

### Overview

The *Australian Workplace Relations Act 1996* provides that probation periods must be reasonable and commensurate with the duties of the position. Consistent with this, a staff member who fails to satisfactorily complete the probation period is excluded from being able to access the unfair dismissal provisions of the Act.

For the purposes of this policy and for the purposes of Section 639 of the *Workplace Relations Act 1996* (as amended), a reasonable Mandatory Probationary Period for a continuing Academic Staff appointment (both full-time and fractional) will be for twelve (12) months.

The confirmation provisions apply to all academic staff appointed to a continuing position.

### Policy

**10.04.1** All staff who are appointed to continuing and fixed term academic positions for more than 12 months will be placed on probation, subject to these provisions.

**10.04.2** There are two stages in the academic probation process:

- (i) a *mandatory probation period* for all academic positions (relevant for Section 639 of the *Workplace Relations Act 1996* (as amended)); followed by
- (ii) a further *confirmation period*, for those staff in continuing positions.

**10.04.03** Staff on probation will not be required to take part in the University's *Performance Management System - Academic Staff*.

### ***Mandatory Probation Period***

**10.04.4** Academic staff are required, during their initial appointment, to complete a twelve (12) month *mandatory probation period*.

**10.04.5** In exceptional circumstances the mandatory probation period may be waived:

for appointments at levels A to D, by the Pro Vice-Chancellor (Teaching and Learning) following consideration of the report of the Selection Committee; and

for appointments at level E, by the Vice-Chancellor as Chair of the Selection Committee.

### ***Confirmation Period***

**10.04.6** Immediately following the *mandatory probation period*, continuing staff will be required to complete a *confirmation period*, which can

be up to a maximum of four (4) years.

- 10.04.7** The *confirmation period* may also be reduced or waived by the Pro Vice-Chancellor (Teaching and Learning).
- 10.04.8** Staff on a second or subsequent fixed term appointment to the same or similar position will not be required to serve a further period of probation.
- 10.04.9** Staff who are promoted during the *confirmation period* will have their continuing appointment automatically confirmed.

### Probation Criteria

- 10.04.10** Staff in their *mandatory probation period* will be assessed on whether or not they have demonstrated their general suitability for the position they are being employed to undertake. This may also include reference to the criteria outlined in **10.04.11**.

- 10.04.11** During the *confirmation period*, staff members will be assessed on their total contribution to the functioning of the School, Faculty and University, and will be reviewed in terms of their competency at the relevant classification level relating to

Teaching and curriculum development (only where relevant; this criterion will not apply to most research-only staff)

Research, scholarship, professional activity and creative achievement

University and community service (where appropriate)

- 10.04.12** In addition, specific conditions relating to the individual staff member, may be included, as long as they can be reasonably and effectively achieved within the limits of the *confirmation period* and in full recognition of the likely workload the staff member will be expected to undertake within the School or Centre (see Section **10.04B** for details of acceptable standards).

- 10.04.13** Any subsequent variation to a staff member's probation requirements will be mutually agreed between the Head of School/Director and the staff member, and be:

recorded as part of the staff member's annual review; and

included as part of the eventual application for permanency.

- 10.04.14** Variations may be required when there is a change in the nature of the job and may include new or additional conditions only where mutually agreed between the staff member and the Head of School/Director.

### Who Makes the Decisions?

- 10.04.15** The Dean will make the final decision, following the recommendation of the Supervisor and/or Head of School/Director.
- 10.04.16** The Pro Vice-Chancellor (Teaching and Learning) will approve any recommendations for waiving of either the *mandatory probation period* or the *confirmation period*.
- 10.04.17** Once the staff member enters the *confirmation period*, their Supervisor will perform the annual assessments. These will only need to go to the Dean if a recommendation is being made to either confirm permanency, or for termination. Otherwise the confirmation period will continue.

### Procedures

- 10.04.18** The Selection Committee, at the time of initial appointment, will determine any probationary requirements for the new appointee, taking into account the following:
- Academic Position Classification Standards;
  - Disciplinary norms relating to teaching, research, administration and qualification levels;
  - Any other specific conditions that can be reasonably and effectively achieved.
- 10.04.19** Setting specific conditions for probation must be cause for serious consideration and debate by the Selection Committee as to feasibility and workload impositions (see Section **10.04B**).
- 10.04.20** These requirements are to be outlined in the Selection Committee's report, for inclusion in the staff member's letter of offer.
- 10.04.21** The offer of employment must include the probationary policy, and specify the position of the Supervisor, details of the probation and the requirements for successful completion of each step in the probation process.
- 10.04.22** If the Selection Committee recommends that the mandatory probation period be waived, the recommendation including justification must be approved by the Pro Vice-Chancellor (Teaching and Learning)

### Mandatory Probation

- 10.04.23** As soon as practicable after the commencement of duty (normally within two weeks) the Supervisor will organise a meeting with the staff member to clarify:

the appointee's responsibilities;

the mandatory probation requirements as detailed in the letter of offer; and

the resources, staff development and support available.

**10.04.24** The Supervisor will keep a written record of the meeting, which is to be sighted and signed by the staff member. The staff member is to be given a copy.

**10.04.25** Throughout the mandatory probation period the Supervisor will formally provide the staff member with regular constructive feedback on any issue relating to the staff member's performance.

**10.04.26** If any problems become apparent, these should be discussed immediately, and a written plan for resolution (including a proposed timeline) developed between the Supervisor and staff member. The timeline should take into account the formulation of a final mandatory probation report.

**10.04.27** At least six weeks before the end of the mandatory probation *period*, the Supervisor will meet with the staff member (and any support person the staff member wishes to attend) to discuss the staff member's performance and probation review and to give the staff member an opportunity to comment on any concerns.

**10.04.28** A final report (Form **10.04a**) will then be prepared by the Supervisor in consultation with appropriate School/Faculty staff which will make one of four recommendations:

(i) that the mandatory probation period has been satisfactorily completed and the confirmation period should be waived;  
or

(ii) that the mandatory probation period has been satisfactorily completed and the staff member should proceed on to the confirmation period; or

(iii) that the appointment be terminated.

**10.04.29** The Supervisor must fully discuss the Report with the staff member who will sign the document to confirm that the discussion has occurred. If the staff member does not wish to sign, the Supervisor should note this on the Report. A copy of the Report is to be given to the staff member no later than five (5) weeks before the end of the *mandatory probation period*.

**10.04.30** The staff member may provide a written response to any aspect of the Report within five (5) working days of being given the copy.

**10.04.31** The Report, along with any supporting documentation and any written response from the staff member, will then be forwarded to

the Head of School (if not the Supervisor) who will make a recommendation to the Dean/Director.

**10.04.32** The Dean/Director will review the documentation, and either approve

the staff member moving to the *confirmation period* or

that the appointment be terminated; or

support the Head of School's/Supervisor's recommendation that the *mandatory probation period* has been satisfactorily completed and the *confirmation period* should be waived.

**10.04.33** Where a recommendation is made to waive the confirmation period, it must be sent to the Pro Vice-Chancellor (Teaching and Learning), who will make the final decision.

**10.04.34** The entire process must be concluded and a final decision made no later than ten working days before the end of the mandatory probation period.

**10.04.35** Following a decision by either the Dean/Director or Pro Vice-Chancellor (Teaching and Learning), the Mandatory Probation *Review Report* (Form **10.04a**) will be sent to Human Resource Services, who will be responsible for:

advising the staff member in writing of their probationary status; and

updating the staff member's employment status on the Human Resource Management Information System;

taking any further action with regard to employment issues; and

filing all documentation on the staff member's personal file.

**10.04.36** Where the decision is made to extend the *mandatory probation period*, the mandatory probation steps outlined above are repeated.

### **Early Termination within the Mandatory Probation Period**

**10.04.37** If, prior to the timeframe outlined above, the Supervisor considers that there are significant problems with the staff member's performance during the mandatory probation period which warrant termination of employment, the Supervisor must raise the concerns with the staff member and discuss them.

**10.04.38** If the Head of School still has significant concerns they may recommend to the Dean/Director that termination of appointment is warranted before completion of the full mandatory probation period.

- 10.04.39** At the time the Dean/Director is sent this recommendation (form **10.04a**), a copy will also be provided to the staff member, along with any other material being considered regarding the recommendation. The staff member will be given five (5) working days to respond in writing, before a decision is made.
- 10.04.40** The Dean/Director will review any recommendation for termination of employment and the staff member's response, and make a determination on whether
- termination is warranted; or
  - further remedial action needs to be taken.
- 10.04.41** If termination of appointment has been approved, notice in accordance with Section 661 of the Workplace Relations Act 1996 will be given or payment will be made in lieu thereof.
- 10.04.42** The Mandatory Probation Review Report (Form 10.04a), will be sent to Human Resource Services, which will then be responsible for carrying out the administrative processes as outlined in **10.04.35** above.
- 10.04.43** If the staff member successfully appeals the termination, they will be placed back on the payroll, backdated to maintain continuity of employment.

### Confirmation Period

- 10.04.44** Unless otherwise waived by the Pro Vice-Chancellor (Teaching and Learning), the confirmation period will commence following the successful completion of the mandatory probation period.
- 10.04.45** As soon as practicable after the commencement of the confirmation period (normally within two weeks) the Supervisor will organise a meeting with the staff member to clarify:
- the staff member's responsibilities;
  - the probation requirements relating to the *confirmation period*;
  - and
  - the resources and support available.
- The Supervisor will keep a written record of the meeting, which is to be sighted and signed by the staff member.
- 10.04.46** Throughout the period the Supervisor will provide the staff member with regular feedback on any issue relating to the staff member's performance. If any problems become apparent, these should be discussed immediately, and a written plan for resolution (including

a proposed timeline and staff development initiatives) agreed between the Supervisor and staff member.

**10.04.47** Annual reviews of the staff member's progress will be carried out by the Supervisor as set out below.

**10.04.48** At the end of each 12 months during the confirmation period the Supervisor will consult with appropriate School/Faculty staff members on the performance and contribution made by the staff member, and then prepare an *Annual Probation Report* (form **10.04b**) for discussion at a meeting with the staff member.

**10.04.49** The staff member must be given an opportunity to respond to any adverse material in the report or that the University intends to take into account in relation to a continuation of the confirmation period or termination of appointment.

**10.04.50** Each Report (form 10.04b) will recommend one of the following:

continuation of the *confirmation period*; or

termination of employment; or

that the staff member has satisfied all probationary requirements and should be confirmed as a permanent staff member.

### **Continuation of the confirmation period**

**10.04.51** Continuation of the *confirmation period* should be recommended in the case where:

all aspects of the Report are positive, but the Supervisor considers that staff member's performance does not yet fully comply with all the conditions for confirmation; or

the Supervisor considers that there are unsatisfactory aspects of performance that may impact on a decision to confirm the appointment.

**10.04.52** The Report will then be placed on file within the School for reference at the next review and for final decision making.

**10.04.53** A copy of the Report should be sent to Human Resource Services to ensure that the process has been followed.

### **Termination of the appointment**

**10.04.54** Termination of appointment during the *confirmation period* should be recommended in the case where the staff member's performance:

remains unsatisfactory (despite attempts at resolution and

development); or

indicates an inability to comply with appropriate and reasonable probation requirements.

**10.04.55** The Dean/Director will review any recommendation for termination of employment, and make a determination on whether:

termination is warranted; or

further remedial action needs to be taken.

### **Application for Permanency**

**10.04.56** Where a staff member has not been confirmed at their three year annual review, they will then have two months to make a case, including any documentation they feel is relevant, in support of their claim for permanency.

**10.04.57** Such a case must be made, in writing to the Dean, ten months prior to the end of their confirmation period.

**10.04.58** The staff member will need to provide

A completed Form **10.04c** *Application for Permanency*;

a copy of the letter of offer outlining the probationary conditions;

a copy of any documentation varying those conditions; and

copies of all *Annual Probation Review Forms*;

any additional documentation in support of their application.

**10.04.59** The full application will then be commented on by the Supervisor (and Head of School if not the Supervisor) who will then recommend accordingly to the Dean in Part B of the Application Form.

**10.04.60** The comments and recommendation of the Supervisor/Head of School is then copied to the staff member, who has five (5) days to supply a written response to the Dean, if desired.

**10.04.61** The Dean will send the Form, complete with the final decision, and the reasons for that decision to Human Resource Services for action.

### **Personnel Process**

**10.04.62** Human Resource Services will be responsible for:

advising the staff members in writing of the outcome of their

application; and

updating the staff member's employment status on the Human Resource Management Information System;

taking any further action with regard to employment issues; and

filing all documentation on the staff member's personal file.

## Further Information

Manager, Employee Relations ext. 3496

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