

# FACT SHEET

## State Service Amendment (Performance) Bill 2011

The purpose of the proposed Bill is to amend the current *State Service Act 2000*, the Principal Act, by providing a legislative framework for managing performance and underperformance in the State Service and identifying roles, responsibilities, expectation and accountability of all those involved.

Specifically the proposed Bill:

- revises the current State Service Principle 7(J) thereby introducing accountability, expectation of performance, responsiveness to Government priorities and quality service delivery of all officers and employees (individuals);
- introduces reciprocal obligation for all parties. This involves:
  - Head of Agency, who will ensure, and is accountable for, effective performance management systems and programs being in place to enable individuals to achieve agreed performance;
  - the individual, who will actively prepare for, and participate in, the performance management process and achieve the required performance; and
  - the manager/supervisor, who will assist the individual to achieve the required performance, participate in the performance management process and manage underperformance where it exists;
- makes individual's performance management plan the basis and pivotal point in which performance standards and requirements are identified and agreed (by the individual and their manager) as the expected level of performance. This provides a greater focus on, and expectation of, the roles that the individual and their manager have in this process;
- ensures individual's underperformance is evaluated against this agreed performance, thereby making the expectation clear and documented;
- provides a new termination provision, subject to natural justice principles, on the grounds of underperformance. This is in addition to the current termination provisions in the Principal Act which will remain. These current provisions cover inability to redeploy, performance of

duties assigned, breach of Code of Conduct and other grounds prescribed in current Regulations covering termination of probation or abandonment of employment;

- amends current functions and powers of the Head of Agency, making the Head of Agency more accountable and reinforces their obligation and responsibility for performance management by: -
  - ensuring a performance plan is consultatively developed and in place between all individuals and their manager;
  - developing and implementing effective performance management, and associated development, to help individuals meet their identified performance;
  - assisting individuals to undertake relevant development to achieve identified performance; and
  - reporting on the effectiveness of performance management in the Agency's Annual Report which provides transparency and accountability within the Agency and across the State Service;
- requires in addition, specific roles, responsibilities, obligations and actions for the Head of Agency, including:
  - integration with, and focus on, performance management and associated development on the Agency's business direction, thereby enabling quality service delivery across the State Service;
  - ensuring all individuals participate in the Agency's performance management system, and understand its importance, allowing a specific focus on productivity; and
  - effective performance management and supporting development exists, and information on these within the Agency are made available to individuals to support enhanced productivity;
- articulates the individual's roles and responsibilities by clearly placing the onus on them to be responsible and accountable for their own performance, actively prepare for and participate in the Agency's performance management systems, to perform their duties in line with identified performance and undertake relevant development activities identified in that plan to achieve required performance;
- provides for a Ministerial Direction which will identify specific details on performance management including roles and responsibilities for reporting requirements, and the actions the Head of Agency may take for individuals who achieve performance greater than identified and those identified as underperforming;
- provides processes and timeframes which the Head of Agency must comply with when recommending to the Minister responsible for administering the State Service Act termination of employment. Such an approach provides for consistency, transparency and fairness across the State Service;

- provides for natural justice principles for those deemed to be underperforming as the Head of Agency cannot make a recommendation for termination for employment without individuals having the opportunity to redress their performance by accessing performance management infrastructure that Heads of Agency are required to have in place; and
- provides for termination of employment which rest with the Minister on recommendation from the Head of Agency.