



Government of South Australia
Attorney-General's Department

Attorney-General's Department Performance Development Policy - including managing unsatisfactory performance

Version 1.0

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Attachments:

Performance Development Handbook

Document Control Sheet

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1. Purpose

This policy provides a framework for achieving excellence in our workplace through effective performance development and the management of unsatisfactory performance. It is a vital element in building a department where our structures, strategies, processes and people are aligned to four key goals:

- Community facing
- Engaged staff
- Innovate and cooperate
- Solve people's problems.

The most effective resource we have to achieve these goals is our employees. It is for that reason that this policy represents a significant change to our previous policies. It has been designed to ensure:

- you are recognised for your effort, contributions and achievements;
- you and your manager discuss and document your responsibilities regarding your work performance and behaviours;
- everyone is treated fairly and that consistent processes are followed;
- there are opportunities for you to continuously improve;
- under-performance issues are addressed through regular, meaningful feedback and performance discussions;
- unsatisfactory performance issues are addressed in a way which is fair, consistent and free from discrimination;
- we achieve the goal of engaging our staff in a rewarding workplace.

These principles will be applied through a range of flexible and equitable procedures to assist managers and employees achieve business outcomes which ultimately benefit the community we serve.

The core values to be integrated into all aspects of what is achieved and how it is achieved are:

Collaboration - employees listening to different points of views and experiences, sharing and seeking information and inputting, and working across boundaries.

Accountability - employees are empowered to do their job and they are accountable for their decisions.

Responsibility - employees are proactive and responsive to the needs of the community, where they manage rather than avoid risk and where they are bold, give ideas, ask questions and try new things.

Engagement - employees connect their work to the big picture, understand the real causes and develop long term solutions.

This policy is not a standalone document and should be read in conjunction with the Performance Development Handbook and other related documents.

2. Scope

This policy applies to all Attorney-General's Department (AGD) employees employed under the *Public Sector Act 2009* (PS Act). All PS Act employees are expected to conduct themselves in accordance with the Code of Ethics for the South Australian Public Sector.

The policy does not apply to Ministerial staff, individuals engaged as external consultants/contractors or staff recruited through temporary labour hire.

This policy does not apply to situations where an employee's alleged unsatisfactory conduct appears to the department to be:

- the result of a mental or physical illness or incapacity. Where this appears to be the case, refer to the AGD Management of Unsatisfactory Performance Policy- due to a mental or physical illness or incapacity and seek further advice from Human Resources.
- misconduct. Where this appears to be the case, refer to the AGD Misconduct Policy and seek further advice from Human Resources.

3. Definitions

Performance development is an ongoing cycle of performance planning, development, review and recognition - through a fair, consistent and reliable process.

The AGD performance development process includes:

- setting and documenting clear expectations which integrate individual, team and strategic goals;
- regular informal discussion of performance and development;
- annual formal review of performance conducted by the manager (first-line manager) which includes a moderation process, and a rating process;
- clear expectations for employees with line-management responsibilities;
- clear processes to manage underperformance;
- individual development planning.

Unsatisfactory performance

When an employee is not performing the duties of their role satisfactorily or to performance standards specified in a contract relating to their employment. This is not constrained to consideration of the performance by an employee of the technical duties of their role but is a broad consideration of the totality of an employee's conduct in connection with their role as a public sector employee.

Unsatisfactory performance may include (but is not limited to) behaviour/conduct such as repeated non-attendance at work for any reason; repeated lateness for duty or in returning from lunch breaks; attending work in an intoxicated state and inappropriate language and/or towards colleagues or customers. It can extend to conduct outside of working hours.

Personal files

All government agencies are required to establish and maintain one personal file for each employee. Personal files contain confidential information and are the sole responsibility of HR for maintaining and safe keeping. Other than the employee, access to a personal file is limited to those who are required in the course of their duties to refer to the particular file. In most instances, this would be Human Resources personnel.

Employee files maintained by business units are not personal files and should be regarded only as confidential working files.

Privacy and confidentiality

Discussions held with employees in relation to performance matters will be conducted in a confidential environment and with the documents managed in accordance with the *State Records Act 1997* and the destruction schedules issued under that Act or, as appropriate, the *Freedom of Information Act 1991* and/or Cabinet Information Privacy Principles.

4. Principles

The principles underpinning this policy are aligned to the PS Act and the Code of Ethics for the South Australian Public Sector, in which the AGD's employees will be:

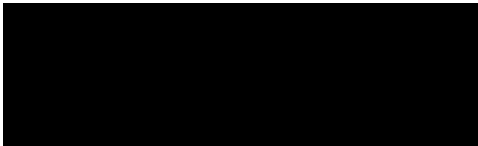
- public-focussed in the delivery of services;
- responsive to government policies;
- collaborative within the department, and across Government;

- striving for excellence in all aspects of their work;
- contributing to a work environment of 'employer of choice';
- demonstrating ethical behaviour and professional integrity; and
- legally compliant in all aspects of their work.

5. References

- *Public Sector Act 2009*
- Code of Ethics for the South Australian Public Sector
- *Fair Work Act 1994*
- *Equal Opportunity Act 1984*
- *Racial Vilification Act 1996*
- *Whistleblowers Protection Act 1993*
- *Disability Discrimination Act 1992*
- *Age Discrimination Act 2004*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- AGD Management of Unsatisfactory Performance Policy - due to a mental or physical illness or incapacity - Guidelines and Procedures
- AGD Misconduct Policy and Guidelines
- AGD Grievance Resolution Policy and Guidelines

6. Endorsement



Chief Executive
Attorney-General's Department and
Department of Justice

