

Employment Probation Procedure

Table of contents

1	Purpose of the procedure	2
2	Definitions	2
3	Who is covered by this procedure	2
4	What managers do when a new employee starts at the Department	3
4.1	Step 1 – meet with the employee and arrange induction	3
4.2	Step 2 – develop a performance development plan	3
4.3	Step 3 - monitor performance and provide feedback.....	4
5	How are performance, conduct or attendance issues managed during the probation period	5
6	What happens at the end of the probation period	5
6.1	Where an employee satisfies the requirements of the role	6
6.2	Where an employee does not satisfy the requirements of the role	6
7	Conditions of employment while on probation.....	9
7.1	Leave entitlements	9
7.2	Applying for other positions at the Department	10
7.3	Secondments and further employment	10
8	Roles and responsibilities	10
9	Support and assistance	10
10	Document information.....	11
11	Support and advice	11
	Attachment 1 – Manager’s employment probation checklist.....	12
	Attachment 2 – Employment Probation timelines	14
	Attachment 3 - Email confirming appointment	16
	Attachment 4 – Employment Probation report	17
	Attachment 5 - Letter advising consideration of termination or extension	19
	Attachment 6 - Letter confirming extension of employment probation	20
	Attachment 7 - Letter confirming termination of employment.....	21

1 Purpose of the procedure

The purpose of this procedure is to provide guidance to managers and employees of the Department of Communities and Justice about how to implement the Employment Probation Policy.

It covers:

- the probation arrangements that are in place for all new employees recruited to ongoing roles with the Department
- performance monitoring and feedback that will be provided during the probationary period
- information on decisions about confirmation of employment, extension of probation or termination of employment during probation
- what happens at the end of probation
- conditions of employment while on probation

A checklist that will assist managers to implement this procedure is provided at Attachment 1 and the timeframes and key milestones for probation in the Department are described in Attachment 2.

The Employment Probation Procedures should be read in conjunction with the Employment Probation Policy.

2 Definitions

A list of terms used throughout this document can be found in the Employment Probation Policy.

3 Who is covered by this procedure

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

4 What managers do when a new employee starts at the Department

4.1 Step 1 – meet with the employee and arrange induction

As soon as possible after the new employee starts (ideally in the first week), the manager arranges for them to complete their induction and meets with them to discuss:

- the expected standards of conduct – in line with the Department’s policies and procedures including, but not limited to, Code of Ethical Conduct¹ and Bullying and Harassment Policy
- workplace orientation including workplace and system access
- attendance requirements and leave arrangements
- duties and expected standard of performance (refer to role description, capabilities, and other relevant work plans or standards)
- development and support needs including mandatory induction requirements
- the employee’s expectations and objectives
- how performance, conduct and attendance will be reviewed and recorded during the probation period
- the possible consequences if the employee does not meet performance, conduct or attendance requirements *at any point* during the probation period

Talent Acquisition will send the hiring manager an Induction Checklist once the new hire is confirmed following the completion of pre-employment checks.

Some roles may have specific induction requirements. Where necessary, the manager will discuss these requirements with the new employee.

4.2 Step 2 – develop a performance development plan

The manager arranges a time with the employee to work on their [performance development plan](#) within four weeks of the person commencing work with the Department. The plan is developed and recorded online, within three months of the employee starting in their role.

¹ Managers should explain the Code of Ethical Conduct - its content, intentions and obligations to the employee. The employee should also read the Code of Ethical Conduct and discuss with their manager any issues or clarification needed.

The performance development plan covers two components, performance and development.

The **performance** component identifies *what* needs to be achieved and *how* this will be achieved over the next 12-month cycle (this included the six months' probation period).

The **development** component covers the development of skills and abilities to meet both current and future work goals, development of role focus capabilities and future career planning. For the purposes of probation, the focus of the performance development plan is on the employee's current role and the milestones agreed must align to the duration of the employee's probation (see Employment Probation Policy).

4.3 Step 3 - monitor performance and provide feedback

The manager meets with the new employee at least once a month to assess how they are progressing against their performance development plan and to discuss and address any issues, which may have arisen in relation to their performance, conduct or attendance.

The manager can generate reports via SAP Manager Self-Service (MSS), ELLIPSE and SuccessFactors on the attendance and progress of their staff in assigned learning activities, performance planning and career development. If they are unable to access these reports directly, their People Business Partner representative can assist.

By meeting regularly, the manager and the new employee can track how the employee is performing in their new role, identify the employee's strengths and areas where they may need development and other support, and to clarify expectations if necessary.

The following topics may be discussed during these meetings:

- progress against the employee's performance development plan:
 - the goals in the performance development plan i.e. are they being met and/or are any amendments required
 - progress in meeting capability requirements i.e. are the focus capabilities being met and demonstrated
 - development outcomes i.e. what development activities have been undertaken and is additional support and/or skills development required
- what other support is needed from the manager and others to achieve the agreed goals in the performance development plan
- any problems with regard to conduct or attendance

The manager monitors all aspects of performance, conduct and attendance and provides feedback with the aim of improving overall performance, conduct or

attendance, as required. Any issues that arise should be addressed as early as possible.

5 How are performance, conduct or attendance issues managed during the probation period

Managers are encouraged to consult with their People Business Partner representative in the first instance if they have any concerns about an employee's performance, conduct or attendance.

The manager must address any performance, attendance or any other concerns that arise with the employee as early as possible. The manager gives or arranges appropriate support (e.g. through skills development, counselling, mentoring) and gives the employee a reasonable opportunity and time to address the issue(s). The manager must ensure the employee is aware of the seriousness of the situation and the possible outcomes, including termination of their employment or extension of their probation.

The People Business Partner representatives can provide advice on how best to address any issues. Managers must confirm in writing any performance issues including possible outcomes (see section 6.2).

If a manager believes that a new employee may have engaged in misconduct, they must contact their People Business Partner representative before contacting the Conduct and Professional Standards Unit (CaPS) and/or the Professional Standards Branch (PSB) Corrective Services.

6 What happens at the end of the probation period

The following processes can occur at the end of the probation period; however, this process can be initiated at any point during probation.

At least four to six weeks prior to the end of the probation period the manager conducts a review of the new employee's performance, conduct and attendance.²

The review includes:

- a review of the employee's performance against the employee's performance development plan
- a review of conduct against the Code of Ethical Conduct and other relevant policies and procedures
- successful completion of any new employee training program, where successful completion is a condition of employment such as the Caseworker Development Program for Caseworkers in child protection, the Certificate III in Correctional

² OneSAP, the JSAP Payroll team, and the ELLIPSE payroll team will send the manager a notification to review a probation 4 or 6 weeks (depending on the payroll system) prior to the expiry of the probation period.

Practice for correctional officers, or the Certificate IV in Correctional Practice for the community corrections officers.

- a review of attendance that considers:
 - the total number and duration of absences during the probation period, including sick leave and leave without pay
 - the number of sick leave absences that are not supported by medical certificates
 - any pattern of absences (for example, prior to or following weekends or public holidays)

If the employee's performance, conduct, and attendance are satisfactory, the manager confirms the employee's ongoing employment with the Department (see section 6.1).

If the employee's overall performance, conduct or attendance is not satisfactory, the manager prepares a report, recommending either an extension to the probation period or termination of employment (see section 6.2).

The manager consults with their People Business Partner representative prior to sending this report to the delegated officer for a decision, as per the Department's Delegations Schedule.

6.1 Where an employee satisfies the requirements of the role

When an employee satisfies the performance, conduct and attendance requirements of their role, the manager confirms the employee's ongoing employment as per the Department's relevant delegations schedule.

The manager advises the employee verbally and via email that their ongoing employment has been confirmed (a template email is provided at Attachment 3).

The manager records the confirmation in SAP MSS system where available, or sends advice to Shared Services Payroll.

6.2 Where an employee does not satisfy the requirements of the role

When an employee does not satisfy the requirements of their role, or their conduct or attendance is unsatisfactory, the manager consults with their People Business Partner representative and prepares a report for consideration by the delegated officer, as per the Department's Delegations Schedule. A report template is provided at Attachment 4.

The manager can recommend:

- the employee's probation is extended (see section 6.2.1)
- the employee's employment is terminated (see section 6.2.2)

The manager prepares this report following the review meeting held at least four to six weeks prior to end of the probation period if a recommendation for extension or

termination is being made. As far as possible, the report is submitted to the delegated officer at least four weeks prior to the end of the probationary period.

In the report, the manager outlines details of both the satisfactory and unsatisfactory aspects of the employee's performance, conduct and attendance during the probationary period and includes:

- an explanation of the performance expected as per the employee's performance development plan
- examples of any unsatisfactory performance, conduct or attendance
- details of support provided to help the employee attain the expected standard of performance, conduct and attendance e.g. counselling, skills development, mentoring
- when an extension is recommended - details of any action that will be taken to help the employee attain the expected standard of performance, conduct, attendance and the timeframe in which progress will be reviewed

The manager also attaches any records or reports relating to the employee's unsatisfactory performance, conduct or attendance including:

- any written reports on the employee's performance, conduct or attendance
- any record of the support provided to the employee
- any record of the disciplinary action taken, including reprimands and warnings
- a record of leave taken, including all absences from duty
- any evidence of medical unfitness

The manager arranges a mutually agreeable time to discuss the report with the employee and gives them a copy of it. A template letter to accompany this report is provided at Attachment 5. The manager asks the employee to sign the report to indicate that they have discussed the report with them. The manager gives the employee 10 working days to provide a written response before they submit the report and the employee's response where provided to the delegated officer.

6.2.1 Extension of probation

A delegated officer can approve the extension of a probation period in consultation with their People Business Partner representative, based on a review of a report from the employee's manager and any information provided by the employee.

Generally, there should only be one extension and the total probation period cannot exceed 12 months.

Reasons for extending a probation period can include, but are not limited to:

- allowing the employee time to complete mandatory training or induction programs
- allowing time for the employee to improve their performance (in line with their performance development plan), conduct or attendance.

- where the employee has been absent due to illness or injury that is supported by medical certificates. For extended periods of leave the probationary period may be placed on hold and reinstated upon return of the employee.

If the delegated officer does not support the manager's recommendation, the delegated officer contacts the People Business Partner representative for advice and discusses their concerns with the employee's manager. Where appropriate, they may also speak to the employee.

If the delegated officer supports the manager's recommendation and agrees that the employee's probation period is to be extended, the delegate advises the employee's manager so they can speak with the employee. The delegate also writes to the employee to advise them of the decision (a template letter is provided at Attachment 6).

The manager meets with the employee and discusses the reason(s) for the extension and any action that will be taken during the extension period to help them attain the expected standard of performance, conduct and attendance.

If the extension is the result of unsatisfactory performance, conduct or attendance, the discussion will include a warning of the possible consequences of any continuing unsatisfactory performance, conduct or attendance (i.e. a decision to terminate employment).

The manager sends a record of the delegated officer's decision, along with the manager's report and other supporting documents to Shared Services Payroll to make arrangements to extend the employee's probation period - this includes placing copies of any relevant documents on the employee's personnel file.

6.2.2 Termination of employment

During the probation period, it can become clear to the manager that the employee does not meet, and is unlikely to meet, the requirements of the role.

The manager can recommend to terminate a person's employment at any time during the probation period, as long as, prior to making the recommendation to the delegated officer, they have prepared a report (see Section 6.2) and:

- provided a copy to the employee
- informed the employee of performance, conduct or attendance issues and given them a reasonable opportunity to improve
- explained the consequences of failure to reach and sustain a satisfactory standard of performance, conduct and attendance
- advised the employee of any information the Department intends to take into account when making a decision to terminate their employment
- given the employee ten working days to respond in writing

A template letter for this purpose is provided at Attachment 5.

Any decision to terminate a person's employment must be made by a delegated officer, as per the Department's relevant delegations schedule, after consultation with the People Business Partner representative.

If the delegated officer does not support the manager's recommendation, the delegated officer contacts the People Business Partner representative for advice and discusses their concerns with the employee's manager. Where appropriate, they may also speak to the employee.

If the delegated officer supports the manager's recommendation and agrees that the employee's employment is to be terminated, the delegated officer advises the employee's manager so they can speak with the employee. The delegated officer also writes to the employee to advise them of the decision (a template letter is provided at Attachment 7). The letter should not be a surprise to the employee and should already have been discussed with the employee in person.

The manager sends a record of the delegated officer's decision, along with the manager's report and other supporting documents to Shared Services Payroll to make arrangements for ceasing the employee's employment with the Department - this includes placing copies of any relevant documents on the employee's personnel file.

6.2.3 Appeal/review process for terminated employees

Depending on the individual circumstances, an employee may have a possible right of appeal or wish to lodge a complaint at the following organisations in relation to the decision to terminate their employment:

- NSW Industrial Relations Commission³
- Australian Human Rights Commission
- Anti-Discrimination NSW

In doing so, an employee may wish to seek advice from their union or other advice.

7 Conditions of employment while on probation

During the probation period, normal award conditions apply in relation to leave and other entitlements.

7.1 Leave entitlements

An employee on probation can only take paid leave once it has been accrued, and not in advance.

An employee on probation can take leave without pay, with the approval of their manager.

³ See Section 83 (2), 97 and 98 of the Industrial Relations Act 1996 and Reg 6 of the Industrial Relations (General) Regulation 2015.

A manager cannot assess the employee's performance, conduct and attendance while an employee is on leave.

7.2 Applying for other positions at the Department

Employees on probation can apply for any advertised position in the Department.

If they are successful in securing a new role, the employee will continue on probation in the new role for the remainder of the probation period that is set out in their original letter of offer.

Before the employee moves to their new role, their manager conducts a probation review and prepares a written report in relation to the period of probation that has been served. The manager gives this report to the employee's new manager and a copy to the employee. The report format provided in Attachment 4 can be used for this purpose.

7.3 Secondments and further employment

Employees on probation can apply for any advertised role across the NSW Public Sector.

If they are successful in securing a role, the employee will continue on probation in the new role for the remainder of the probation period that is set out in their original letter of offer.

Before the employee moves to their new role, their manager conducts a probation review and prepares a written report in relation to the period of probation that has been served. The manager gives this report to the employee's new manager and a copy to the employee. The report format provided in Attachment 4 can be used for this purpose.

Where a probation period is completed on secondment or secondment is shorter than the probation period, the manager will request a report on the employees' progress from the new manager.

8 Roles and responsibilities

The roles and responsibilities for the implementation of this procedure are described in the Employment Probation Policy.

9 Support and assistance

- Support and assistance in relation to this procedure is available from:
- the employee's manager or next most senior manager
- People Business Partner representatives
- Service Desk, Communities and Justice Shared Services or ServiceNow (where applicable)

- Employee Assistance Program (EAP) Benestar or Converge International
- the Intranet.

10 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	SUB21/38982
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

11 Support and advice

Who can people go to if they need more advice?

Business unit	Workforce Strategy, Inclusion & Systems People, Corporate Services
Email	HRPolicyGovernance@facss.nsw.gov.au

Attachment 1 – Manager’s employment probation checklist

Employee name:				
Employee number:				
Manager name:				
Unit:				
District/Directorate:				
When:	Have you:	Yes	No	N/A
As soon as possible	Reviewed the report?			
As soon as possible	Informed the employee of duties and expected standard of performance and behaviour?			
As soon as possible	Informed the employee of expected standard of conduct, in line with the Code of Ethical Conduct and other relevant policies and procedures?			
As soon as possible	Acknowledge that you have explained the Code, its content, intentions and obligations to the employee and the employee and indicate that they have read the Code, discussed it with you and had the opportunity to clarify any issues?			
As soon as possible	Informed the employee of attendance requirements?			
As soon as possible	Informed the employee of work health and safety requirements?			
As soon as possible	Informed the employee of any training or other support to be provided during the probation period?			
As soon as possible	Informed the employee of how performance will be reviewed and reported during the probation period?			
Within 4 weeks	Started performance development planning? (take into account key accountabilities and focus capabilities as outlined in role description)			

When:	Have you:	Yes	No	N/A
Within three months	Completed a performance development plan with the employee?			
Within first month	Scheduled regular (at least monthly) review meetings?			
Monthly	Conducted regular review meetings?			
Each review meeting	Provided feedback to the employee?			
Each review meeting	Updated the performance development plan with feedback, progress and identified issues?			
Each review meeting	Reviewed the employee's leave record?			
As soon as an issue is identified	Discussed any specific issues identified and ways to address these?			
As necessary	Provided written advice of any significant performance issues and potential consequences?			
Four to six weeks before end of probation period	Provided advice to the employee on likelihood of appointment?			
Four to six weeks before end of probation period	Prepared a report if recommending extension of probation or termination?			
Four to six weeks before end of probation period	Provided a copy of the report to the employee and allowed a reasonable time for them to prepare a response (at least 10 working days)?			
Four to six weeks before end of probation period	Submitted recommendation and report regarding extension or termination to delegated officer with any information provided by the employee?			
Four to six weeks before end of probation period	Sought advice regarding potential termination?			

Attachment 2 – Employment Probation timelines

Caseworkers (Child Protection), Custodial staff, Community Corrections Officers and other employees on a 12 month probation period

Any issues regarding performance, conduct or attendance should be addressed as soon as they are identified. The probation period cannot be extended beyond 12 months.

Timeframe	Action
Week 1	Employee starts at the Department Manager conducts/arranges induction and any other training or development with the employee
Weeks 2 - 4	Manager works with employee to develop a MyPDP
Month 2	Manager works with employee to ensure Induction is complete Monitor and review performance, conduct and attendance and meet with the employee
Month 3	Monitor and review performance, conduct and attendance and meet with the employee to ensure MyPDP is in place and recorded online
Month 4	Monitor and review performance, conduct and attendance and meet with the employee
Month 5	Monitor and review performance, conduct and attendance and meet with the employee
Month 6	Monitor and review performance, conduct and attendance and meet with the employee
Month 7	Monitor and review performance, conduct and attendance and meet with the employee
Month 8	Monitor and review performance, conduct and attendance and meet with the employee
Month 9	Monitor and review performance, conduct and attendance and meet with the employee
Month 10	Monitor and review performance, conduct and attendance and meet with the employee.

Timeframe	Action
	<p>Four to six weeks before end of probation period a formal review is undertaken and the manager makes a recommendation to:</p> <p>confirm employment</p> <p>terminate employment. The employee should be allowed enough time (at least 10 working days) to respond.</p>

All other non-Executive employees on 6 month probation period

Timeframe	Action
Week 1	<p>Employee starts at the Department</p> <p>Manager conducts/arranges induction and any other training or development with the employee</p>
Weeks 2 - 4	<p>Manager works with employee to develop a MyPDP</p>
Month 2	<p>Manager works with employee to ensure Induction is complete</p> <p>Monitor and review performance, conduct and attendance and meet with the employee</p>
Month 3	<p>Monitor and review performance and meet with the employee to ensure MyPDP is in place and recorded online</p>
Month 4	<p>Monitor and review performance, conduct and performance and meet with the employee.</p> <p>At least four to six weeks before end of probation period a formal review is undertaken and the manager makes a recommendation to:</p> <p>confirm employment</p> <p>extend the probationary period</p> <p>terminate employment. The employee should be allowed enough time (at least 10 working days) to respond.</p>

Attachment 3 - Email confirming appointment

<Date>

Private and confidential

<Insert employee's full name>

Dear <insert name>

Probation Successful

Your probation period at Department of Communities and Justice is due to end on <insert date>.

I am pleased to confirm your ongoing employment effective <immediately/from <insert date that is either on or before the first day after the probation period is due to end>>.

The terms and conditions of employment that are set out in your original Letter of Offer dated <insert date> will continue to apply to your ongoing role.

Thank you for your ongoing contribution to the Department of Communities and Justice.

Yours sincerely,

<Insert name>

<Insert position>

cc employee's manager

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

Attachment 4 – Employment Probation report

Employee name:		Manager name:		
Contact number:		Contact number:		
Unit:		Probationary period:	From [insert date]	To [insert date]
District/Directorate:		Review meeting dates:	[insert dates]	

This report should be prepared following a review meeting, at least four to six weeks prior to end of the probation period, if a recommendation for extension or termination is being made. It should be submitted to the delegated officer at least four to six weeks prior to the end of the probationary period.

QUESTIONS	COMMENTS
What has been satisfactory about the employee's performance (with reference to the employee's performance development plan) and/or conduct and/or attendance?	
What has been unsatisfactory about the employee's performance (with reference to the employee's performance development plan)? (provide at least two examples)	
Why does their performance not meet the objectives identified in the performance development plan?	
What support has been provided to the employee to meet the agreed performance objectives?	
What has been unsatisfactory about the employee's conduct? (provide at least two examples).	
What has been unsatisfactory about the employee's attendance? (provide at least two examples)	
RECOMMENDATION	
Extension (for how long)?	
What review process will occur during the extended probation period?	
Termination	

Attach:

- any written reports relating to the employee's performance, conduct or attendance
- a record of any meetings held where the employee's performance, conduct or attendance were discussed
- any record of support provided to the employee
- any record of disciplinary matters, including reprimands and warnings
- any record certifying that the Code of Ethical Conduct has been explained to the employee (manager sign-off and/or employee sign off)
- any evidence of medical unfitness
- completed Manager's probation checklist
- employee's response.

Signed (Manager): _____

Date:

The manager must give a copy to the employee and given them enough time (at least 10 working days) to respond. The report must be signed by the employee to indicate they have received a copy and been advised that they have a right to provide a response that will be submitted to the delegate.

Signed (Employee): _____

Date:

Delegated Officer Name:

Delegated Officer contact number:

Manager's recommendation supported/not supported Yes/No

Comments:

Signed (Delegated Officer): _____

Date:

Attachment 5 - Letter advising consideration of termination or extension

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Note: This letter should be issued after completing a probation review. The contents should not be a surprise to the employee and should have been discussed with the employee in person. If you require further guidance, please contact the People Business Partner representative. [Delete this after reading]

Proposed annulment of appointment during probation <OR> Extension of probation

As you are aware, your employment with the Department of Communities and Justice was subject to a probationary period. I am writing to follow up on our probationary review meeting during which we discussed your <performance/ conduct/ attendance> during this period.

Unfortunately, your <performance/ conduct/ attendance> has not reached a satisfactory standard. Attached is a copy of your probation report, and <any written reports on your performance, conduct or attendance, records of the support you have been provided during your probationary period, records of any disciplinary action taken, a record of any leave/absences taken, any evidence of medical unfitness> (delete as appropriate) as relevant.

I am writing to you now to advise that I will be making a recommendation to <extend your probation <OR> terminate your appointment>. You are invited to provide a written response by close of business <insert date> (10 working days from the date of this letter). This is in accordance with the *Government Sector Employment (GSE) Act 2013* (section 47) and *GSE Rules 2014* (rule 14).

I will be submitting your probation report, any written response received from you and my recommendation to <insert delegate name and title> on <insert date>. Once they have made a decision I will advise you of the outcome.

If you have any queries on this, you are welcome to contact me regarding the Probation Report or your People Business Partner representative in relation to the process <insert name and title> on <insert email/phone>.

I understand that discussing matters of this nature can be personally difficult and that you may require support. I would like to remind you of the Departments Employee Assistance Program (EAP), which is available to you at any time.

The Departments EAPs provides free and confidential counselling services to our staff.

Yours sincerely

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

Attachment 6 - Letter confirming extension of employment probation

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Note: This letter should be issued after completing a probation review. The contents should not be a surprise to the employee and should have been discussed with the employee in person. If you require further guidance, please contact the People Business Partner representative. [Delete this after reading]

Extension of Probation

As you are aware, your employment with the Department of Communities and Justice was subject to a probationary period. I am writing to follow up on your probationary review meeting with <insert name of manager> during which you discussed your <performance/ conduct/ attendance> during this period.

Unfortunately, your <performance/ conduct/ attendance> has not reached a satisfactory standard during your probationary period. Therefore as you know, the recommendation is that the Department extends your probation for a further <insert period of extension> months until <insert date> at which point you and <insert name of manager> will meet again. This is in accordance with the *Government Sector Employment (GSE) Act 2013* (section 47) and *GSE Rules 2014* (rule 5).

<insert name of manager> has made clear to you the reasons for the extension and what actions and improvements they are expecting from you. However, if you have any queries, please contact me immediately.

I regret to say that if you do not meet expectations, the department may have to consider alternative action. This could include terminating your employment. However, I very much hope that this will not be the case and that you successfully complete your probation.

I understand that discussing matters of this nature can be personally difficult and that you may require support. I would like to remind you of the Departments Employee Assistance Program (EAP) which is available to you at any time. The Departments EAPs provides free and confidential counselling services to our staff.

Yours sincerely

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORDS

Attachment 7 - Letter confirming termination of employment

<Date>

Private and confidential

<Insert employee's full name>

<Insert employee's residential address>

Dear <insert name>

Note: This letter should be issued after completing a probation review. The contents should not be a surprise to the employee and should have been discussed with the employee in person. This decision must be made in consultation with the People Business Partner representative. [Delete this after reading]

Termination of Employment

As you are aware, your employment with the Department of Communities and Justice was subject to a probationary period. I am writing to follow up on your probationary review meeting with <insert name of manager> during which you discussed your <performance/ conduct/ attendance> during this period.

On XXX you were provided with reasonable opportunity to respond. Your probationary report and submission was provided to me for review on XXX. After careful consideration of all relevant documentation, unfortunately, your <performance/ conduct/ attendance> has not reached a satisfactory standard during your probationary period. Therefore as you know, I have decided to terminate your employment under section 47 of the *Government Sector Employment (GSE) Act 2013*, As a result, your employment will end on <insert date>.

You may seek information about possible unfair dismissal rights from the Industrial Relations Commission of NSW, your union or seek other advice.

I would like to remind you of the Departments Employee Assistance Program (EAP) which is available to you to for up to three months following the completion of your service. The Departments EAPs provides free and confidential counselling services to our staff.

I wish you well in your future endeavours.

Yours sincerely,

<Insert name>

<Insert position>

PLEASE KEEP A COPY OF THIS LETTER FOR YOUR RECORD