
2.19 Performance and Development Guideline

The Performance and Development guideline (the Guideline) outline the LECC's framework for managing employee performance and development.

The Guideline and framework provide information on the performance cycle, governance, performance in the workplace, probation, mobility, and salary increments.

The framework aims to:

- Build individual, team and Commission capabilities
- Better align employees and their capabilities with the LECC and its values
- Link the development of capabilities with business planning
- Improve Commission performance
- Increase employee engagement
- Recognise and reward individual and team performance
- Manage underperformance in a timely manner.

The framework applies to all employees in the LECC, including temporary employees who are employed for more than three months. It does not apply to:

- Casual employees
- Independent contractors
- Employees of labour hire agencies and other organisations contracted to provide services to the LECC.

Document Control

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1. Definitions

CEO	Chief Executive Officer
Executive Committee	Consists of the Chief Commissioner, Commissioner for Oversight, Commissioner for Integrity, Chief Executive Officer and Solicitor to the Commission
LECC	Law Enforcement Conduct Commission
LECC employees / employee	All persons working with or on behalf of the LECC, including ongoing, temporary or term-basis employees, consultants, contractors and casual employees
Performance and Development Plan (PDP)	LECC's framework for managing for performance
Underperformance	The failure to perform the duties of the role or to not perform them at the standard required. It also includes inappropriate behaviour in the workplace.

2. LECC Values

The LECC values of trust, collaboration, integrity, accountability and service are the basis of a values-led workplace culture. The Commission requires your behaviour and conduct to comply with the LECC Code of Ethics and Conduct.

3. Know your responsibilities

3.1 Employees

Employees are required to:

- Participate actively in regular meaningful conversations about their work
- Develop their own performance to meet expectations and achieve their objectives
- Actively contribute in all aspects of performance management
- Have open and honest conversations with managers and colleagues
- Provide feedback to managers
- Openly receive feedback to proactively drive their own development with the support of their managers
- Actively develop and work towards goals relating to work performance and professional development

3.2 Managers

Managers are required to:

- Collaborate in the development of goals for individual employees
- Initiate and lead regular meaningful conversations
- Set clear performance objectives

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- Build capability to ensure performance objectives are met
 - Build capability to ensure continual development and success
 - Monitor performance
 - Provide regular and ongoing feedback to develop and maintain performance
 - Collaborate within and across LECC teams
 - Seek and openly receive feedback from their manager or senior executive and their employees, to drive their own development
 - Have structured conversations with employees about their performance, development needs and career aspirations
 - Provide feedback and support in addressing underperformance.

4. Performance and development cycle

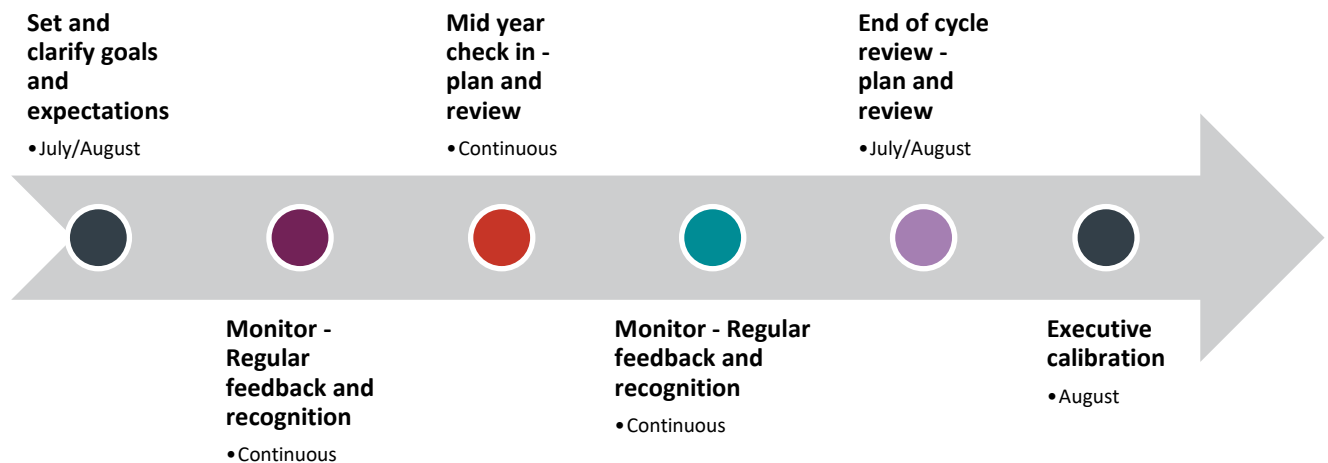
The performance and development framework follows a 12-month cycle, commencing in August and continuing to July the following year. As a process, rather than a one off event, the cycle focuses on conversations about performance, development and career opportunities, and recognition of employee achievements.

The framework requires one-to-one meetings between a manager and employee, including the initial set up of plans and goals, the mid-cycle check-in and the end of cycle review. Throughout the cycle, individual employees work on developing their performance and capabilities, and achieving their goals.

Ongoing two-way conversations about performance and development should occur throughout the cycle. This will help to identify potential challenges and to ensure that an employee is on track with their goals. Ongoing recognition also occurs throughout the cycle, acknowledging achievements as they occur.

The Performance and Development framework:





4.1 Setting and clarifying goals

During this time, managers meet with each individual employee to discuss and set individual performance, development and career goals for the next twelve months. The planning discussion should lead to a shared understanding of what needs to be done and achieved, what support is required, and what good performance looks like. Goals should be in line with team, divisional and Commission values, goals and objectives and linked to employees' role descriptions

Employees and managers should set between four and ten goals per cycle. Goals should align with the SMART (Specific, Measurable, Attainable, Relevant, Timed) approach to goal setting to ensure that expectations around good performance are clear for both the employee and manager. This will provide a solid basis for feedback and assessing performance. Managers must also consider any specific needs of an employee, taking into account any disability and/or impairment, preferences, cultural needs and abilities.

Performance goals should capture the main and most important elements of work performance rather than a task list or detailed work plan. Employees in similar roles may have the same work goals, however, development goals will be individual.

Development goals relate to capabilities as set out in the NSW Public Sector Capability Framework. Development goals should focus primarily on developing skills and abilities to meet current performance expectations, and secondly on career development.

During the planning conversation, the employee and manager consider the different strategies and support that will help an employee to achieve their goals. Following the conversation, the goals are recorded on the Performance and Development system.

4.2 Regular feedback

Throughout the twelve-month cycle, employees actively work towards their agreed goals. Employees and managers monitor progress during this time, providing constructive feedback and adjusting development strategies and support as required.

Ongoing two-way conversations between managers and employees is critical throughout the cycle. During the year, both managers and employees discuss the progress of the performance and development, including any challenges met along the way.

Ongoing two-way conversations include coaching, problem solving, feedback and encouragement that motivate and support each employee to perform at their best.

Employee recognition is crucial to building a culture of excellence. There are many ways to recognise an employee for their achievements. It can be as simple as congratulating an employee for succeeding or thanking them for their contributions with certain tasks.

4.3 Mid-cycle check-in – plan and review

The mid-cycle check-in is an opportunity for the manager and employee to meet one-to-one and discuss goal progress, including successful completion and challenges faced. Together, the manager and employee may include additional individual goals in line with changing priorities, for example, a new business requirement.

4.4 End of cycle review – plan and review

Towards the end of the 12-month cycle, the manager and employee formally review goal achievement and rate capabilities against expected behaviours.

During this time, the manager, in consultation with the employee, seeks fair and honest feedback from relevant people about the employee's performance. LECC encourages key people to provide feedback that recognises the valuable contribution that an individual has made, as well as feedback that enables development.

Using the feedback and review of goal achievement, the manager and employee independently review overall performance and rate it against a five-point scale.

4.5 Calibration discussion

Once managers and employees have completed end of cycle discussions, managers will attend a calibration discussion. The purpose of the calibration discussion is to provide managers with information they need to apply performance ratings fairly and consistently. These sessions are facilitated by the appropriate leader within each Division and co-facilitated by the Manager Human Resources.

4.6 Rating Scales

The five-point rating scale for overall performance is as follows:

Exceeds Expectations	<ul style="list-style-type: none"> Overall contribution consistently exceeds agreed expectations for the role and demonstrated understanding. Team member works well beyond role requirements.
Meets expectations	<ul style="list-style-type: none"> Overall contribution consistently meets agreed expectation for the role and to the required standard.
Requires development	<ul style="list-style-type: none"> Overall contribution partially meets agreed expectations for the role. Some development is required to meet expectations for the role.
Does not meet expectations	<ul style="list-style-type: none"> Overall contribution is well below agreed expectations for the role. Team member did not satisfactorily complete the agreed goals and is required to demonstrate improvement in meeting performance standards. Team member is not eligible for subsequent assignment, secondment or transfer.
Too early to rate (less than 6 months in the LECC)	<ul style="list-style-type: none"> Too early to rate. Select this option only for employees who have been in the Commission less than 6 months.

The rating scale is only used for employees who have been employed in the LECC for three months or more. For employees who have been employed in the LECC for less than six months, this is noted as 'Too early to rate'. The manager's rating is the final rating of overall performance.

Following the review and rating of overall performance, the manager and employee will have a formal performance review discussion in a one-on-one meeting.

Regular conversations and feedback help both the manager and employee know how the employee is tracking against their goals. As such, the review and rating at the end of cycle review should not be a surprise for either person. However, sometimes a disagreement may occur that cannot be resolved at this level. When this happens, the manager and employee should clarify the nature of the disagreement, and clearly and calmly discuss any issues to gain a shared understanding. The manager's review is the final review. If the issue cannot be resolved, the manager's manager should be contacted for further discussion and resolution. Managers can seek support and/or guidance from their manager, their manager's manager or the Manager Human Resources.

At the conclusion of the final review, the manager and employee may choose to continue any goals into the next agreement if relevant.

5. Governance

The Executive Committee can generate reports on the Performance and Development system to view performance ratings across their respective Divisions. The Executive should ensure that ratings are fair and equitable across team members and discuss these results with each line manager.

6. Performance and development in the workplace

The performance and development framework outlines the key stages for the 12-month cycle. Managers will need to build the key stages of this cycle into their own supervision strategy, ensuring that it meets individual, team, divisional and Commission needs. For example, a manager may set a regular time to catch up one-on-one with each employee as well as the team as a whole. These may vary from weekly to monthly to quarterly, depending on the nature of an individual's or team's work.

7. Probation

New employees must create a performance and development plan within four weeks of starting their role and should follow the performance and development cycle as closely as possible. Where probation review dates do not fit with the cycle, regular reviews and ongoing two way conversations will help monitor whether the employee is on track and manage any issues as they occur. The manager should document progress during this time.

Four weeks prior to the end of the probation period, the manager commences a review of whether the employee has satisfied the requirements for the role.

Where the employee continues in the role following the probation period, goals may be reset for the remaining time in the cycle, aligning with the next suitable review point, either mid-cycle check in or end of cycle review.

8. Mobility

An employee's performance for the previous 12 months, along with other relative checks, must be considered for:

- Reassignment, transfer or secondments, including secondments and temporary assignments to a higher grade or band other than the employee's ongoing employment
- Salary increments

For further details, go to *LECC Award 2016* or the Public Service Commission Employment Portal www.psc.nsw.gov.au/employmentportal/mobility

9. Salary increments

Salary increments for non-executive employees will be awarded automatically. These salary increments may be withheld in cases of sustained under performance.

Salary increments for executive employees are paid in accordance with the relevant Executive Remuneration Framework.

10. Unsatisfactory performance

During the performance and development cycle, including employees on probation, managers may need to address issues of underperformance. Unsatisfactory performance is the failure to perform the duties of the role or to not perform them at the standard required. It also includes inappropriate behaviour in the workplace.

Managers should discuss these issues as they arise and document them with an employee as part of ongoing conversations. Ongoing conversations allow early identification and management of emerging performance issues, including support and improvement strategies.

Where the employee subsequently meets and maintains performance to the expected standard, no further action is required. Where underperformance continues and the employee is not meeting or maintaining performance to the expected standard, the manager must contact the Manager Human Resources for direction on managing unsatisfactory performance.

For more information, go to the Managing Unsatisfactory Performance procedure.

11. Resources

- LECC Code of Ethics and Conduct
- LECC Managing Unsatisfactory Performance procedure
- LECC Recognition Guidelines (under development)
- [Government Sector Employment Act 2013](#)
- [Government Sector Employment Rules 2014](#)
- [Government Sector Employment Regulations 2014](#)
- [NSW Public Sector Performance Management Framework](#)
- [NSW Public Sector Capability Framework](#)
- NSW Public Sector Senior Executive Remuneration Framework 2020-21

12. Advice and further information

Contact your manager or the Manager Human Resources to discuss any queries or seek further clarification and information in regards to performance and development.

13. Monitoring and review

These guidelines will be reviewed in accordance with the policy review schedule and at other times if any significant new information or legislative or organisational change warrants a change in this document. Reviews will be completed in consultation with the appropriate interested parties for relevance and effectiveness.

Feedback, comments and suggestions about this procedure can be submitted to Human Resources.