and completion of mandatory training requirements for all staff, including: Indigenous Cultural Awareness; Harassment, Bullying and Discrimination; Code of Conduct; and Comcare Work Health and Safety training.

9. Supervisors will ensure that they schedule regular meetings with a probationer, that appropriate documentation is provided and that there is the opportunity for feedback. As soon as is reasonably practicable following a probation meeting, the supervisor will provide the probationer with written confirmation of the outcomes of the meeting.

10. Where the supervisor assesses that the probationer's performance, conduct and suitability are satisfactory, the supervisor will either:

   a. advise the probationer that the probation period be continued until the next probation meeting within the initial probation period, provided that the next probation meeting is not less than 2 weeks prior to the end of the probation period; or

   b. recommend to the delegate that the probationary period is completed.

11. Where the supervisor of a probationer is concerned about the performance or conduct of the probationer the supervisor will meet with the probationer as soon as is reasonably practicable to discuss these concerns. Where the concerns are serious in nature, the supervisor may forgo this step and commence discussions as outlined in clause 12. For all other discussions, where relevant the supervisor will advise the probationer:

   a. that the performance standards have not been met and outline the deficiencies;

   b. that the probationer's performance, conduct and suitability will be closely monitored during a "review period" and outline the timeframe for the review period;

   c. of the expectations for improving in accordance with the performance standards; and

   d. that if the performance standards are not met the probationer's employment may be terminated (annulled).

12. Following the completion of the review period as outlined in clause 11(b), if there is little or no improvement in the conduct or performance of the staff
member or where there are serious concerns, the supervisor will work with the probationer on a Performance Improvement Plan and timeline to assist the probationer to achieve the performance standards within the remaining probationary period. In setting the performance standards consideration will be given to:

a. the appropriate standards for the work levels in the Minimum Standards for Academic Levels or Professional Staff Classification Descriptors, as provided for under the Enterprise Agreement; and

b. the expectations of a new employee to the University.

13. Following the completion of the Performance Improvement Plan as outlined in clause 12, the supervisor should assess whether the probationer's performance, conduct or suitability remains unsatisfactory based on a reasonable assessment of:

a. the probationer’s performance against the performance objectives and indicators; and

b. any extenuating circumstances that may have impacted on the probationer’s performance.

14. Where the probationer's performance is unsatisfactory following the review period (clause 11) and/or Performance Improvement Plan (clause 12 and 13), the supervisor must recommend to the delegate that either the employment be annulled or the probation period be extended. The Supervisor should communicate their recommendation to the probationer as soon as practicable to ensure that the probationer is given a reasonable opportunity to seek further advice and respond to the supervisor's recommendation.

15. Noting that a probationer will be given at least four (4) weeks’ notice for termination of employment, for reasons of annulment of probation (in accordance with the General Notice Periods provision of the Enterprise Agreement), a supervisor should make a recommendation in accordance with clause 14 (above) no later than six (6) weeks prior to the end of the probationer’s probation period.

16. Following consideration of the supervisor's recommendation and any response given by the probationer, the delegate (or College Head / Divisional Director where the supervisor is the delegate) may recommend to the Director – Human Resources that the employment be annulled.

17. Where the delegate supports the recommendation for the employment to be annulled, the documentation will be forwarded to the Director – Human Resources to determine whether the employment is to be terminated.
18. With consideration given to the supervisor’s recommendation, the Director – Human Resources will then decide to either:

- take no further action;
- confirm the appointment
- refer the matter back to the supervisor to ensure that all the steps above have been complied with in substance and in a manner appropriate to the circumstances;
- extend the probationary period in accordance up to the maximum period allowed (clause 6), in which case the Director – Human Resources shall arrange to provide to the staff member a statement as to the duration of the extended probation period and details of where their performance requires improvement; or
- annul the appointment.

Review of Decision

19. Where a probationer considers that the decision to annul their employment is unreasonable they may seek a review in accordance with the Review of Decisions provisions of the Enterprise Agreement.

20. The probationer’s employment will not terminate prior to the review committee reporting its findings. The staff member will be suspended without pay pending the outcome of any review committee consideration.

21. Where a review committee finds that the probationer’s employment be reinstated, and the probationer has been on suspension without pay, the University will pay the probationer an amount equivalent to the remuneration lost as a result of the suspension.