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## Feedback on the draft NSW Public Sector Performance Development Framework

### 1 Overview

- 1.1 The Association thanks the Public Service Commission for the opportunity to comment on the development of a Performance Development Framework (the framework) for all employees of the NSW Public Sector.
- 1.2 This submission has been prepared prior to the announcement by the Premier on 27 February 2013 of proposed substantial changes to the *Public Sector Employment & Management Act 2002* (PSEMA). As the details of this proposal are not yet available, it is difficult to assess the Performance Development Framework as the legislative underpinnings may be subject to change.
- 1.3 We note that the Premier's announcement contains a strong theme of reduced job security for all public sector workers. The climate of insecurity that this and other measures taken by this Government have created among public sector workers is likely to compound the resistance of employees to the positive measures of the Performance Development Framework. Further, it erodes the morale of the workforce, making it harder to achieve the high performance that we all aspire to.
- 1.4 The PSA cautiously welcomes the framework. It is the area of performance management that has been missing in both in the *PSEMA* and the NSW Personnel Handbook. The lack of a formal structure in performance development combined with previous failed attempts to develop a model has created inconsistency in agency and individual management practices. While some agencies have drafted their own guidelines, many managers lack confidence or the will to develop skills in performance development when there is no formal requirement to do so.

- 1.5 Instead a culture of management lethargy in performance development has flourished and has undoubtedly contributed to poor communications between staff and managers and perceptions of 'bullying' – one of the major concerns arising from the *People Matters Survey*. The Association has evidenced this lethargy and for many years have supported employees who have suffered the effects of negative management practises because there has been no formal structure in positive performance development.
- 1.6 The structure of the framework introduces a very distinct array of tools for performance development. In turn, the framework creates an expectation that managers will have the skills to identify and utilise correct tools in the right moment. Significant training for managers will be necessary.
- 1.7 The submission will now outline areas requiring further negotiation, clarification and improvement prior to the introduction of the framework.

## **2 Personnel Handbook**

- 2.1 The Association recommends the framework be embedded in Chapter 9 of the Personnel Handbook to curtail ad hoc compliance in performance development.

## **3 Title for framework**

- 3.1 The Association recommends there should be a clear title to this framework called *Performance Development Framework*.

## **4 Written record**

- 4.1 Implicit in the implementation of the framework is the requirement for a level of documentation to evince the arrangement between the manager and employee. It is the Association's opinion that the content and form of documentation required should have been included in the consultation process of the framework.
- 4.2 Specifically, we note the section on *Clarifying Expectations* in the Guide which proposes that managers 'should communicate these expectations clearly and explicitly and also record them in writing for future reference'.
- 4.3 The Performance Development Framework fails to articulate the content and form of documentation to encapsulate the arrangement between manager and employee. This is of significance if it is envisaged that this document will be used for future reference and as a mechanism to review an employee's progress. The Association is concerned with the industrial impact of any such arrangement and the implication of any binding agreement and its potential to cause dispute or conflict in the workplace.

- 4.4 We note the section on *Clarifying Expectations* in the Guide fails to mention whether there is a requirement for there to be agreement between the manager and employee on what tasks they are expected to perform, how they are expected to behave and the standards they are expected to meet. The Association believes a transparent agreement is essential between the manager and employee.
- 4.5 Furthermore, it is recommended that any arrangement, in the form of an agreement, not form part of the employment contract and that this be explicit in the framework and in any documentation formalising an arrangement.
- 4.6 The Association notes that under the *Developing* heading in the Guide, the first essential element lists a development plan; we seek further details of the plan. Further, we note the more specific elements of an agreement should be subject to discussion and negotiation. To this point we expressly request consultation occur in the developmental stage of any proposed agreement or development tools.

## **5 Quantifiable value**

- 5.1 The Association seeks an outline of the benefit realisation and quantifiable value for the implementation of the performance development framework. In particular, how the PSC plans to measure the employee improvements, efficiency and productivity benefits of the framework.

## **6 Clarifying Expectations**

- 6.1 We note the repetition of clarifying expectations in the framework, firstly, as a standalone element, secondly, as the final dot point under the monitoring element, and lastly, under the reviewing element. This creates confusion and unnecessary duplication in the framework. The Association recommends the framework be simplified for effective implementation.

## **7 Under Performance**

- 7.1 The Association recommends the section on *Under Performance* be removed or separated from the framework. As the framework is a new and separate structure, the inclusion of *Under Performance* in the framework detracts from the positive management approach to performance development and contradicts the purpose of the framework. The efforts to develop employees to realise their full potential are strained with the threat of unsatisfactory performance management considered an equally essential element to the framework.
- 7.2 Further, the Association recommends any reference to *Under Performance* should be amended to *Managing Unsatisfactory Performance*, for consistency with the existing language and terminology in Chapter 9 of the Personnel Handbook and s 47 of PSEMA.

- 7.3 To ensure clarity, additional wording is recommended to be included to the introduction section of the framework to the effect of:

The framework is a distinct process divided into distinct elements, and while *Unsatisfactory Performance* may be an outcome, it is a separate process with its own framework and should not form a part of the Performance Development Framework.

## **8 Monitoring**

- 8.1 The Association recommends the heading *Monitoring* be amended to *Supervising*. Monitoring is a term used in Managing Unsatisfactory Performance.
- 8.2 To detail the element further, the Association proposes wording is added at the introduction of the element, to the effect of:

Supervising embodies the day to day conversations and discussions about performance between managers and employees.

## **9 Recognising and rewarding**

- 9.1 The Association recommends the element includes some examples of informal non-monetary rewards and methods of recognising good performance.

## **10 Tools & Training for Managers**

- 10.1 In order to establish employee confidence in the system, the Association believes the Guide must establish some guiding principles around how the tools should be utilised.
- 10.2 The Association recommends the tools of the framework should be distinct from those which may be relied upon for remedial matters under s 47 of *PSEMA* and referred to in the Personnel Handbook when dealing with unsatisfactory performance.
- 10.3 The aim of the framework is to minimise the transition to unsatisfactory performance through the use of the framework tools. While there are now two distinct frameworks, it is the tools which create the point of transition from the framework to the remedial action related to unsatisfactory performance. For example feedback is a tool of the framework and should be evidenced prior to relying on counselling (informal or formal). The table below demonstrates the link between management tools in the two separate frameworks.

Examples of Performance Development Tools evidenced before considering Unsatisfactory Performance	Tools for Unsatisfactory Performance are in two parts (Remedial tools should be implemented before resorting to reactive tools)
Feedback (constructive, positive), Mentoring, Coaching, negotiation, buddy system, rewards	Remedial
	Counselling (informal, formal)
Agreed Training to develop skills (short courses, on the job, staff meetings, tertiary qualifications, external seminars, conferences etc) which may incorporate Study Leave	Training to remediate a recognised performance issue
Feedback (constructive, positive), Mentoring, Coaching, negotiation, buddy system, rotation to different roles, clarifying roles, rewards	Monitoring in the workplace in area of unsatisfactory performance
	Reactive
Development Plans incorporating higher duties and agreed training to develop skills	Performance Improvement Plans
Changing/redefining roles, rotation to different roles	Removal to another position without demotion
Mediation, Counselling, (Informal)	Warning Letter

10.4 The Association recommends extensive training be provided to managers in the framework tools to provide the optimum chances of success and benefit to employees.

10.5 The Association recommends data should be collected to determine whether progression to unsatisfactory performance is minimised.

Yours sincerely,

Anne Gardiner  
General Secretary