

Name of Policy	Probation for Professional Staff Policy
Description of Policy	This policy sets out the provisions for probation for Professional Staff at ACU.
Policy applies to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organisational unit etc.</i>) <hr/> <input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
Policy Status	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy

Approval Authority	Vice-Chancellor and President
Governing Authority	Chief Operating Officer
Responsible Officer	Director, Human resources

Approval Date	17 December 2012
Effective Date	17 December 2012
Date of Last Revision	16 April 2019
Effective Date of Last Revision	16 April 2019
Date of Policy Review*	16 April 2022

* Unless otherwise indicated, this policy will still apply beyond the review date.

Related Policies, Procedures, Guidelines and Local Protocols	ACU Staff Enterprise Agreement 2017 - 2021 Professional Development for Professional Staff Policy Recruitment and Selection Policy Capability Development Framework
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Attachment 1: Regulation 1.07 of the Fair Work Act Regulations 2009

1. Background Information

This policy has been developed to explain the provisions for probation for Professional Staff at Australian Catholic University.

The period of probation is the final stage of the Recruitment and Selection process. A probationary period is designed to establish whether there is an appropriate match between the person, the job, and the work environment. Successful probation requires the nominated supervisor to be satisfied that the staff member is able to apply, to the satisfaction of the University, the skills, competencies, experience and attributes on which the appointment decision was made.

The probation process is also the first step in the introduction to the annual Performance Review and Planning process for the new staff member.

2. Policy Statement

Prior to confirming an appointment, a Professional Staff member, other than a casual staff member, may be required to complete a specified reasonable period of probationary employment that is directly related to the nature of the work to be carried out.

A Professional Staff member cannot normally be required to serve more than one period of probation with the University; and will never be required to serve more than a maximum of six months' probation.

3. Policy Purpose

The purpose of this policy is to clarify the process and procedures that relate to Professional Staff probation.

4. Application of Policy

- 4.1 This policy applies to all continuing and fixed term Professional Staff of the University whose employment is covered by the provisions of the Australian Catholic University Staff Enterprise Agreement 2017 - 2021 (the Agreement), and who are required to serve a probationary period.

Probationary periods do not apply where a fixed-term contract is renewed immediately after the expiry of an initial or earlier fixed-term contract in the same position or role, or where a staff member is transferred, seconded or enters into a pre-retirement contract.

4.2 Length of the Probationary Period

The probationary period will normally be six months for continuing appointments. For fixed-term appointments, the probationary period will normally be six months if the length of the contract is six months or more. If the length of the fixed term

contract is less than six months, the probationary period will be equivalent to the length of the contract.

4.3 Advice of Probationary Period and Probationary Criteria

The probation criteria are determined by the Selection Committee and are detailed in the approval of the offer. . The probationary period and probation criteria will be advised in writing to the staff member in advance of the commencement of her/his employment. The probationary criteria must be:

- specified as realistic, definable, measurable goals,
- closely aligned to the position description*,
- consistent with the classification description for the level (refer to the Agreement),
- consistent with the core competencies of the Capability Development Framework as identified in the position description;
- achievable in the time frame of the probationary period; and,
- designed to assess whether the staff member has the capacity to work productively in the University.

* It is important for the probationary criteria to be closely aligned to the position description, which forms the basis for the selection process and underpins the expectations of the role. Similarly, the position description forms the basis for the development of performance goals for the annual Performance Review and Planning process.

4.4 Probation and Induction

Induction during the first six months is an important factor in the successful introduction of a new staff member to the University environment and to the development of her/his career in the University. The role of the nominated supervisor is critical in the induction of the new staff member.

Where possible during the first week of duty, the supervisor shall meet with the new staff member to discuss the position description, duties and responsibilities and the standard of performance and results expected in order for the staff member to meet the probationary criteria in a timely manner during the probationary period.

The nominated supervisor monitors the progress of the staff member and provides advice regarding her/his progress. This includes the nature of any improvements which may be necessary in order for the staff member to meet the probationary criteria, and strategies for achieving the required improvements.

Throughout the probationary period, the supervisor assists as appropriate, by counselling and/or coaching the staff member and by providing access to suitable training.

4.5 Probation Review Criteria

The key criteria for confirming a Professional Staff member's employment will be successful performance against all probationary criteria.

It is expected that the probationary staff member will be able to demonstrate satisfactory performance in relation to the probationary criteria specified in the letter of offer; the requirements of the position description, as well as meeting the following general requirements:

- demonstrated behaviour that is consistent with the Staff Code of Conduct, and/or where relevant, leadership competencies,
- demonstrated capacity and willingness to undertake all the duties and responsibilities of the position,
- demonstrated willingness to respond to changes in workplace requirements within the scope of the position description; and,
- demonstrated capacity to achieve work outcomes as required within the scope of the position description, and
- evidence of demonstrated core competencies in the achievement of tasks and objectives identified in the position description.

4.6 Probationary Review Meetings

During the probationary period, the nominated supervisor will hold probationary meetings with the staff member. At these meetings, direct and constructive feedback is to be provided to the staff member on her/his progress toward meeting the probationary criteria and identified core competencies. Any improvements and/or training that are necessary in order for the staff member to meet the probationary criteria and core competency requirements of the position shall be identified. As appropriate, the nominated supervisor will prepare a written report of the meeting/s which contains clear feedback and recommendations. This report is normally to be countersigned by both the probationer and the nominated supervisor.

A Professional Staff member normally has their performance reviewed at the midpoint of their probationary period and again prior to the anticipated date of confirmation.

4.7 Confirming Appointment

A decision to confirm the appointment may be made at any time during the probationary period. Prior to making a decision about the confirmation of a staff member's appointment, the delegated officer will take into consideration all relevant information available regarding the staff member's performance.

4.8 Final Probation Review Meeting

If not confirmed beforehand, a confirmation review meeting will occur between the nominated supervisor and the staff member, normally at least two months before the end of the probationary period. The purpose of this meeting is to discuss whether the staff member has met the probationary criteria.

4.9 Possible Outcomes of the Probation Review

Following the confirmation review meeting, the nominated supervisor recommends one of the following options:

- **Confirmation** - If the staff member has satisfactorily met the probationary criteria, or,
- **Termination** - If the staff member has failed to meet the probationary criteria and/or their performance is unsatisfactory. The nominated supervisor may recommend that the appointment cease before or at the end of the specified probation period. The recommendation will include any adverse material about the staff member's performance which has been taken into account in making the recommendation for termination. The staff member will be provided with a copy of the supervisor's recommendation and will be given reasonable opportunity to provide a response in writing.

For the purposes of this policy, unsatisfactory performance includes behaviour of a kind described in Regulation 1.07 of the Fair Work Act Regulations (refer to Attachment 1).

Where confirmation of the appointment is recommended, the nominated supervisor will make a written recommendation regarding the confirmation or termination of the staff member's appointment and forward it to the delegated officer for consideration and decision.

Where the delegated officer has approved the recommendation for confirmation of appointment a copy of the approval is provided to the staff member by the nominated supervisor and a copy forwarded to Human Resources for updating of the employee record and placement on the staff member's personal file.

In cases where termination is recommended, the Director, Human Resources (or nominee) will review the recommendation and the staff member's response, if any, and refer it to the Vice-Chancellor and President for decision. The Vice-Chancellor and President may approve the dismissal on performance grounds of a probationary Professional Staff member with notice, provided that:

- The staff member has served a reasonable probationary period, having regard to the nature and circumstances of the employment; and,
- The dismissal complies with the University's probation review policy and procedures; and,
- Notice of dismissal is given in writing.

In circumstances where a recommendation is made for non-confirmation and the separation of the staff member, the relevant provisions of the Australian Catholic University Staff Enterprise Agreement 2017 - 2021 will be followed.

Human Resources will advise the probationary staff member of the outcome of their probationary review.

NB: A staff member's probation will be automatically confirmed by the University following the end date of the probationary period, if action and advice to the contrary is not received by Human Resources prior to the probation end date.

5. Approvals

A recommendation for confirmation of appointment must be submitted to the delegated officer. A recommendation for termination must be submitted to the Vice-Chancellor and President through Human Resources. Information on delegated officers is available in the Delegations of Authority Policy and Register.

6. Revisions made to this Policy

Date	Major, Minor or Editorial	Description
19 December 2016	Minor	Revision of references to Leadership Competencies and inclusion of references to Capability Development Framework
16 April 2019	Editorial	Updated to include title change to Australian Catholic University Staff Enterprise Agreement 2017 – 2021.

The University may make changes to this policy from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to Human Resources.

7. Further Assistance

Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#).

Attachment 1: Regulation 1.07 of the Fair Work Act Regulations 2009

1.07 Meaning of serious misconduct

- (1) For the definition of **serious misconduct** in section 12 of the Act, serious misconduct has its ordinary meaning.
- (2) For subregulation (1), conduct that is serious misconduct includes both of the following:
 - (a) wilful or deliberate behaviour by an employee that is inconsistent with the continuation of the contract of employment;
 - (b) conduct that causes serious and imminent risk to:
 - (i) the health or safety of a person; or
 - (ii) the reputation, viability or profitability of the employer's business.
- (3) For subregulation (1), conduct that is serious misconduct includes each of the following:
 - (a) the employee, in the course of the employee's employment, engaging in:
 - (i) theft; or
 - (ii) fraud; or
 - (iii) assault;
 - (b) the employee being intoxicated at work;
 - (c) the employee refusing to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.
- (4) Subregulation (3) does not apply if the employee is able to show that, in the circumstances, the conduct engaged in by the employee was not conduct that made employment in the period of notice unreasonable.
- (5) For paragraph (3)(b), an employee is taken to be intoxicated if the employee's faculties are, by reason of the employee being under the influence of intoxicating liquor or a drug (except a drug administered by, or taken in accordance with the directions of, a person lawfully authorised to administer the drug), so impaired that the employee is unfit to be entrusted with the employee's duties or with any duty that the employee may be called upon to perform.