Probation Policy

Compliance with this policy and related guidelines is mandatory

Distribution: All MDBA employees

Reference: D21/9601

Summary: This policy sets out the probation process for new APS employees.

Document governance

Version number	Date of issue	Responsible Area	Description of change	Review by date
1	March 2018	People and Culture	Original	2020
2	April 2021	People and Culture	Review	April 2024

Review Cycle

A review of the framework is undertaken biennially or following any significant changes to the MDBA's broader environment.

Approval

Version number	Name	Position	Signature	Date
2	Annette Blyton	Chief Operating Officer		April 2021

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 engagement@mdba.gov.au

Introduction

1. This policy sets out the probation process for all new employees of the Australian Public Service (APS) which is appropriate, consistent, transparent, fair and unbiased. The MDBA will ensure that probationers are:

    - managed and assessed on an ongoing basis against clear objectives based on their duties and any additional requirements
    - advised of the expected performance and conduct, including the requirements of the APS Values, APS Code of Conduct, APS Employment Principles and MDBA CREATE Values
    - notified of any issues with performance or conduct as soon as they are identified
    - given a reasonable opportunity to correct any identified issues in their work performance or conduct, and to state their case before any decision is made about their continued employment.

This Policy Covers:

Policy 3
Roles and responsibilities 4
Managers 4
Employees 4
People and Culture 5
Probation reports 5
Managing performance or conduct 6
End of the probationary period 7
Successful completion of probation 7
Termination of engagement during the probation period 7
Probation and salary increment advancement 8
Attachment - Forms 8
Legislation and further information 9

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

Attachment A 10
Probation Plan 10
Plan 10
Attachment B 12
Mid-Term Report 12
Attachment C 15
Final Report 15

Policy

2. Probation is the initial period that provides an opportunity to assess a person's suitability for employment with the MDBA and the APS.

3. For the employee probation will:
    - set clear expectations of performance and behavior, and provide constructive feedback on how these are being met or how they can be improved
    - allow them to learn about the job and the work environment and make a decision on whether the MDBA and the APS is where they would like to work.

4. Probation is a condition of engagement for all new ongoing APS employees and new non-ongoing APS employees engaged for more than six (6) months.

> *The probation period on engagement is six months except for Graduates, Cadets and Trainees where probation is for the period of their respective training programs. However, the Chief Executive may waive the probation period or set a shorter or longer period, having regard to the nature and circumstances of employment.*
> *MDBA Enterprise Agreement 2017-2020 (the EA), cl. 13.1*

5. Employees on probation are entitled to the same terms and conditions of employment as other ongoing or non-ongoing employees, except for the:
    - redeployment and redundancy provisions of the EA
    - MDBA's performance management arrangements do not apply during the probationary period.
6. A prospective APS employee must be advised in their Letter of Offer that their continued employment is subject to the satisfactory completion of the probationary period and the duration of their probation.

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

7. An employee whose performance, conduct or attendance is considered unsatisfactory during the probationary period may have their employment terminated.

Roles and responsibilities

Managers

8. On the probationer's commencement, managers must:
    - outline the duties and responsibilities of the position, aligned with the Program objectives and deliverables
    - clearly explain the standards of work and conduct expected during the probationary period
    - outline their obligations to uphold the APS Values and comply with the APS Code of Conduct throughout their APS career, and the possible consequences of not meeting those expectations
    - outline the MDBA CREATE Values and relevant training on LearnHub, including modules that must be completed before the probationary employment may be confirmed
    - put in place a probation plan outlining the agreed duties and standards of performance
    - provide the necessary advice, information, resources and support needed to perform satisfactorily in their role
    - provide regular constructive feedback, and regular opportunities to discuss their performance against the duties of the role, any learning and or development/ training needs, and any problems and/or concerns
    - ensure the probationer is aware that failure to satisfy **all** conditions of employment as stated in their Letter of Offer, could result in the termination of their employment.

Employees

9. Employees must ensure that they:
    - seek regular feedback from their manager
    - complete all induction activities, including any identified training and learning
    - inform themselves of their obligations under the *Public Service Act 1999*, and associated APS Values, APS Code of Conduct and APS Employment Principles

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

- familiarize themselves with the MDBA CREATE Values
- actively participate in the formal probation review process.

People and Culture

10. The People and Culture team has administrative responsibility for:
    - providing supervisors with advice and support at key milestones during the probationary period, including reminders of due dates for completion of probation reports
    - providing advice and support to all staff on the processes, particularly where a probationer's performance or conduct does not meet expectations
    - notifying the probationer in writing of the outcome of probation
    - ensuring this policy is relevant and consistent with management practices.

Probation reports

11. A probation plan (Attachment A) setting out the agreed duties of the work and the standards of performance, conduct and attendance expected of the probationer should be established no later than one (1) month after commencement. The probation plan must be reviewed if the duties or responsibilities change during the probation period (for example the probationer is assigned to different projects).

12. A new probation plan must be established if the probationer is promoted or moves at level to another position. Where an employee on probation changes role and/or moves to a new program the current probation plan must be completed (with feedback to the employee) before the new plan is commenced.

13. The overall probationary period remains at six months or as directed by the Chief Executive.

14. A mid-term probation report (Attachment B) must be completed half-way through the probation period to assess the employee's work performance, conduct and attendance against the probation plan. Where the probationer is or has worked across different projects the manager must discuss the probationer's performance with the relevant Project lead/manager.

15. The final probation report (Attachment C) must be completed and provided to People and Culture four (4) weeks prior to the end of the probation period. The final probation report must provide reasons for a manager's recommendation that the:

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

- probation requirements have been satisfactorily completed, or
- the employment should be terminated as a result of the unsuccessful completion of the probation requirements.

16. Managers should not rely on only completing the plan at designated timeframes but take the opportunity to provide ongoing point-in-time feedback through conversations and/or in writing.

Managing performance or conduct

17. When a probationer is not performing their work responsibilities to a satisfactory standard or their conduct or attendance is unsatisfactory, managers must discuss the unsatisfactory behaviour with the probationer as soon as it becomes apparent. This discussion should be documented in the probation report and specify:
    - what aspects of the probationer's conduct and/or performance does not meet the required standards, and
    - what improvements are required for the employee to meet the required standards.

18. The probationer must be allowed reasonable time to understand and address an issue that has been raised.

19. Any circumstances beyond the control of the probationer, such as extended leave for personal reasons, must be taken into account. Where a probationer has a disclosed disability, reasonable adjustments must be applied during the probation period to allow the probationer to perform the inherent requirements of the position satisfactorily.

20. If performance or standards of the probationer do not improve within a reasonable time of first raising an issue, the probationer should be advised, in writing, that their continued unsatisfactory performance or conduct may lead to the termination of their employment.

21. If it is suspected that a probationer has breached the APS Code of Conduct, this must be discussed with the Director People and Culture immediately and, where necessary, the alleged misconduct should be investigated in accordance with the MDBA's misconduct procedures.

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

22. If it is established after investigation that the probationer is found to have committed a serious breach of the Code of Conduct, their employment can be terminated immediately without waiting for the probation period to end.

End of the probationary period

Successful completion of probation

23. All objectives agreed in the probation plan must be met for successful completion of the probation period. Failure to meet other conditions of engagement to which the employee may be subject, including as set out in the Letter of Offer, could still lead to their employment being terminated.

24. A Performance Management Plan must be established within one (1) month after the end of the probation period and will form part of the employee's first annual performance management cycle.

Termination of engagement during the probation period

25. Where the probationer is assessed by the manager as not meeting the performance and/or conduct requirements of the role, employment may be terminated under section 29(3)(f) of the *Public Service Act 1999* (PS Act) on the grounds they have failed to meet a condition of engagement. In such cases, notification of the failure to meet requirements must be in writing and be provided to the probationer before to the expiration of the probation period.

26. Termination of employment of a probationer may be appropriate where they have been unable to:
    - fully perform all their assigned work responsibilities
    - perform their work to a satisfactory standard
    - maintain an appropriate standard of conduct or attendance.

27. Termination of engagement under these provisions can only occur before the probation period expires.

28. Where the final probation report recommends the probationer's employment be terminated, the probationer must be:

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

- notified in writing of the intention to terminate their employment, the grounds that are relied on for the termination decision and the intended date of the termination
- provided with copies of all relevant documents relating to the assessment of their performance
- be given sufficient time (usually 7 working days) to respond to the proposed termination before a decision is made.

29. The decision must be, and be seen to be, free from bias and the process must be fully documented.

30. There is no remedy under the *Fair Work Act 2009* (FW Act) in relation to a decision to terminate the engagement of an employee on probation with less than six (6) months service for unfair dismissal. Probationers may have access to the Federal Court by applying for a review of the decision under the *Administrative Decisions (Judicial Review) Act 1977* (AD [JR] Act).

31. Where a probationer's employment is terminated during the probation period the probationer may seek remedy under the general protection provisions of the FW Act. For example, termination of probationary employment may still be subject to the adverse action provisions of the *FW Act*, where an employer takes adverse (discriminatory) actions, including actions based on physical or mental disability. In some circumstances an act may not be discriminatory where it is based on the inherent requirements of the position (see para 19).

Probation and salary increment advancement

32. While the probationer does not formally participate in the MDBA performance management process the six-month probation period is recognised as service towards increment advancement eligibility under the Performance Management and Development Scheme (PDMS).

Attachment - Forms

A. Probation Plan
B. Mid-term Probation Report
C. Final Probation Report

Probation Plan and Report is a PDF editable form available for downloading.

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

Legislation and further information

Public Service Act 1999

Australian Public Service Commission - Probation

APS Values

APS Code of Conduct

APS Employment Principles

APS Work Level Standards

Administrative Decisions (Judicial Review) Act 1977

Fair Work Act 2009

Fair Work Commission

MDBA Enterprise Agreement

MDBA CREATE Values

MDBA Recruitment and Selection Policy

For further information contact People and Culture

[End Document]

Copyright notice.
© Commonwealth of Australia (Murray–Darling Basin Authority)
This material is copyright © Commonwealth of Australia (Murray–Darling Basin Authority), except where otherwise indicated. Apart from any use as permitted under the *Copyright Act 1968*, all other rights are reserved.

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

Attachment A

Probation Plan

Details of employee

Full name	
AGS number	
Position	
Classification	
Location	
Portfolio/Program	
Supervisor	
Probation start date	
Probation end date	

Plan

Purpose: The purpose of the plan is for the Supervisor to introduce the employee to the MDBA and to their work as well as set clear expectations.

Process: The plan meeting is critical and should take place in the first week(s) of the employees' employment.

Values and Conduct: The *Public Service Act 1999* (Cth) articulates the Values and Conduct which the Parliament and the Australian community expects of its public servants and that are part of an ethical and professional Public Service. The probationer's employment is subject to and will be assessed against the following core values and behaviours: APS Values, APS Code of Conduct, APS Employment Principles and MDBA CREATE Values.

Date of probation discussion	

Agreed probation period objectives

What specific responsibilities does the position have?	What are the expected/agreed activities to perform these responsibilities?	Due date
1.		
2.		

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

3.		

Further Comments

In accordance with the Probation Policy, the agreed objectives have been discussed and agreed to between the employee and supervisor for the duration of the probation period

Employee full name	
Employee signature	
Date	
Supervisor full name	
Supervisor signature	
Date	

Please return to PeopleAndCulture@mdba.gov.au.

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

Attachment B

Mid-Term Report

Purpose: The purpose of the mid-term report is for the Supervisor to describe in detail whether the employee is meeting or not meeting the expectations outline in the plan as well as expectations relating to performance, behaviour and conduct. If the employee is not meeting expectations describe in detail what the employee can do to improve. Complete the following against each of the aspects of performance, behaviour and conduct, in line with the APS Values, APS Code of Conduct, Employment Principles, MDBA CREATE values and position responsibilities.

Process: The mid-term report meeting is critical and should take place within the first three months of the employees' employment.

Date of probation discussion

Performance against specific responsibilities listed in the plan (above)

What specific responsibilities does the position have?	Comments	Assessment of expectations
1.		□ Meeting □ Partially meeting □ Not meeting
2.		□ Meeting □ Partially meeting □ Not meeting
3.		□ Meeting □ Partially meeting □ Not meeting

Performance against other objectives

Objectives	Comments	Assessment of expectations
1. Performance against core behaviours		□ Meeting □ Partially meeting

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

		□ Not meeting
2. Demonstration of capability and associated APS Work Level Standards for the position		□ Meeting □ Partially meeting □ Not meeting
3. Contribution to the work of the team		□ Meeting □ Partially meeting □ Not meeting
4. Working relationship with team colleagues and others		□ Meeting □ Partially meeting □ Not meeting
5. Degree of efficiency in relation to organisational abilities – meeting deadlines, punctuality, productivity etc		□ Meeting □ Partially meeting □ Not meeting

Performance against other objectives

Days taken	Comments	Limits
_____ Annual leave _____ Personal leave _____ Other leave		□ Acceptable □ Unacceptable

Summary of employee's performance

Supervisors recommendation

□ Probation has been satisfactorily completed and should end on the scheduled date
□ Probation should be extended due to serious illness or a previously agreed period of leave
□ Employment should be terminated

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

I have noted my supervisors comments and have received a copy of my mid-term report

Employee comments	
Employee full name	
Employee signature	
Date	

In accordance with the Probation Policy, I have supervised the employee during the period of probation and discussed my comments with the employee

Supervisor full name	
Supervisor signature	
Date	

Please return to PeopleAndCulture@mdba.gov.au.

---------- **FOR OFFICE USE ONLY** ----------

Delegates approval

I have noted the supervisor's recommendation. Considering this report, I agree:

□ Probation should continue to the scheduled date
□ Employment should be terminated

Delegates full name	
Delegates signature	
Date	
Delegation *Delegation to terminate employment is limited to the Executive Director Business Services or Director People & Culture	□ Chief Executive □ Executive Director □ General Manager □ Director People & Culture

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

Attachment C

Final Report

Purpose: The purpose of the final report is for the Supervisor to describe in detail whether the employee has met or not met the expectations outline in the plan as well as expectations relating to performance, behaviour and conduct. Complete the following against each of the aspects of performance, behaviour and conduct, in line with the APS Values, APS Code of Conduct, Employment Principles, MDBA CREATE values and position responsibilities.

Process: The final report meeting is critical and should take place approximately 5 months from the employees' employment (noting it **must** be completed prior to 6 months from the employees' employment).

Date of probation discussion

Performance against specific responsibilities listed in the plan (above)

What specific responsibilities does the position have?	Comments	Assessment of expectations
1.		□ Met □ Partially met □ Not met
2.		□ Met □ Partially met □ Not met
3.		□ Met □ Partially met □ Not met

Performance against other objectives

Objectives	Comments	Assessment of expectations
1. Performance against core behaviours		□ Met □ Partially met

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

		□ Not met
2. Demonstration of technical skills		□ Met □ Partially met □ Not met
3. Contribution to the work of the team		□ Met □ Partially met □ Not met
4. Working relationship with team colleagues and others		□ Met □ Partially met □ Not met
5. Degree of efficiency in relation to organisational abilities – meeting deadlines, punctuality, productivity etc		□ Met □ Partially met □ Not met

Performance against other objectives

Days taken	Comments	Limits
_____ Annual leave _____ Personal leave _____ Other leave		□ Acceptable □ Unacceptable

Summary of employee's performance

Supervisors recommendation

□ Probation has been satisfactorily completed and should end on the scheduled date (engagement is confirmed)
□ Probation should be extended due to serious illness or a previously agreed period of leave
□ Employment should be terminated

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au

I have noted my supervisor's comments and have received a copy of final report

Employee comments	
Employee full name	
Employee signature	
Date	

In accordance with the Probation Policy, I have supervised the employee during the period of probation and discussed my comments with the employee

Supervisor full name	
Supervisor signature	
Date	

Please return to PeopleAndCulture@mdba.gov.au.

---------- **FOR OFFICE USE ONLY** ----------

Delegates approval

I have noted the supervisor's recommendation. Considering this report, I agree:

□ Probation has been satisfactorily completed and should end on the scheduled date
□ Probation should be extended due to serious illness or a previously agreed period of leave
□ Employment should be terminated

Delegates full name	
Delegates signature	
Date	
Delegation *Delegation to terminate employment is limited to the Executive Director Business Services or Director People & Culture	□ Chief Executive □ Executive Director □ General Manager □ Director People & Culture

Office locations
Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba

mdba.gov.au 1800 230 067 peopleandculture@mdba.gov.au