Professional Development and Performance Planning - Probation Procedure

Section 1 - Summary

(1) This Procedure describes the process and rules that Victoria University will apply to the probationary period for all staff.

Section 2 - HESF/ASQA/ESOS Alignment

(2) HESF: Standard 3.2 Staffing

Section 3 - Scope

(3) This Procedure will apply to:

a. all newly commencing staff with ongoing appointments; and,
b. fixed-term appointments of more than six (6) months in length.

(4) This Probation Procedure does not apply to senior and executive staff contracts, casual or sessional staff.

Section 4 - Definitions

(5) Confirmation of Employment: Written notification that a probationary staff member has met the probation criteria as set out in their probation plan, that their probation period has ceased and that their employment with the University is confirmed.

(6) Probationary Staff Member: A staff member of the University who is serving a probation period.

(7) Probation Criteria: The set of goals, objectives and standards the University has determined the staff member must meet to be confirmed to the position.

(8) Probation Period: The period of time as set out in a staff member's contract of employment or relevant enterprise agreement during which review processes are undertaken to determine if the staff member meets the Probation Criteria.

(9) Probation Plan: A written document, which details the probation criteria and is developed within the two (2) weeks of commencement of employment.

(10) Reviewer: For the purpose of this Procedure and the associated Policy, the Reviewer is:

a. An independent reviewer for professional and academic employees.
b. The Chief TAFE Officer (or nominee) for TAFE teachers.

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(11) Supervisor: The person responsible for overseeing the probation period and the related review processes of a Victoria University (VU) Probationary Staff Member within their area of responsibility.

Section 5 - Policy/Regulation

(12) Professional Development and Performance Planning Policy

Section 6 - Procedures

Part A - Summary of Roles and Responsibilities

Roles	Responsibilities
Staff Member	- Contribute to the establishment of probation period goals in collaboration with their Manager / Supervisor. - Complete all mandatory induction tasks, including mandatory training, during the probation period. - Participate in all probation reviews. - Make efforts to address any areas for improvement identified in reviews.
Manager / Supervisor (Professional and TAFE staff)	- Contribute to the establishment of probation period goals in collaboration with the staff member. - Schedule and conduct all probation reviews, providing actionable feedback to the staff member and indicating as early as possible any serious difficulties that may lead to lack of confirmation. - At or before the conclusion of the probation period, determine that either: the appointment be confirmed; the probation be extended; or the appointment not be confirmed and the staff member be terminated from their position. - Where the Manager / Supervisor wishes to not confirm a probationary staff member, they must consult with their immediate manager before finalising this decision. - Advise the staff member within required timeframes of the decision and their opportunity to appeal it.
Manager / Supervisor (Academic staff)	- Contribute to the establishment of probation period goals in collaboration with the staff member. - Schedule and conduct all probation reviews, providing actionable feedback to the staff member and indicating as early as possible any serious difficulties that may lead to lack of confirmation. - Convene a panel of no less than three appropriately qualified senior academic staff to consider the confirmation of the staff member. - Advise the staff member within required timeframes of the decision and their opportunity to seek a review of the decision.
People and Culture	- Provide advice and support to managers / supervisors in establishing and managing probation requirements. - Receive and assess any requests for review of confirmation decisions.
Independent reviewer for professional and academic staff	- Responsibilities as set out in Clause 61 of the Victoria University Enterprise Agreement 2019.

Part B - General Principles

(13) In accordance with the relevant Enterprise Agreement all employees with a continuing appointment or fixed-term appointment of six (6) months or more (excluding senior and executive staff contracts) will be subject to a reasonable probation period that is directly referable to the nature of the work to be carried out under the contract of employment and the time reasonably required to demonstrate competent performance.

(14) Maximum probation periods are established in the Enterprise Agreement or contract.

(15) A probation period will not apply to an existing staff member who has previously successfully completed a probation process with the University, including a fixed-term staff member whose fixed-term contract has been extended, renewed or replaced.

(16) During the probation period, the University will support and develop new staff members by providing procedurally fair planning and regular review processes. These processes should ensure new staff members are appropriately equipped and supported to meet the performance expectations of the position they hold with the University.

Part C - Schedule of Probation Reviews

(17) The below schedule of probation reviews:

a. does not prevent a Supervisor from making a recommendation to confirm the appointment of a Probationary Staff Member at an earlier time in the probationary period;
b. does not prevent the University from making a decision to terminate a probationary staff member's employment before the end of the probationary period.

Table 1: Academic Staff

Continuing Probation period: maximum of three (3) years	
Initial Meeting (set probation objectives in probation plan)	Within the first two (2) weeks of employment.
Initial Review(s)	Preferably within the first six (6) months, but no later than 12 months.
Subsequent Review(s)	Every six (6) months, or as otherwise required.
Final review and recommendation as to whether the probationary employee's employment be confirmed or terminated	At least six (6) months prior to end of probationary period, unless otherwise specified in the employment contract.

Fixed-term Probation period: Maximum of 25% of contract length or nine (9) months (whichever is less)	
Initial Meeting (set probation objectives in probation plan)	Within the first two (2) weeks of employment.
Initial Review	Within the first three (3) months.
Subsequent Review(s)	Every six (6) months, or as otherwise required.
Final review and recommendation as to whether the probationary employee's employment be confirmed or terminated	One (1) month prior to the end of the probation period, unless otherwise specified in the employment contract.

Table 2: Professional Staff and TAFE Staff

Continuing & Fixed-Term Probation Period: Maximum of 25% of contract length or 6 months (whichever is less)	
Initial Meeting (set probation objectives in probation plan)	Within the first two (2) weeks of employment.
Initial Review	After two (2) months.
Subsequent Review(s)	After four (4) months.
Final review and recommendation as to whether the probationary employee's employment be confirmed or terminated	At least one (1) month prior to the end of the probation period.

(18) Time frames for review should be adjusted in line with the probationary period.

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Part D - Initial Meeting, Probation Objectives and Plan

(19) Probation criteria will be discussed and developed by the Supervisor and probationary staff member within the first two (2) weeks of employment, and must be:

a. specified as a definable goal;
b. referable to the position description for the position and/or the MSALs for academic staff;
c. commensurate with the level, time fraction and timeframe of the appointment of the staff member; and,
d. designed to ensure that the staff member will work productively in the University.

Part E - Probation Reviews

First Probation Review

(20) The aim of the First Probation Review is for the Supervisor and the probationary staff member to meet and:

a. formally review the probationary staff member's performance to date against the probation objectives;
b. affirm the University's expectations and the required performance standards of the role;
c. provide feedback to the probationary staff;
d. identify any further specific training/developmental opportunities; and,
e. schedule subsequent review meetings.

Subsequent Review(s)

(21) The Supervisor and the probationary staff member should meet in accordance with the schedule of probation reviews at Tables 1 and 2 of this Procedure.

(22) Subsequent probationary reviews are used to further review the probationary staff member's performance and behaviour; provide feedback; and determine a process for making any necessary improvements (if required).

(23) If a probationary staff member is not performing to the level required as set out in the Probation Plan, the Supervisor should inform them as soon as possible of the area/s of under-performance, behavioural concerns or skill gaps. In those circumstances, the Supervisor and the probationary staff member may meet before the next scheduled review meeting to discuss:

a. the issues regarding performance or behaviour;
b. specific areas requiring improvement;
c. timeframes for improvements to be made;
d. any professional development opportunities that will be used to improve performance;
e. any further Supervisor support that can assist in improving performance; and,
f. dates when meetings to review the probationary staff member's performance will be held.

Final Review and Recommendations

(24) The final probation review is a formal review that results in a recommendation being made by the Supervisor about the probationary staff member's appointment.

(25) To prepare for the final review meeting, Supervisors should refer to the following documents:

a. the position description;
b. MSALs for academic staff;

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c. the probation objectives and probation plan and any notes from review meetings;

(26) If the Supervisor is considering making a recommendation not to confirm the probationary staff member's appointment, the Supervisor should inform the probationary staff member and offer them the opportunity to state their case and provide any information or evidence before the final recommendation is made by the Supervisor.

(27) After the final probation review meeting with the probationary employee, the Supervisor should consult with their immediate manager in relation to whether the probationary staff member's employment should be confirmed or not confirmed.

(28) In making a recommendation not to confirm the probationary staff member's appointment, the Supervisor should be satisfied that:

a. the probation process as outlined in this Probation Procedure has been followed;
b. the probationary staff member was given reasonable support to achieve the expected standards; and,
c. the principles of procedural fairness have been followed. If in doubt, the Supervisor should seek advice from People and Culture.

Part F - Confirmation Process

(29) For professional staff and TAFE teaching staff, the Supervisor will consult with their manager and decide whether to:

a. confirm the appointment; or
b. not confirm the appointment;
c. extend the probation period, for no longer than the applicable maximum period set out in the Enterprise Agreement.

(30) Decisions regarding confirmation of academic appointments must be made by a panel of no less than three appropriately qualified senior academic staff. This panel is organised by the academic's Supervisor.

(31) The probationary staff member will be formally advised of the decision made by the Supervisor in consultation with their Manager as soon as possible after the decision is made. The staff member will also be advised of their right to review this decision.

(32) Where the recommendation is to not confirm the appointment, the probationary staff member will receive the following minimum notice period of termination, or payment in lieu of notice (at the sole discretion of the University, unless otherwise specified in the employment contract):

Role	Minimum period of notice
Professional staff	Four (4) weeks
TAFE staff	Four (4) weeks
Academic staff (fixed term) of less than three (3) years	Four (4) weeks
Academic staff (continuing)	Six (6) months

Part G - Review of Probationary Decisions

(33) A probationary staff member whose appointment has not been confirmed can seek a review of that decision in accordance with the following provisions.

TAFE Staff

(34) The probationary staff member will be required to notify People and Culture in writing within two (2) working days of receiving advice of the decision to not confirm the appointment that they believe that proper process was not followed and are seeking a review.

(35) The probationary staff member should provide People and Culture with all the information necessary to enable the review to be considered without the need for further written or oral explanation or reference to additional material.

(36) Reviews will be considered only against administrative process issues and not against recommendations or decisions alone. The probationary staff member must identify the administrative process issue or specify the procedural concern.

(37) As soon as possible after receiving the notification under clause (35), People and Culture will:

a. reach a view as to whether proper process was followed during the probationary period; and,
b. make recommendations to the relevant Reviewer.

(38) For the purpose of this Procedure, the relevant reviewer is the Chief TAFE Officer (or nominee).

(39) The relevant Reviewer will consider the recommendation and determine whether to accept its advice.

(40) The decision of the Reviewer will be final.

(41) The Reviewer will communicate their decision to the probationary staff member and the decision will take effect immediately.

(42) Where a probationary staff member seeks a review of a non-confirmation decision, the notice period will continue to run while the review is in progress. Where the notice period expires while the University is undertaking the review, the duration of their probationary period may be extended until a decision is made in the review process.

(43) For the avoidance of doubt, the extension of a probationary staff member’s probationary or notice period for the purpose of conducting a review is not a confirmation of the appointment by the University.

Professional and Academic Staff

(44) A probationary staff member whose appointment has not been confirmed can seek an independent review of that decision in accordance with the review process outlined in the Enterprise Agreement.

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