

## Employment Probation Policy

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## 1 Purpose of policy

### 1.1 Purpose

The purpose of this policy is to provide information to managers and employees about probation arrangements in the Department of Communities and Justice.

### 1.2 Background and policy links

This policy replaces any previous Department of Justice, Corrective Services NSW and Family and Community Services policies, procedures or guidelines providing advice about probation arrangements in the Department.

Information that will assist managers and employees to implement this policy and actively manage their obligations and responsibilities relating to probation is provided in the Employment Probation Procedures.

The Employment Probation Policy and Procedures are aligned with the Department’s performance development program and should be read in conjunction with the Department’s:

- [Code of Ethical Conduct](#)
- [Unsatisfactory Performance Policy and Procedure](#)
- [Conflict of Interest Policy](#)
- [Bullying and Harassment Policy](#)
- [Managing Workplace Issues Procedure](#)
- work health and safety and wellbeing policies and procedures
- relevant employment screening policies and procedures

## 2 Definitions

Term	Definition
<b>Delegated officer</b>	Employees with the delegation to make decisions in relation to probation, as per the Department’s Delegations schedule.
<b>Employee</b>	A non-executive employee with ongoing employment including both full-time and part-time employees.
<b>Induction</b>	Induction requires all new employees to be provided with a structured orientation by their manager and completion of the online induction program where available, and may include formal face-to-face training.
<b>Manager/supervisor</b>	Delegated person responsible for the day-to-day management of the employee. <u>Note:</u> Managers/supervisor can be a delegated officer.
<b>Performance Development Program (MyPDP)</b>	The Department’s <a href="#">Performance Development Program (MyPDP)</a> is designed to assist managers to plan, review and provide feedback about an employee’s performance and development.  The program is aligned to the <a href="#">NSW Public Sector Performance Development Framework</a> and the <a href="#">NSW Capability Framework</a> , which describes the knowledge, skills and abilities that a public sector employee must demonstrate to perform their role effectively. It is designed to give employees greater clarity about how the

Term	Definition
	work they do fits into the bigger organisational picture. It will also provide them with the opportunity to discuss career goals and development opportunities.
<b>Probation</b>	<p>Probation is a defined period of time when a new NSW public sector employee finds out more about their new role. During this time, the Department and the new employee decide whether the employee is right for the role.</p> <p>A new employee is subject to formal assessment and provided with continuing development, constructive support and feedback to confirm progress and/or identify difficulties and develop strategies for their resolution.</p>
<b>Termination</b>	Termination refers to the cessation of employment with the NSW Public Service.

### 3 Scope and application

This policy applies to all full-time and part-time non-executive employees engaged in ongoing employment in the NSW Public Service for the first time or following the cessation of any previous employment in the NSW Public Service.

This policy does not apply to:

- casual employees
- temporary or term employees
- employees promoted, transferred or redeployed from another state government Department or agency, who have already successfully met probation requirements
- senior executives. The probation performance and capability arrangements for the Department’s senior executives are managed under their contract of employment.

This policy applies to all DCJ employees within the Stronger Communities Cluster.

### 4 Legislation

Clause 5 of the [Government Sector Employment \(General\) Rules 2014](#) provides that the Department may at any time during, or at the end of, the probation period:

- confirm the person’s employment

- extend the period of probation, noting that, the total probation period cannot be longer than 12 months
- terminate the person’s employment on the grounds that the person has not satisfied the requirements for the role in which they were employed, in line with Section 47 of the [Government Sector Employment \(GSE\) Act 2013](#).

Section 54 of the [Government Sector Employment Act 2013](#) allows for probation as a condition of employment for non-executive ongoing employees.

Clause 5 of the [Government Sector Employment \(General\) Rules 2014](#) allows the Secretary (or their delegate) to determine that when a person starts working in the Public Service for the first time, the person is required to serve a period of probation.

For a non-executive employee the probation period is generally 6 months. This period can be longer, if approved by the Secretary (or their delegate) or if prescribed in an industrial instrument.

Under the [Government Sector Employment Act 2013](#), the period of probation may be extended, but, regardless of an employee’s role, the total probation period, including any extension, cannot exceed 12 months.

The following table lists some examples of the applicable probation periods within the Department:

Employee type	Probation Period	Maximum Probation Period
Non-executive	6 months	12 months
Caseworkers (Child Protection)	12 months	12 months
Caseworkers (Youth Justice)	6 months	12 months
Sheriffs staff	6-12 months	6-12 months
CSNSW custodial staff and community corrections officers (6 months with Cert III / IV or 12 months without)	6-12 months	6-12 months

## 5 Policy statement

The Department recognises that the first few months in a new organisation can be a critical time for a new employee. It is a time for them to establish themselves in their role and within their team.

A probation period exists for all new non-executive employees recruited to ongoing roles with the Department, from 6 - 12 months. This provides both the Department and the employee the opportunity to ensure the right fit. All new employees should be supported in their new role and workplace in a structured way to support this process.

Sound probation processes also contribute to employee retention, reduced costs associated with employee turnover, role satisfaction and productivity, as well as ensuring the Department has the right employees.

## 6 Roles and responsibilities

The key roles and responsibilities for employees in the Department are set out below.

### 6.1 Managers/supervisors

- facilitate the probation and performance development planning processes in accordance with this policy, the probation procedures and the Department's Performance Development Program framework
- ensure that the provisions of this policy and the probation procedures are applied to all employees who are on probation
- set clear performance goals via the employee's performance development plan
- provide regular and ongoing feedback and other support to the employee to develop and maintain their performance, build their capability to ensure continual development and success, and ensure organisational objectives are met
- monitor the employee's performance, conduct and attendance throughout the probation period and if they have concerns, consult with their People Business Partner representative and address any issues as early as possible
- recommend the confirmation of employment, the extension of the probation period or termination of employment to the appropriate delegate at least four - six weeks prior to the end of probation (it may be earlier if termination or extension is being considered at any point during the probation period)
- ensure the employee is given ten working days to respond in writing if termination is recommended
- ensure records in relation to an employee's probation are placed on an employee's personnel file

## 6.2 Employees

- understand their role in achieving the Department’s objectives
- be aware of and understand their obligations in relation to Departmental policies and procedures
- share responsibility for the development of their performance and development plan
- develop their performance to meet expectations and achieve the objectives set out in their performance development plan
- actively participate in probation review discussions regarding performance, conduct and attendance
- have open and honest performance and development conversations with managers
- provide regular feedback to managers
- openly receive performance and development feedback

## 6.3 People Business Partner representatives

- provide advice and support to managers and employees about all aspects of the probation process

## 7 Support and assistance

Support and assistance in regards to this policy is available from:

- employee’s manager or next most senior manager
- People Business Partner representatives
- Service Desk, Communities and Justice Shared Services or ServiceNow (where applicable)
- the Intranet.

## 8 Document information

Document name	Employment Probation Policy
Applies to	All Department of Communities and Justice full-time and part-time non-executive employees engaged in ongoing employment in the NSW Public Service for the first time or following the cessation of any previous employment in the NSW Public Service.
Replaces	Department of Family and Community Services Probation Policy and Procedure

Document reference	SUB21/38979
Approval	People and Engagement Subcommittee (PESUB) 17 March 2021
Version	1.0
Commenced	17 May 2021
Due for review	16 May 2023
Policy owner	Workforce Strategy, Inclusion and Systems

## 9 Support and advice

Who can people go to if they need more advice?

Business unit	Workforce Strategy, Inclusion & Systems People, Corporate Services
Email	<a href="mailto:HRPolicyGovernance@fac.s.nsw.gov.au">HRPolicyGovernance@fac.s.nsw.gov.au</a>