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Probation

Probation Overview

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Application of this policy

This policy applies to all classifications in the Department including SES and equivalents.

Definition of probation

Probation is an assessment period required of newly engaged on-going staff to indicate their suitability for employment in the APS.

The probation period duration is generally of three months but can be extended for up to six months in some circumstances.

Graduates and Health Economists Cadets have a different probation process which continues for twelve months. Probation for Indigenous Cadets continues for 3 months after they commence continuous employment in the workplace.

Importance and purpose of probation

The probationary period that follows engagement is important for:

- integrating new staff into the Department
- keeping good recruits
- developing strategies for managing marginal performers
- making decisions about those recruits not suited to the work for which they have been engaged
- providing a good opportunity to assess a person's demonstrated on-the-job suitability for employment in the APS
- ensuring that the person selected is suitable for the job and the Department.

Probation and the PDS

Probation is an intrinsic part of the Departments' overall work performance strategy. The Performance Development Scheme (PDS) is linked to Probation as the PDS Agreement forms the basis for assessing whether an employee's current and future performance meets expectations and identifies any required action.

See also: [Managing Performance & PDS](#)

Relationship to Legislation

Generally, probationers are excluded from the termination of employment provisions of the *Workplace Relations Act 1996* (WR Act) where the period or maximum period of probation is determined in advance and notified to the prospective employee and:

- is 3 months or less or
- is more than 3 months and is reasonable having regard to the nature and circumstances of the employment.

The *Public Service Act 1999* (PS Act) provides for termination of employment on the grounds that the employee failed to meet the conditions of engagement such as:

- satisfactory performance
- Australian Citizenship
- medical clearance.

Factors considered in termination

In considering a claim by a terminated employee, the Australian Industrial Relations Commissioner will consider a number of factors including whether:

- the period of probation exceeded 3 months
- the prospective employee was advised of the length of probation or the period exceeding that probation period
- Departmental processes were adhered to
- the employee was given sufficient time to respond to the claims leading to their termination.

Managing probation correctly

Team Leaders and HR Managers **must** ensure:

- prospective employees are advised in writing of:
 - the length of probation
 - conditions of engagement
- the consequences of not meeting these requirements
- the completion of probation is not unnecessarily delayed
- decisions about continuation or termination of employment are not deferred unnecessarily
- all procedures as outlined in this policy and supporting guidance are adhered to
- the employee is given sufficient time to respond and/or meet the Department's minimum performance standard.

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Page author email: [#intranet_bg_people_author](#)