Australian Government

Australian Public Service Commission

Performance Management in the APS

Performance management practices

Preface

The best possible service to the Australian Government and the Australian people requires Australian Public Service (APS) employees to successfully navigate an increasingly dynamic and complex global environment. Technological advances, compressed decision-making timeframes, globalisation, and social media have an increasingly significant impact on the way we live and work. These factors are also shaping and re-shaping the expectations the Government and public have of the APS. Our ability to respond to changing demands, and leverage the opportunities available to us, is underpinned by performance management practices that translate societal and Government expectations into individualised performance expectations for APS employees.

Modernisation and innovation are not new concepts to the APS. Just as our environment and technology have constantly evolved, so too have the demographics of our people. An ageing population and inbound younger workforce means different ways of working are being sought. A focus on soft skills, STEM skills, and a desire for continuous learning demand different ways of understanding what we expect of our people. By extension, our performance management practices must evolve to meet the needs of our people to enable them to fully contribute to our capability. At its heart, performance management is about positioning the APS for the future.

Most public servants joined the APS to make a difference. We can enable the realisation of this ambition by setting clear expectations that also afford employees a degree of autonomy. Talking with employees regularly to understand their successes and challenges, and providing learning and development opportunities, increases their capabilities and those of the APS. Active performance management provides the mechanism for developing and sustaining a high-performance culture across the APS.

This guide, *Performance Management in the APS*, is designed to support agencies to adopt performance management practices at all levels of their organisations that contribute to a high-performance APS culture. This includes both rewarding and recognising talent, and managing underperformance when required.

The guide draws from experience of advising on performance management in the APS, and existing best practice across the APS. It provides guidance for agencies to help them adopt performance management practices that build capability, set clear expectations of all employees, and enable all employees to contribute.

I am grateful to the Secretaries Board, the Australian Financial Security Authority, the Department of Defence, Defence Housing Australia, the Department of Finance, the Australian Electoral Commission, the National Health and Medical Research Council, the Workplace Gender Equality Agency, the National Disability Insurance Agency, the Australian Competition and Consumer Commission, the Australian Taxation Office, and the Department of Human Services, who provided information and support in developing this guidance.

Peter Woolcott AO
Australian Public Service Commissioner

Part I: Performance in the Australian Public Service

Introduction

Purpose

1.1.1   This guide, *Performance Management in the APS*, is aimed at assisting Australian Public Service (APS) agencies to develop performance management practices that will sustain a high-performance culture across the APS.

1.1.2   This guidance is not intended to be prescriptive and can be used to inform agency guidance material and procedures.

1.2 Structure

1.2.1 *Performance Management in the APS* comprises three parts:

a.   Part I, Sections 1 and 2, outlines the legislative framework, the context and key concepts of performance management in the APS.
b.   Part II, Sections 3 and 4, describes a range of ways in which agencies can develop a high-performance APS culture that facilitates effectively performing employees.
c.   Part III, Section 5, contains advice on the practical application of the *Australian Public Service Commissioner's Directions 2016* (amended in July 2019) relating to achieving effective performance.

1.3 Terminology

1.3.1   Terms used throughout this guidance have the same meanings as set out in section 7 of the *Public Service Act 1999* (PS Act) and subordinate legislation. Where the legislation does not define terms used in this guide, they have the following meanings:

-   '**employee**' means a person employed under the PS Act
-   '**misconduct**' means conduct by a person while an APS employee that is determined under procedures made under s15(3) of the PS Act to be in breach of the APS Code of Conduct
-   '**misconduct process**' refers to those processes and decisions, in relation to an individual, that an agency carries out in accordance with its procedures made under s15(3) of the PS Act
-   '**must**' is used where an action is a requirement in the *Public Service Act 1999*, *Public Service Regulations 1999* (PS Regulations), *Australian Public Service Commissioner's Directions 2016* (Directions) or other law.

1.4 Further information

1.4.1   Further information on the PS Act, the PS Regulations, and the Directions is available from the Australian Public Service Commission's (the Commission's) website at www.apsc.gov.au and from the Ethics Advisory Service on 02 6202 3737 or by email at ethics@apsc.gov.au.

1.4.2   This guide complements other Commission publications and advice relating to the behaviour expected of APS employees, particularly *APS Values and Code of Conduct in practice*[1] and *Handling Misconduct: a human resource manager's guide*[2].

1.4.3   Other useful sources of information on issues relating to performance management include:
-    legal briefings
-    published decisions of courts and the Fair Work Commission
-    the Merit Protection Commissioner's case summaries published on the Merit Protection Commission website[3].

1.5 Legal advice on the PS Act

1.5.1   Agencies are asked to contact the Legal Services Team in the Commission at legal@apsc.gov.au when obtaining legal advice on the PS Act. Agencies are to forward copies of legal advice they obtain to the Commission, consistent with clause 10 of the *Legal Services Direction 2017*.

1.6 Disclaimer

1.6.1   This document provides guidance to support the *Australian Public Service Commissioner's Directions 2016*. It is not legal advice and should not be taken as such.

1.6.2   This document may be updated from time to time; however, the Commission is unable to guarantee that this guide is complete, correct or up-to-date, or that it is relevant to the particular circumstances of any matter. Agencies may wish to consider obtaining legal advice before making a decision if they are uncertain of their obligations.

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[1] See https://www.apsc.gov.au/aps-values-and-code-conduct-practice
[2] See https://www.apsc.gov.au/handling-misconduct-human-resource-managers-guide
[3] See http://meritprotectioncommission.gov.au/mpc-resources/summaries-of-cases-folder/case-summaries

2 Legislative Framework

2.1 Legislative framework

2.1.1   The legislative framework for effective performance management in the Australian Public Service (APS) includes a number of components. The main legislative basis is the *Public Service Act 1999* (PS Act).

Public Service Act

2.1.2   Together, the APS Values (s10 of the PS Act), the APS Employment Principles (s10A of the PS Act), and the APS Code of Conduct (the Code) (s13 of the PS Act and regulation 2.1 of the PS Regulations) set out the standards of conduct required of APS employees.

2.1.3   Section 39 of the Directions outlines the performance management obligations of Agency Heads, supervisors, and employees.

2.1.4   The APS Values set out the standards and outcomes that are expected of APS employees while the APS Employment Principles broadly guide employment and workplace relationships in the APS. The Code sets out the behaviour expected of individual APS employees.

2.1.5   The Directions set out the obligations for managing and developing performance. These statements of expected standards help to shape the APS organisational culture.

2.1.6   The PS Act, the PS Regulations, and the Directions are available on the Federal Register of Legislation website[4].

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[4] See https://www.legislation.gov.au/

Part II: Performance Management in the APS

3 Concepts and Context

3.1 Obligations for achieving effective performance

3.1.1   The Australian Public Service (APS) Employment Principles require effective performance from each employee (s10A(1)(d) of the PS Act).

3.1.2   The Directions were amended in July 2019 to clarify the obligations of Agency Heads, supervisors, and APS employees in achieving, promoting, and fostering a high-performance culture.

3.1.3   The amended Directions acknowledge that effective performance is a shared responsibility, and articulate the expectation that agencies proactively identify, foster, and develop high potential employees and engage in proactive career management conversations.

3.1.4   Rather than just focussing on 'performance management', a phrase that has become associated with the management of underperformance, this guidance is intended to promote a high-performance culture throughout the whole APS, so that the APS is best positioned to deliver on its commitments to Government.

3.2 What does good performance look like?

3.2.1   Effective performance in the APS is a combination of an individual employee's career journey and a workplace culture that enables and facilitates that journey.

Employees

3.2.2   Effective employee performance requires ownership and commitment from each employee. At a minimum, employees are accountable for striving to perform their duties to the expected standard, having a performance agreement in place, and participating actively and constructively in career conversations.

3.2.3   An employee's commitment to performance may be demonstrated by the employee initiating conversations with their supervisor to seek informal feedback; identifying and communicating their performance goals; seeking out development opportunities; identifying when they require assistance; and providing their supervisor with feedback.

3.2.4   To succeed, employees need the appropriate skills, opportunities, development, training, mentoring, and support necessary to do their job to the best of their ability.

Supervisors

3.2.5   Supervisors are responsible for promoting and fostering effective performance.

3.2.6   At a minimum, supervisors must conduct with each employee, on a regular basis (at least annually), career conversations that explore the employee's performance, potential, aspirations, organisational fit, and future opportunities. They should ensure their employees' performance agreements are timely and fit for purpose, and that employees are held accountable for delivering against these.

3.2.7   To succeed, supervisors need the capabilities and support to get the best from employees. In a high-performance culture, people management and performance management are recognised as core management activities. Agencies should ensure that supervisors are appropriately skilled in these areas.

Senior leaders

3.2.8   Senior leaders in an agency foster the right culture to encourage best behaviours. They are responsible for promoting a culture in which performance is at the forefront—even before the employment relationship begins, through effective job design and recruitment—and in which employees and supervisors feel safe to have the vulnerable and sometimes difficult conversations that build a high-performing organisation.

3.2.9   Leaders should create an environment in which employees feel safe and motivated to voice their ambitions and aspirations, to set stretch targets and goals without fear of penalty, and to engage in performance improvement processes in good faith. Leaders are responsible for building a culture in which supervisors are supported and motivated to identify and reward high performers—and supported to manage underperformance with sensitivity and skill.

3.2.10 Senior leaders set the right cultural tone by expressing and demonstrating their support for a high-performance culture, including by ensuring that supervisors and the agency's Human Resources (HR) area are supported to identify and nurture talent, get the best from all employees, and manage underperformance effectively. Leaders are responsible for identifying and managing talent—not only for the benefit of their own agency, but for the whole of the APS.

3.2.11 It is the responsibility of all senior leaders to create the right incentives to foster talent and encourage best behaviours.

3.3 Considerations

3.3.1   A high-performance culture is a system that promotes and incentivises effective performance and fosters talent. It has clear performance expectations, a focus on performance improvement and prevention of underperformance, and active management of performance issues. It requires mutual accountability for achieving effective performance.

3.3.2   Agencies use a range of strategies, business plans, service plans, and individual performance agreements to document the outcomes and outputs against which performance is measured. However this is done, it is important that everyone knows how their own performance contributes to the agency achieving its outcomes.

3.3.3   This guidance is designed to assist agencies to foster a high-performance culture. The guidance does not seek to replace existing strategies used by agencies in managing their employees' performance.

4   Enabling a high-performance culture

4.1 Purpose

4.1.1   A high-performance culture facilitates and enables effective performance of employees and organisations in a range of ways.

4.2 Job design

4.2.1   Effective performance cannot be achieved without a clear understanding of the roles needed to fulfil agency objectives.

Principles

i. Enabling effective performance starts with an awareness of the capability needs in the agency, and effective job design.

ii. Agencies should identify the capabilities and competencies that are required at all levels.

iii. Job design should balance operational needs, the external environment, and attention to the needs of the employee to enable sustainable delivery of the desired organisational outcomes.

4.2.2   Information on job design can be found here: www.apsc.gov.au/job-analysis-and-design.

4.3 Recruitment

4.3.1 Agencies set themselves up to succeed when they recruit for job fit.

Principles

i. Agencies need to have in place carefully considered, structured and rigorous recruitment processes to ensure effective job/person alignment.

ii. Recruitment exercises should be tailored to assess applicants' ability to perform the particular requirements of a given role: potential needs to be balanced with agency resources to nurture it.

4.3.2 More information is in the *APSC Recruitment Guidelines*: www.apsc.gov.au/recruitment-guidelines.

4.4 Induction

4.4.1   Agencies should ensure that all new APS employees participate in an appropriate induction process that includes their obligations under the APS Values, Employment Principles, and Code of Conduct.

Principles

i. Employees are set up to succeed when they clearly understand what is expected of them.

4.5 Probation

4.5.1   Probation is an opportunity for both the agency and the employee to make a genuine assessment of the employee's suitability for the role.

Principles

   i. Agencies should make the best possible use of the opportunities afforded by probation periods to ensure that the person and role are adequately evaluated for best fit.

   ii. Agencies should address any performance issues early, and, if necessary, terminate employment if performance is unsatisfactory or if the job/person fit is not ideal.

   iii. Effective use of probation is an very useful tool for building and maintaining a high-performance culture.

4.5.2 More information about probation is available here: www.apsc.gov.au/probation.

4.6 Fostering capability

Supporting supervisors

4.6.1   Supervisors' role in fostering a performance culture is to make effective performance business as usual—and they should be supported to do so.

Principles

   i. People management and performance management should be recognised as core management activities. Agencies should ensure that supervisors are appropriately skilled in these areas.

   ii. Recruitment for supervisory roles should give due consideration to an individual's capability, skills, and experience or potential in determining their suitability to undertake supervisory roles.

   iii. Agencies should give consideration to how to reward high-performing employees other than by promoting them to supervisory roles. Agencies should give due consideration to an employee's desire to undertake supervisory roles: managing personnel may not be an experience sought by all employees.

   iv. Supervisors' own performance should be assessed having regard to their ability to get the best performance from their employees.

   v. Agencies should ensure that their HR areas are supported and available to support supervisors to embed a high-performance culture and manage underperformance where necessary.

   vi. Supervisors should provide feedback to their employees that is clear, honest, timely, respectful, and useful. It should not be reserved for yearly or half-yearly formal 'performance discussions'. The content of such formal discussions should never come as a surprise to the employee. Issues that are not raised in a timely way will only become more complex and difficult over time.

Supporting employees

4.6.2   Employees need the right support to do their work effectively. They need clear, realistic expectations, and honest feedback on outcomes.

Principles

   i. Leaders need to ensure their agency is one in which employees can feel safe to ask for support, bring up concerns, and feel they are trusted to do their jobs.

   ii. In such an environment, employees feel confident in giving and receiving feedback, remain flexible and adaptable to change, and feel empowered to facilitate conversations which affect their careers and the requirements of the role.

   iii. These qualities are fostered in a culture of trust, and one that builds resilience and encourages good judgement.

Human resources (HR) capability

4.6.3   HR should provide ongoing support for supervisors to understand their legislative obligations, how to appropriately reward high performers, and how to manage underperformance.

Principles

   i. HR should ensure all supervisors understand not only the agency's underperformance policies and procedures, but also their own role and obligations in building a high-performance culture.

   ii. HR can assist supervisors by providing guidance on distinguishing underperformance issues from misconduct.

   iii. HR can help in cases where health issues may be affecting performance, including by providing case managers and facilitating reasonable adjustments.

   iv. Departments should work with their portfolio agencies, especially their small agencies, to share resources and support where needed.

4.7 Mutual accountability

4.7.1   Effective performance is facilitated through a relationship founded on a mutual understanding of expectations. It is expected that employees should make the best use of their time and resources to achieve the best outcomes they can. Supervisors are responsible for ensuring appropriate support and resources are available to employees so that outcomes are met. Both have responsibilities for setting and achieving goals, and working together to achieve the best outcomes.

Principles

   i. Employee ownership of performance includes active participation in performance and career development; initiating conversations with their supervisor; identifying performance goals; seeking out development opportunities; identifying when they require assistance; requesting feedback; and providing their supervisor with feedback.

   ii. Supervisors are accountable for ensuring employees are supported to achieve their goals. This means they need to focus on the developmental needs of all employees, not just those who may be underperforming. Supervisors should set out clear expectations;

provide appropriate learning and development opportunities; and be willing and able to provide constructive feedback to employees on an ongoing basis.

iii. Addressing performance issues early and having potentially difficult conversations in a timely manner is critical. Agencies need to ensure that supervisors are appropriately skilled and supported to achieve this.

iv. Employees and supervisors are responsible for designing tailored performance agreements that include expected behaviours, goals, and deliverables, and which also allow for aspirational targets without instilling a fear of punishment or penalty if an employee fails to meet these.

v. Reward and recognition is important as it creates a mutual investment in employees and their careers. This can include supervisors recognising appropriate development opportunities and giving specific praise, tailoring rewards to the employee's preferences and needs, and sometimes being creative when developing high performers (e.g. exposing them to high-level meetings, inviting their participation in strategic conversations, agreeing to them taking a secondment, etc.).

4.8 Talent management

4.8.1   Talent management is the systematic attraction, identification, development, engagement, retention, and deployment of those individuals who are of particular value to the APS because of their high potential for the future.

Principles

i. The identification of talent is based on valid and objective assessment, ensuring people are receiving appropriate development and focus at specific times in their career. This is consistent with the notion of merit[5].

ii. Talent management is systematic and dynamic. It involves regular and active identification, planning and monitoring of high-potential individuals.

iii. Talent management practices are free of patronage or favouritism (or the perception thereof).

4.8.2   More information about talent management in the APS is here: www.apsc.gov.au/talent-management-guide

4.9 Managing underperformance effectively

4.9.1   The term 'underperformance' is not used in the PS Act—instead, the term 'unsatisfactory performance of duties' is used. The PS Act does not define that term, but it can reasonably extend to any situation where an employee does not have the capacity or ability to satisfactorily perform their duties.[6]

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[5] In this context merit refers to objective measures of performance between peers and has no impact on recruitment.
[6] AGS Legal Briefing No. 111: Dealing effectively with unsatisfactory performance in the Australian Public Service (29 November 2018)

4.9.2   Raising and dealing with underperformance is an essential part of the supervisory role, and, if done effectively, is reasonable management action carried out in a reasonable manner, and, therefore, is not bullying for the purposes of the *Fair Work Act 2009* (FW Act).[7]

Principles

i. Effective management of underperformance requires concerns to be identified early and raised with the employee immediately.

ii. Supervisors need to have regard to their agency's policies and procedures for managing underperformance.

iii. Such policies and procedures should provide reasonable opportunity for the employee to demonstrate improvement, but should not be unduly complex, protracted, or onerous.

iv. Supervisors need to be supported by their agency to conduct a performance improvement process thoroughly, fairly, and in a way that takes reasonable steps to ensure the wellbeing of both the employee and the supervisor.

4.10 Health concerns

4.10.1 At times, employees may have health concerns which can impinge on their ability to perform in their role.

Principles

i. As in any circumstances where a supervisor is concerned about an employee's performance, in the first instance the supervisor should have a sensitive conversation with the employee about what they have observed, and seek the employee's comment.

ii. Early conversations are important when supervisors become aware of unusual patterns or changes in behaviour or performance. In many cases, mutual agreement can be reached about next steps.

4.10.2 In some cases, reasonable adjustments may need to be made to help the employee perform the requirements of their role. Agency HR areas should be available to provide support. More information about reasonable adjustments is here: www.humanrights.gov.au/quick-guide/12084.

4.10.3 In some cases, agencies may require an employee to undergo a fitness for duty assessment. More information is here: www.apsc.gov.au/what-health-assessment.

4.10.4 Information on managing underperformance where it is linked to mental illness is available here: www.apsc.gov.au/6-supporting-and-managing-performance.

Suspected misconduct

4.10.5 Supervisors should give due consideration to the underlying causes of an employee's behaviour before viewing underperformance as a Code of Conduct issue.

Principles

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[7] For information about reasonable management action, see: https://www.fwc.gov.au/anti-bullying-benchbook/when-worker-bullied-at-work/reasonable-management-action; and https://www.comcare.gov.au/the_scheme/guidance_on_applying_the_src_act/case_lesson_-_administrative_action_exclusion

i. Part 5 of the APSC publication, *Handling Misconduct: a human resource manager's guide*, sets out considerations for agencies to take into account in distinguishing performance issues from suspected misconduct. Among other things, it invites agencies to have regard to the following:

a. How serious is the suspected behaviour? What is the potential impact on public confidence in the integrity of the agency and the APS? As a general rule, the more serious the alleged behaviour or the greater the potential impact on public confidence in the integrity of the agency and the APS, the more appropriate it is to use misconduct processes.

b. How likely is it that the employee would respond constructively to action under an agency's performance management framework? Where an employee has shown, through their behaviour, that they are unlikely to respond constructively to action under the performance management framework, misconduct action may be the most effective way of dealing with the matter.

c. To what extent is the suspected behaviour within the control of the employee? Unacceptable behaviour by an employee that is within their control, for example wilful refusal to follow lawful and reasonable directions, or a blatant disregard for expected behavioural standards could generally be dealt with as a potential breach of the Code. Behaviour that is either accidental or is a result of a lack of capability on the employee's part is often better dealt with through other processes.

4.10.6 More information is here: www.apsc.gov.au/part-ii-steps-and-processes-involved-reporting-and-managing-suspected-misconduct

Performance Tips*

- Undertake effective recruitment to ensure employees have good potential to perform satisfactorily

- Implement active probation systems to ensure employment of unsatisfactory performers or those without adequate potential is terminated within probationary periods

- Instil a high-performance culture

- Encourage leadership on performance

- Have clearly expressed and understood work and performance requirements

- Hold regular and frank discussions with employees about their performance—make it business as usual

- Adequately document performance concerns

- Provide genuine duties: employees need a quality and quantity of work consistent with their assigned duties which enables them to perform at level

- Take all reasonable steps to assist employees to achieve satisfactory performance

- Ensure prompt management response to significant performance problems, including accurate identification of the cause of performance problems and identification of the best means to address problems; e.g. whether problems should be dealt with as health concerns, a breach of the Code of Conduct, or a performance problem

- Promptly implement any formal performance management or underperformance processes as soon as reasonably possible after identifying genuine underperformance

- Ensure procedural requirements are in place which are fair, not unduly complex, protracted or onerous; e.g. the assessment period should not be so short as to be unfair—it should give enough time for improvement—but not be unduly long

- Take action to reduce classification or terminate employment only where all other reasonable avenues for helping the employee to achieve satisfactory performance have been exhausted.

*Adapted from AGS Legal Briefing 111, *op. cit*.

Part III: The Directions in practice

5 Performance management guidance for agencies

5.1 Introduction

5.1.1   This section sets out the practical application of the Directions (amended in July 2019) relating to achieving effective performance.

5.1.2   Noting that there is a broad spectrum of management practices associated with a high-performance culture across the APS, from fostering talent and encouraging effective performance to managing unsatisfactory performance, the Directions seek to:

a. strengthen the obligations of Agency Heads in relation to ensuring effective performance from employees within their agency

b. make provision for certain obligations of supervisors and APS employees in relation to effective performance, and

c. encourage APS best practice by requiring each Agency Head to ensure that their Agency's performance management policies and processes are periodically reviewed and benchmarked against APS best practice.

5.1.3 In practice, this means that:

-   Agencies have a responsibility for developing performance frameworks that align with the legislative requirements to support a high performance culture

-   Frameworks support a high performance culture through clearly articulated agency expectations of behaviour, and alignment between performance and organisational requirements

-   Agency structure and job design are considered inherent components of effective performance in and by the agency

-   The conditions for sustaining a high-performance culture are shaped by agencies, and realised through mutual obligations between supervisors and employees

-   Supervisors are supported to manage employee performance, and employees are accountable for, and assume ownership of, the standard of performance they achieve

-   Supervisors and employees develop a shared understanding of how they work together to achieve organisational goals

-   Agencies deliberately reflect on the suitability of their policies and practices to achieve organisational outcomes

-   Agency culture fosters continual improvement

-   Policies and practices are regularly reviewed for currency in the dynamic environment in which the APS operates

-   Agencies review their processes to ensure they are consistent with obligations under the Directions.

Performance management in practice

Section 39: Achieving effective performance—Agency Heads

1. An Agency Head upholds APS Employment Principle 10A(1)(d) by ensuring the following:
    a. the Agency has performance management policies and processes that:
    (i) support a high performance culture; and

In practice:
-   Agency Heads articulate and role model expected behaviours

-   Agency guidance articulates the expectations of the Agency Head, supervisors and APS employees

-   Agency Heads instil expectations at all levels, and set high standards and support their realisation

-   Agencies assess organisational performance against organisational outcomes

-   Agency Heads recognise excellence.

(ii) proactively identify, foster and develop APS employees to fulfil their potential;

In practice:
-   Agencies conduct effective, tailored recruitment to ensure employees have good potential to perform

-   Recruitment activities clearly express work and performance requirements

-   Agencies seek individuals with a good cultural fit, and assess alignment with organisational values, having regard to the APS's commitment to diversity

-   Agencies understand their role in ensuring their employees reach their full potential, both for the benefit of the individual, and more broadly for the agency and the APS

-   Incentives are not limited to the possibility of promotion or financial incentives

-   Agencies offer development opportunities as a powerful motivator for individuals and teams

-   Supervisors and agencies support employees to contribute to the capability of the agency and the APS

-   Performance expectations are supported by access to the necessary training, resources and skills, e.g. training, on-the-job support, shadowing, mentoring, coaching, and secondments.

(iii) **provide for effective performance management**; *and*

In practice:
- Agencies communicate unambiguous expectations of supervisors' responsibilities for sustaining a high-performance culture and an employee's achievement of expected performance levels

- Goals and outcomes are agreed between parties and are tailored and meaningful for both the needs of the individual and the agency

- Agencies develop performance cycles that are reflective of their work tempo

- Supervisors and employees meet with sufficient frequency to maintain the momentum of a high performance culture

- Performance measures and agreements are afforded high level oversight

(iv) **are fair, open and effective**; *and*

In practice:
- Processes are clearly aligned with the Employment Principles

- Performance is assessed in the most objective way possible

(v) **are clearly communicated to APS employees**;

In practice:
- Agencies foster openness and goodwill through clear, regular, timely, and tailored communication

- Policies and processes are supported by a communications strategy

- Achieving effective performance is integrated into all HR functions

- Agency Head performance expectations are incorporated into strategic messages.

b. **the Agency builds the organisational capability necessary to achieve the outcomes of the Agency properly expected by the Government**;

In practice:
- Agencies promote organisational outcomes which have a clear line of sight to Government outcomes—and employees understand how their performance contributes to each outcome

- Agencies invest in staff development

- Agencies promote continuous improvement, manage change effectively, and pursue ways to improve capability to ensure readiness for future challenges

- Agencies undertake deliberate actions to future-proof skills and processes.

c. **each APS employee in the Agency is given:**
*(i) **a clear statement of the performance and behaviour expected of the employee**; and*
*(ii) **opportunities to discuss performance**;*

In practice:
- A high-performance culture is enabled through clearly articulated agency expectations of behaviour, and aligns employees' performance to organisational requirements

- APS employees have both performance and behavioural obligations, both of which should be captured in performance agreements and discussions

- Performance expectations cover the behavioural and job-specific outputs that satisfy the requirements for the role the individual occupies

- Performance expectations in respect of job-specific outputs are developed with a clear line of sight to the organisation's strategic objectives. Behavioural expectations align with the APS Values and the agency's cultural vision, and may include technical, leadership or management aspects

- Agencies foster an understanding that performance arrangements are between each individual and the organisation, not just between supervisors and their employees

- When developing performance expectations and goals, conversations should be tailored and meaningful for both the individual and the needs of the agency.

d. **each APS employee in the Agency receives feedback from supervisors about their performance consistent with the Agency's performance management policies and processes**;

In practice:
- Timely and relevant monitoring and reviews of performance and behaviour achieve and sustain optimum performance

- Both formal and informal feedback are required

- Supervisors and employees are open to giving and receiving feedback, supported by open communication.

- Formal and informal feedback are used effectively to recognise positive achievements and outcomes

- Any action arising from feedback conversations is noted and agreed.

e. **the Agency requires supervisors to manage the performance of APS employees under their supervision effectively, including by engaging in career conversations;**

f. **the Agency supports supervisors to manage the performance of APS employees under their supervision, including by providing appropriate training in performance management;**

In practice:

- Supervisors have the training, capability, resources, and agency support to supervise employees effectively

- Agencies make a clear distinction between reasonable management action taken in reasonable manner, and harassment and/or bullying

- Opportunities for coaching or training are formally available and practical to implement

- Clear guidance about supervisory expectations is disseminated.

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g. **the Agency's performance management policies and processes are used to guide salary movement;**

2. An Agency Head upholds APS Employment Principle 10A(1)(d) by ensuring the following:

a. the Agency's performance management policies and processes dealing with unsatisfactory performance are available to supervisors and APS employees in the Agency, and include information that clearly sets out:

*(i) **the responsibilities of supervisors;** and*

In practice:

- Ensure feedback is a timely, prompt response—whether to good or excellent performance, or to performance problems

- Assessments of the employee's work are conducted fairly and impartially

- Agencies adequately document significant performance concerns

- Agencies take all reasonable steps to assist an employee to achieve satisfactory performance.

Performance management in the APS

(ii) ***the possible outcomes if an APS employee's performance is considered unsatisfactory****; and*

> *In practice*:
> - Possible outcomes are outlined in policy
>
> - Outcomes are proportionate to the degree of unsatisfactory performance
>
> - A clear distinction is made between performance management and Code of Conduct matters
>
> - Consideration is given to appropriate measures where a disability or health condition may be contributing to underperformance

(iii) ***that if an APS employee's performance is considered to be unsatisfactory, the employee has a responsibility to engage constructively with their supervisor and other relevant persons (including the Agency's human resources area) in resolving the performance issues and acting on performance feedback****;*

> *In practice*:
> - Employees are given reasonable opportunity to provide input or feedback
>
> - Supervisors are open to discussions, including giving and receiving feedback
>
> - Consideration is given to all contributing factors.

b. **those policies and processes are applied in a timely manner if an APS employee's performance is considered unsatisfactory**.

> *In practice*:
> b. Supervisors respond promptly to any significant performance problems, including articulating the issues and determining any underlying contributors
>
> c. Agencies promptly implement formal performance management when required
>
> d. Agencies develop procedural requirements that are fair but not unduly complex, protracted, or onerous.

Section 39A: Achieving effective performance—Supervisors

A supervisor of an APS employee upholds APS Employment Principle 10A(1)(d) by doing the following:

a. **promoting and fostering effective performance by the APS employee**;

In practice:
- A high-performance culture is reflective of good management practices rather than strict application of process

- Supervisors role model and communicate expectations at all levels

- Supervisors set high standards for performance and support their achievement.

b. **conducting, at least annually, career conversations that deal with the APS employee's performance, potential, aspirations, organisational fit and future opportunities**;

In practice:
- Supervisors and employees meet with sufficient frequency to maintain the momentum of a high-performance culture

- Supervisors take the time to discuss the employee's general wellbeing and job satisfaction, and demonstrate a shared commitment to their effective performance

- Supervisors guide conversations toward development opportunities, capabilities, potential career paths, and continuous improvement

- Conversations allow for avenues for increased capability to be identified.

c. **ensuring that the APS employee has a performance agreement that is consistent with the Agency's corporate plan and the work level standards for the APS employee's classification**;

In practice:
- Agencies provide templates for performance agreements which align with the APS Values, Employment Principles, and Code of Conduct

- Supervisors have active input into the design of employees' performance agreements.

d. **ensuring that the APS employee is provided with clear, honest and timely feedback about the employee's performance**;

> *In practice*:
> - Timely and relevant monitoring of performance and behaviour and provision of feedback builds and sustains optimal performance
>
> - Performance feedback is an ongoing conversation between supervisors and employees.

e. **managing and assessing the APS employee's performance in accordance with the Agency's performance management policies and processes**;

> *In practice*:
> - Assessments are based on evidence
>
> - Assessments are typically made against the agreed performance and behavioural expectations
>
> - Where performance has fallen short of expectations the shortfall can be clearly articulated to the employee
>
> - An assessment conversation should not be the first time an individual is made aware that their performance not meeting expectations.

f. **working to improve the supervisor's capability in effectively managing the performance of APS employees, including through appropriate training**;

> *In practice*:
> - Performance expectations and goals are supported by access to the necessary industry or professional skills and knowledge to enable them to be achieved. This could include shadowing, mentoring, coaching, secondments, or training
>
> - Supervisors understand their obligation to support their employees to reach their full potential, both for the benefit of the individual, and, more broadly, for the agency and the APS.

g. **promptly and actively managing unsatisfactory performance by the APS employee in accordance with the Agency's performance management policies and processes, including by**:
   (i) identifying the nature of the unsatisfactory performance at the earliest opportunity; and

> *In practice*:
> - Supervisors promptly respond to any significant performance problems, including accurate identification of the cause of the performance problem and identification of the best means to address the problem
>
> - Supervisors give consideration to health-related factors.

(ii) **maintaining appropriate records***; and*

> *In practice*:
> - Supervisors adequately document significant performance concerns
>
> - Documentation should be sufficient to assist in assessing improvement
>
> - Documentation is retained for reference in the event a decision is reviewed.

(iii) **engaging with the APS employee and other relevant persons (including the Agency's human resources area and the supervisor's manager) to discuss the unsatisfactory performance, and facilitate a collective understanding about the nature of the unsatisfactory performance***.*

> *In practice*:
> - Supervisors understand available resources and how to access them
>
> - Supervisors take all reasonable steps to assist an employee to achieve satisfactory performance.

Section 39B: Achieving effective performance—APS employees

An APS employee upholds APS Employment Principle 10A(1)(d) by doing the following:

a. **striving to perform to the best of their ability, at the work level standard for the APS employee's classification and consistent with the APS employee's performance agreement**;

> *In practice*:
> - Employees demonstrate commitment to do their job to the best of their ability
>
> - Employees understand how their work contributes to agency and Government outcomes, in the context of their individual performance agreement.

b. **engaging constructively with their supervisor to clarify work expectations and what is required to perform effectively**;

> *In practice*:
> - Employees demonstrate self-awareness by recognising knowledge or skills gaps, and seek means to bridge them
>
> - Employees alert their supervisor if they are having difficulty effectively performing tasks.

c. **participating constructively in the Agency's performance management processes, including career conversations**;

> *In practice*:
> - Employees seek out opportunities for skills development or self-improvement
>
> - Employees come to the discussion prepared to reflect on past performance and to position for future needs.

d. **being open to receiving feedback and acting on feedback in a timely manner**;

> *In practice*:
> - Constructive criticism is considered to be an opportunity to improve
>
> - Employees can separate reasonable performance management taken in a reasonable manner from bullying and/or harassment
>
> - Employees accept feedback with good faith.

e. **seeking opportunities to improve individual and team performance**;

> *In practice*:
> - Employees understand how the work of the team and the individual contribute to achieving agency outcomes
>
> - Employees seek ways to innovate.

f. **if informed that the APS employee's performance is unsatisfactory, engaging constructively by**:
    (i) cooperating with their supervisor and other relevant persons (including the Agency's human resources area) to resolve the issues relating to the unsatisfactory performance in a timely manner; and
    (ii) undertaking any necessary training or remedial or corrective measures as directed.

> *In practice*:
> - Employees understand that difficult conversations are not personal: they are intended to identify gaps, and to co-operatively achieve effective performance
>
> - Employees accept change and adapt when required.