



PUBLIC SERVICE ASSOCIATION
OF NEW SOUTH WALES

General Secretary Stewart Little
President Kylie McKelvie
ABN 83 717 214 309

In reply please quote: CM:jg CN-117378

21 May, 2019

Ms Simone Walker
Deputy Secretary
Child Protection and Permanency
District and Youth Justice Services
Department of Family and Community Services
and Justice
Locked Bag 4028
ASHFIELD NSW 1800

By email: simone.walker9@facs.nsw.gov.au

Dear Ms Walker

I am writing to you in regard to the conversion of long term temporary caseworkers.

We have now had two unsatisfactory discussions at Joint Consultative Committee meetings about this matter, most recently on 15 May 2019.

Despite assurances to the contrary, the PSA is aware of caseworkers who have been converted and subsequently placed on a twelve-month probation period. In this regard, I draw your attention to the attached correspondence recently issued to a caseworker at the Helpline.

The Department is presiding over a situation where a number of caseworkers have been temporarily employed for up to three years and now have another twelve months of insecure employment imposed on them. This is fundamentally unfair and unreasonable to staff and diminishes productivity through the failure to provide certainty of employment. The staff members concerned have already proved over a sustained period of time they can do the job and meet the requirements of the capability framework.

As we discussed at the last JCC there is no legislative requirement that compels the Department to have a probation period, rather there may be a determination made to place a person on probation.

Government Sector Employment Rule 5 states as follows:

- 1) *The head of a Public Service agency may determine that the engagement of a person in ongoing employment in the Public Service for the first time or following the cessation of any previous employment in the Public Service is subject to the condition that the person is required:*
 - a) *to serve a period of probation on commencing his or her employment, and*
 - b) *to satisfy the requirements for the role in which the person is employed during that period of probation.*

2) *The period of probation:*

- a) *for a Public Service senior executive is to be no more than 3 months, or*
- b) *for a Public Service non-executive employee is to be 6 months or such longer period as the agency head directs.*

3) *A period of probation for a Public service non-executive employee may, before the period expires, be extended for such further period as the agency head directs.*

4) *However, the probation period for a Public Service non-executive employee cannot exceed 12 months.*

5) *If a Public Service employee is required to serve a period of probation, the employer may, at any time during or at the end of the probation period:*

- a) *confirm the person's employment, or*
- b) *in the case of a Public Service senior executive—terminate the person's employment under section 41 of the Act, or*
- c) *in the case of a Public Service non-executive employee—terminate the person's employment under section 47 of the Act on the ground that the person has not satisfied the requirements for the role in which the person is employed.*

The PSA request that as matter of urgency the Department of Family and Community Service and Justice acts to:

- *determine that probationary periods are not required for all conversions of long term temporary caseworkers due to their length of service with the Department and proven ability to undertake their role;*
- *all affected caseworkers are advised of this action as soon as practicable; and*
- *review the Probation Policy and Procedures in order to give clear guidance about the conversion of long term temporary employees with a specific direction that probation may be required but is not mandatory in all circumstances such as the conversion of long term temporary employees.*

The PSA seeks your urgent advice on this matter by cob Wednesday, 29 May 2019.

I can be contacted on 0488 588 517 should you wish to discuss further.

Yours sincerely,



Carmel McKeough
for **Stewart Little**
General Secretary



Dear _____

It is with great pleasure that I offer you ongoing employment with the Department of Family and Community Services in accordance with the *Government Sector Employment Act 2013*. A probation period of 12 months applies.

Your conditions of employment are as follows:

Classification: Clerk Grade 4/7
Commencing salary: _____
Hours per week: 35
Entry on duty: 11 January 2019

You will initially be assigned to the role specified below. Please note that you may in future be assigned to other roles at the same classification within the Department for organisational or capability development reasons. However, you will not be reassigned to a different role without being consulted.

Role: Caseworker
Commencing Location: Helpline

The offer of employment is conditional upon:

- your acceptance of employment at the salary and conditions stated
- satisfactory pre-employment screening checks where required for the role
- satisfactory pre-placement health assessment where required for the role
- your disclosure to us advising of any severance or redundancy payments you have received from the NSW public sector within the last twelve months, and your agreement to the repayment of all or a portion of that payment (refer to clause 24 of the Government Sector Employment Regulation 2014)

You must produce the following documents prior to, or at the time of commencement of duty:

- Formal qualifications required for the role (N.B. employees who falsify qualifications will face appropriate disciplinary action which could lead to dismissal) (if applicable)
- Security or other clearances (if applicable)

To accept this offer of employment as stated above, please sign the attached acceptance and return to Offer.Acceptance@facs.nsw.gov.au within seven (7) days of the date of this letter.

OFFICE USE ONLY (PB)

Payroll Reference Number: _____

FACS1.3 On-Going Employment with Probation - Existing FACS Employee

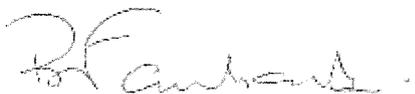
Welcome to the Family & Community Services team, your contribution in this role will help support the department as it works with the most vulnerable members of our community to break the cycle of disadvantage.

Upon commencement in your new role, you will be allocated a **GEN (Government Employee Number)** which is a unique identifier for all NSW government employees. If you are an existing employee, you will have already been allocated a GEN. If you are a new employee to FACS you will automatically be allocated a GEN.

Once your GEN is allocated, it will automatically be sent to you by email, along with a temporary password. You will be able to login and view the information held with your GEN. Click here for [GEN Frequently Asked Questions](#).

If you have any questions regarding this offer, please contact Paul Bartolo on 9765 3804.

Yours sincerely



Department of Family and Community Services
Corporate Services

5 March 2019

OFFICE USE ONLY (PB)

Payroll Reference Number:

FACS1.3 On-Going Employment with Probation - Existing FACS Employee



CONFIRMATION OF ACCEPTANCE

I, [redacted] hereby accept the offer of ongoing employment within the Department of Family and Community Services, based on the following conditions of employment.

Classification: Clerk Grade 4/7
Commencing salary: [redacted]
Hours per week: 35
Entry on duty: 11 January 2019

I understand that a probation period of 12 months applies.

I understand that I will be initially assigned to the role stated below and that I may, in future, be assigned to other roles at the same classification within the Department for organisational or capacity development reasons.

Role: Caseworker
Commencing Location: Helpline

I assert that any qualifications and other documents produced in support of my application are genuine, and I understand that if they are found to be false or misleading, my employment may be terminated.

I have/have not received any redundancy or severance payment from the NSW public sector within the past 12 months.

I understand that I must repay the relevant proportion of any such severance or redundancy payment, in accordance with clauses 24 and 25 of the Government Sector Employment Regulation 2014 if I accept this offer of employment. I acknowledge that if I do not disclose such a payment my employment may be terminated.

I agree to comply with all Family and Community Services Policies and complete the mandatory on-line training modules within four weeks of commencing with Family and Community Services.

I am aware that I cannot commence work until all required pre-employment checks have been cleared.

My signature confirms that I accept the terms and conditions set out in the offer letter dated 5 March 2019, and acknowledge that the salary and conditions stated therein are final.

Signed: _____

[redacted signature box]

Date: _____

OFFICE USE ONLY (PB)
Payroll Reference Number: [redacted]
FACS1.3 On-Going Employment with Probation - Existing FACS Employee