

# Probation for Continuing Academic Staff Policy

## Section 1 - Background Information

(1) A probationary period is established to identify and support an appropriate match between the person, the position and the work environment. Successful probation requires both the staff member and the nominated supervisor over the established period of time to be satisfied with the match of the staff member's qualifications, skills, abilities and development and the needs of the position.

(2) The [ACU Staff Enterprise Agreement 2022-2025](#) sets out arrangements which apply to the probation process and these are supplemented by this Policy.

(3) This Policy sets out the process and procedures which apply to probation for Academic Staff appointed on a continuing basis. The Policy also outlines the role and responsibilities of each of the following in the process and procedures:

- Academic Staff appointed to a continuing position with a probationary period;
- Nominated Supervisors;
- National Heads of School (or equivalent) (refer to definition in section 3);
- Executive Deans (or equivalent) (refer to definition in section 3); and
- relevant members of the Senior Executive.

(4) The probation process is conducted in conjunction with the [Progress Plan for Academic Staff Policy](#).

## Section 2 - Application of Policy

(5) This policy applies to all Academic Staff employed at ACU who are appointed to a continuing position and are required to serve a probationary period.

## Section 3 - Definitions

(6) The following terms have specific meanings in this Policy:

- a. The "Agreement" refers to the [ACU Staff Enterprise Agreement 2022-2025](#).
- b. "Chief People Officer" refers to the person appointed to the position of Chief People Officer or a nominee of that person.
- c. "Executive Dean (or equivalent)" refers to the person appointed to the position of Executive Dean of a Faculty or the equivalent member of the Executive for non-Faculty units.
- d. "National Head of School (or equivalent)" refers to the person appointed to the position of National Head of School or an equivalent line management position(s) within a Faculty or non-Faculty unit.

## Section 4 - Policy Statement

(7) An Academic Staff member, other than a casual staff member, may be required to satisfactorily complete a specified, reasonable period of probationary employment that is directly related to the nature of the work to be performed. The requirement to complete a probationary period will normally be a condition within an offer of continuing and fixed-term employment.

(8) An Academic Staff member cannot normally be required to serve more than one period of probation. However, an Academic Staff member who has successfully completed the probationary requirements of a fixed-term appointment and who is subsequently offered a continuing academic appointment, may be required to serve a further period of up to eighteen (18) months' probation. The additional probationary requirements for this continuing appointment will be set out in the University's letter of offer, in accordance with this Policy.

(9) The terms of an Academic Staff member's probation will be advised in writing to the Academic staff member in advance of the commencement of employment via the letter of offer of employment. The terms will include the period of probation and the probation criteria which must be achieved during probation. The maximum period of probation for staff appointed on a continuing basis is three (3) years.

Continuing academic staff appointed before 9 February 2023 may have a maximum period of probation of up to five (5) years. These staff may apply for confirmation before the end of their period of probation in accordance with section 6.3 of this Policy to change to their terms of probation, or request for approval of early confirmation to align with the 3 year probation period as per clause of the [ACU Staff Enterprise Agreement 2022-2025](#).

(10) The performance of an Academic Staff member, including in relation to the achievement of probation criteria, will be monitored and managed during the probation period as part of the Progress Plan for Academic Staff process. Formal Probationary Reviews will be conducted as an extension of the Progress Plan feedback and development conversations. An Academic Staff member with a three (3) year probation period will normally have their performance reviewed on an annual basis with a final review concluding normally no later than three (3) months prior to the anticipated date of confirmation.

(11) The potential outcomes during probation are normally as follows:

- early confirmation as an outcome of a Formal Probation Review process;
- confirmation (at the end of the period of probation), as an outcome of the Final Probation Review process; or
- non-confirmation of appointment and separation from employment at any time during the probation period; normally following formal and informal development conversations and/or a Formal Probation Review process. This outcome would apply if the Academic Staff member does not meet the terms of their probation and/or their performance is unsatisfactory.

(12) For the purposes of this Policy, unsatisfactory performance includes behaviour of a kind described in Regulation 1.07 of the Fair Work Act Regulations (refer to Attachment 4).

## Section 5 - Approvals

(13) All approvals of decisions made must be in accordance with the relevant University [Delegations of Authority Policy and Register](#).

# Section 6 - Procedures

## 6.1 Probation Criteria

(14) Probation criteria set out the expectations that the Academic Staff member will need to meet in order to achieve confirmation of their continuing appointment. Probation criteria will include essential and specific probation criteria.

(15) The probation criteria for continuing academic positions will normally be determined as part of the recruitment and selection process and advised to People and Capability via the relevant Appointment form in Staff Connect.

## 6.2 Probation Period

(16) The period of probation of an Academic Staff member will be determined as part of the selection process based on the following options:

- the maximum probationary period which is:
  - three (3) years. This is the normal expectation.
  - eighteen (18) months for a staff member who has previously been employed on a fixed-term basis.

An Academic Staff member engaged on a second or subsequent fixed-term appointment with the University cannot be required to serve a probationary period (refer to section 3).

- a shorter period of probation. For example, to recognise the qualifications and significant experience of the Academic Staff member verified through comprehensive referee checks.
- the waiver of probation. For example, if a probation period (or significant portion of a probation period) has already been served and/or in recognition of and as an attraction strategy for a candidate of high standing and reputation verified through comprehensive referee checks.

(17) The recommended probation period will be confirmed in the relevant Appointment form in Staff Connect.

## 6.3 Changing probation terms during the period of probation

(18) The approved probation criteria and period will be included in the letter of offer of employment to the Academic Staff member. Once the letter of offer containing the terms of probation is accepted by the Academic Staff member, it cannot be changed except through mutual agreement between the University and the staff member to a variation to the letter of offer.

(19) A change to an Academic Staff member's specific probation criteria may be appropriate following:

- a change to the staff member's Academic Career Pathway,
- an increase or reduction in the staff member's employment fraction, and/or
- another change to the employment arrangement.

(20) A period of leave, including parental leave and/or leave without pay, does not vary the probationary period specified in the letter of offer.

(21) However, an increase to the period of probation could occur:

- if less than the maximum period of probation applies; and
- there are extenuating circumstances; and

- there is mutual agreement between the University and the Academic Staff member to a variation to the letter of offer.

(22) The following process will apply to changing the terms (criteria and/or period) of probation:

- The relevant section(s) of the 'Academic Staff Probation Period and Criteria Form' will be completed and signed by the nominated supervisor, National Head of School (or equivalent) and Executive Dean (or equivalent). The relevant member of the Senior Executive may approve an increase to the period of probation in accordance with this Policy;
- the Form will be lodged with People and Capability and a variation to the letter of offer will be generated;
- the Academic Staff member will be invited to accept the variation to the letter of offer and the revised terms take effect where there is formal acceptance.

(23) This process does not apply to the reduction of a period of probation which occurs as a result of:

- approval of early confirmation in accordance with this Policy;
- a successful application for promotion to a higher academic level under the University's Academic Staff Promotion Policies (in this case, the probationary conditions and expectations will be deemed to have been met and the Academic Staff member will be granted continuing employment automatically);
- successful application for appointment to a higher level academic position through a recruitment and selection process (in this case, the period of probation will be determined as part of the selection process for the position. Probation may continue and apply for a combined total period of up to three (3) years or may be waived subject to approval by the appropriate delegate); or
- termination of employment.

## **6.4 Probation Feedback and Reviews - Progress Plan and Formal Probation Reviews**

(24) During the period of probation, the Academic Staff member will participate in the ongoing Progress Plan for Academic Staff process.

(25) Formal Probation Reviews will be conducted as an extension of the ongoing feedback and development conversations associated with the Progress Plan with performance reviewed on an annual basis and a Final Probation Review concluded normally no later than three (3) months prior to the anticipated date of confirmation.

### **6.4.1 Progress Plan process during Probation**

#### **Initiating Progress Plan discussions**

(26) The Progress Plan is continuous for the duration of employment. It commences at the time of appointment with the University.

(27) Following commencement, Progress Plans conversations will begin between the Academic Staff member and nominated supervisor to:

- clarify the duties of the position, academic level and Academic Career Pathway (and the associated workload allocation);
- set expectations aligned with the essential and specific probation criteria specified in the offer of employment;
- discuss the evidence that will need to be provided for the purposes of assessment of progress towards or achievement of probation criteria;
- provide information about the Progress Plan feedback conversations and Formal Probation Review processes; and

- identify support, professional development and any other needs to assist the staff member achieve confirmation of their appointment.

The [Capability Development Framework](#) can assist in identifying professional development needs.

(28) The Progress Plan can be utilised to outline and record any development plans associated with the staff member's probation.

### **Ongoing Progress Plan feedback and development conversations**

(29) In accordance with the [Progress Plan for Academic Staff Policy](#), regular formal or informal conversations should occur between the nominated supervisor and the Academic Staff member. During these conversations any probation related concerns should be raised, discussed and documented.

(30) Feedback and development conversations could consider:

- the activities undertaken by the Academic Staff member towards meeting their probationary criteria;
- feedback to the Academic Staff member on their progress toward meeting their probationary criteria;
- professional development activities undertaken;
- any opportunities for improvement in their progress and suggestions for improvement (including appropriate professional development, counselling and/or appropriate work allocation), and the timeframe for expected performance improvement; and
- information (evidence) gathered by the Academic Staff member and nominated supervisor from peers, students and other sources.

(31) If improvements are identified, or there is risk of the Academic Staff member not meeting probation criteria, the supervisor should inform the National Head of School (or equivalent) and the Executive Dean (or equivalent). The Executive Dean (or equivalent) may then take action in accordance with section 6.5, Managing unsatisfactory performance during probation.

### **6.4.2 Formal Probation Reviews**

#### **Timing of Formal Probation Review**

(32) A Formal Review of Probation will normally be conducted no later than six (6) months before the end of the probation period.

(33) If the Academic Staff member's performance consistently exceeds expectations and early confirmation is being considered, the Formal Review of Probation may be conducted at any time during the probation period. In these circumstances the recommendation is referred to by the Executive Dean (or equivalent) to a Probation Review Committee constituted in accordance with Attachment 3. If early confirmation is endorsed by the Probation Review Committee, the recommendation will be referred to the relevant member of the Senior Executive for decision. The Academic Staff member will be informed of this outcome in writing.

(34) If an Academic Staff member is at risk of not achieving their probation criteria before or by the end of the probationary term and/or their performance has been assessed as being unsatisfactory, refer to section 6.5 (Managing unsatisfactory performance during probation) of this Policy, a Formal Review of Probation may be conducted (refer to 6.5.2).

## **Documentation for a Formal Probation Review**

(35) For the purposes of a Formal Probation Review, the Academic Staff member and nominated supervisor will complete a Formal Probation Review Form. The Forms will be accompanied by supporting documents and the evidence specified on the Formal Probation Review Form and agreed as part of the probation criteria.

(36) In circumstances where satisfactory progress towards or completion of a qualification is a probationary criterion, the Academic Staff member will be expected to provide evidence of their enrolment and progress (for example, a report from their research higher degree supervisor concerning progress and anticipated completion or evidence of submission of thesis).

(37) The Academic Staff member may be required to give their permission for further information to be obtained directly from relevant officers within the institution in which the qualification is being undertaken, if requested to do so by the nominated supervisor.

## **Process for Formal Probation Reviews**

(38) The normal process for conducting the Formal Probation Review is represented in Attachments 1 and 2, and is summarised below:

- The Formal Probation Review Form is completed by the Academic Staff member and nominated supervisor as described above.
- The Form is considered by the National Head of School (or equivalent) who may comment on the information provided by the Academic Staff member and nominated supervisor and sign the Form. The Form may be returned to the nominated supervisor with a request for further information as part of this process. The National Head of School (or equivalent) refers the form to the Executive Dean (or equivalent).
- The Executive Dean (or equivalent):
  - reviews the Form including any recommendations,
  - considers the Academic Staff member's performance and/or progress towards achieving probation criteria, and
  - makes a recommendation or determination in relation to the staff member's probation.

(39) The usual options for the Executive Dean (or equivalent) and the subsequent action required to complete the Formal Probation Review are summarised below. The options differ depending on whether the review is:

- a Formal Probation Review conducted during probation or
- the Final Probation Review conducted before the end of probation.

## **Formal Probation Review during probation**

(40) The Academic Staff member's performance consistently exceeds expectations and early confirmation is recommended. In these circumstances the recommendation is referred to a Probation Review Committee by the Executive Dean (or equivalent). If early confirmation is endorsed by the Probation Review Committee, the recommendation will be referred to the relevant member of the Senior Executive for decision. The Academic Staff member will be informed of this outcome in writing.

(41) The Academic Staff member is at risk of not achieving their probation criteria by the end of the probationary term and/or their performance has been assessed as being unsatisfactory. In such circumstances, refer to section 6.5 (Managing unsatisfactory performance during probation) of this Policy.

(42) The Academic Staff member's performance and progress is satisfactory and probation should continue. The Academic Staff member will be informed of this outcome in writing. The Final Probation Review will occur before the

of probation.

## **Final Probation Review**

(43) The Academic Staff member's performance is satisfactory and confirmation is recommended. The recommendation is referred to the relevant member of the Senior Executive for approval. The Academic Staff member will be informed of this outcome in writing.

(44) The Academic Staff member's performance is unsatisfactory and non-confirmation of their appointment is recommended. This recommendation may be referred to the Probation Review Committee for review. Refer to section 6.5 (Managing unsatisfactory performance during probation) of this Policy.

(45) Refer to Attachment 3 for further information in relation to the composition and role of the Probation Review Committee.

(46) Nothing in this Policy prevents the member of the Senior Executive from, in exceptional circumstances, considering other outcomes of the probation process which may be recommended by the Executive Dean (or equivalent) and/or a Probation Review Committee.

## **6.5 Managing unsatisfactory performance during probation**

(47) At any time during the probation period, a nominated supervisor may form the view that the performance of an Academic Staff member who is serving a probationary period:

- is at risk of not meeting one or more probation criteria by the end of their probation period; and/or
- has been assessed as unsatisfactory; and/or
- engaged behaviour of a kind described in Regulation 1.07 of the [Fair Work Act 2009 \(Cth\)](#) Regulations (refer to Attachment 4).

### **6.5.1 Remedial action to address unsatisfactory performance**

(48) The ongoing Progress Plan feedback and development conversations and/or Formal Probation Review(s) provide the nominated supervisor with opportunities to:

- bring to the attention of the Academic Staff member the unsatisfactory nature of their performance, including any specific probation criteria that are at risk of not being met; and
- provide the Academic Staff member with reasonable opportunity and guidance to remedy their performance / development problem(s) including in order to meet the probation criteria.

(49) The staff member will be made aware of any significant performance concerns through any actions taken by the nominated supervisor to defer or withhold incremental progression, in accordance with the [Incremental Progression for Academic Staff Policy](#).

### **6.5.2 Continued Unsatisfactory Performance**

(50) Where a review of performance finds that earlier action to address the unsatisfactory performance has not achieved satisfactory performance, the nominated supervisor will bring this to the attention of the Executive Dean (or equivalent) and Chief People Officer and action will be taken in accordance with one of the following options.

#### **Referral to the relevant member of the Senior Executive**

(51) If the unsatisfactory performance (including any consideration that the academic staff member's behaviour has been in breach of Regulation 1.07 of the Act) is such that separation of employment before the end of the probation

period is considered appropriate, the matter may be referred to the relevant member of the Senior Executive for appropriate action in accordance with the Agreement.

### **Referral to the Probation Review Committee as part of a Formal Probation Review**

(52) If the staff member is at risk of not meeting their probation criteria and/or the unsatisfactory performance has been identified through the probation process, the Executive Dean (or equivalent) may seek further consideration and advice from the Probation Review Committee as part of a Formal Probation Review.

In addition, the matter may be referred to a Probation Review Committee based on particular procedural requirements for probation reviews within the staff member's the letter of offer of employment.

(53) Outcomes from the consideration of the Probation Review Committee will normally include the following (depending on the timing of the Formal Probation Review):

### **Formal Probation Review during probation**

(54) Where the Probation Review Committee endorses a recommendation of non-confirmation, the Executive Dean (or equivalent) will refer this to the relevant member of the Senior Executive for consideration of the recommendation for separation of employment in accordance with the Agreement.

(55) Where the Probation Review Committee provides feedback on areas of performance and development for the Academic Staff member to address, this feedback is communicated to the Academic Staff member by the nominated supervisor and/or Nat HOS (or equivalent) and/or Executive Dean (or equivalent).

(56) The outcomes of the managing for performance process include:

- If the Academic Staff member achieves satisfactory performance, their probation will continue and the Academic Staff member's performance and development will be monitored through the Progress Plan process and (where applicable) the Final Probation Review.
- If the performance of the Academic Staff member continues to be assessed as unsatisfactory, the Executive Dean (or equivalent) may at any time refer the matter to the relevant member of the Senior Executive for consideration of a recommendation for separation of employment in accordance with the Agreement.

### **Final Probation Review**

(57) The Probation Review Committee may endorse a recommendation for confirmation of appointment and this is referred to the relevant member of the Senior Executive. The Academic Staff member will be informed of this outcome in writing.

(58) Where the Probation Review Committee endorses a recommendation for the non-confirmation of appointment on the basis of unsatisfactory performance and/or behaviour, the Executive Dean (or equivalent) will refer this to the relevant member of the Senior Executive for appropriate action in accordance with the Agreement.

## **Section 7 - Revisions made to this Policy**

(59) The University may make changes to this policy and procedures from time to time. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to People and Capability.



## Section 8 - Further Assistance

(60) Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	4th November 2024
<b>Review Date</b>	4th November 2029
<b>Approval Authority</b>	Governance Officer
<b>Approval Date</b>	29th October 2024
<b>Expiry Date</b>	Not Applicable
<b>Responsible Executive</b>	Angelle Laurence Chief People Officer
<b>Responsible Manager</b>	Angelle Laurence Chief People Officer
<b>Enquiries Contact</b>	Bernardine Lynch ER and Safety Committees and Policy Officer <hr/> People and Capability