### Purpose

1. This Circular is to inform Agency Heads of their obligations on the use of probation for employees engaged into the Australian Public Service (APS).

### Probation

1. New [*Australian Public Service Commissioner’s Directions 2022*](https://www.legislation.gov.au/Latest/F2022L00088) (the Directions) have been made. The Directions commenced on 1 February 2022 and replaced the 2016 Directions.
2. The Directions require that APS employees are to be engaged on probation.
3. Probation enables agencies to assess whether a person is suited to the APS, the agency and the job. A period of probation that is effectively managed supports APS capability by delivering a workforce that has the required skills and attributes to undertake their roles now and into the future.
4. Probation is the period within which:
	1. an employee
		1. is provided with clear expectations of performance and behaviour; and
		2. can learn about the job and the work environment, and make a decision on whether the agency and the APS is where they would like to work; and
	2. the agency is provided with an opportunity for a manager to assess whether a person is suited to the job and employment within the agency and the APS.
5. Agencies are strongly encouraged to use the probation period to confirm that new employees can perform effectively in their roles and will be productive participants in the APS workforce. If probation is not used effectively to assess employee suitability, it can result in the need to manage underperformance in the future.
6. If an employee’s performance or behaviour is not satisfactory during their probation period, a manager should attempt to address the issues as soon as possible. If issues are not addressed during the probation period, they are likely to continue after employment has been confirmed. Managers need to use the probation period effectively to prevent underperformance or behavioural problems becoming an issue for the APS into the future.
7. A decision to end employment during probation is a legitimate action which recognises that not all selection decisions result in an outcome that is right for the employee or the employer.

### Agency Head responsibilities

1. The Directions require that Agency Heads must engage employees into the APS on probation.
2. The Directions require that Agency Heads have processes in place to ensure that employees on probation are assessed for suitability to perform the duties of the role they are engaged in. Suitability includes performance but also encompasses broader factors such as conduct, attitude and organisational fit.
3. Processes must enable managers to complete assessments promptly, so that there is sufficient time to make a decision about whether or not the employee’s employment will continue beyond the probation period prior to the conclusion of the probation period.
4. Agency Heads are required to ensure that:
	1. policies establish clear procedures and timeframes that support new employees to understand what is required of them to achieve effective performance, and enable managers to effectively assess the employee's suitability including:
		1. when and how assessments will be undertaken; and
		2. that employees are to be provided with regular feedback throughout the probation period, including ensuring issues are addressed early and the employee has the opportunity to address any issues raised; and
		3. the process for finalising probation, including where performance is not satisfactory;
	2. employment letters of offer clearly set out the conditions that apply to the probation period, including that employment can be terminated if these conditions are not met.
5. Agency Heads may waive probation only where they are satisfied there are reasonable circumstances to justify not engaging the employee on probation.
6. Where the conditions of probation have been satisfactorily met, at the end of the period it is good practice to notify the employee that their employment is no longer subject to probation. All other outstanding conditions of engagement will still apply.
7. Where the conditions of probation have not been satisfactorily met and the agency is terminating employment, the relevant ground is subsection 29(3)(f) of the PS Act which relates to failure to meet a condition of engagement.

#### More Information

1. See: [www.apsc.gov.au](https://www.apsc.gov.au/working-aps/aps-employees-and-managers/guidance-and-information-recruitment/probation) or contact employmentpolicy@apsc.gov.au.

This Circular replaces Circular 2018/4: Using probation effectively.