

## Performance and Development Policy

### 1. Application

This policy applies to all non-executive employees of the OSI.

### 2. Purpose

This policy sets out employee performance and development planning within the Office of Special Investigator (OSI). The Policy has been adapted from the DJCS policy and amended to reflect the OSI's operational environment.

### 3. Principles

This policy applies to employees of the OSI whose terms and conditions of employment are governed by the Victorian Public Service Enterprise Agreement 2020 (Agreement).

Employees who are covered by this policy are:

- ongoing employees.
- fixed-term employees; and
- casual employees only to the extent those employees are notified by the department that they will be covered by this policy (employee).

**This includes employees working in Victorian Public Service (VPS) and adaptive equivalent classification roles (adaptive equivalent classifications).**

**Performance and development planning at the OSI aims to:**


- support organisational strategy and the delivery of business goals;
- support employee development, building upon and improving performance;
- recognise employee achievement, work performance and behaviour; and
- support employee participation in learning activities and to undertake required training.

It is a requirement of all employees to participate in performance and development planning regardless of whether they are at the top of their grade or value range or whether they are ineligible for progression for a particular performance cycle. The Special Investigator or Chief Executive Officer may exempt OSI employees from the performance cycle process if there is an operational justification for doing so.

### 4. Policy

The OSI is committed to ensuring that its employees meet their performance and development planning obligations in a manner that is consistent with the Agreement.

Clause 29 of the Agreement provides a framework through which the performance and learning and development of employees can be planned, managed, and reviewed throughout the performance cycle. It also provides the means by which an employee is entitled to progression, or a top of grade or value range payment based on their performance cycle outcome.



Managers and employees may utilise the **OSI Performance and Development Form** (hyperlink form) to record all approved elements of performance and development planning. These include establishment of the progression criteria, performance discussions and assessment.

### **Progression criteria**

The progression criteria are determined between an employee, including those at the top of their grade or value range, and their manager, taking into account each of the expected standards:

1. achieving the agreed performance goals appropriate to the employee's role;
2. demonstrating the OSI values and behaviours (if applicable);
3. achieving learning and development goals, and/or learning requirements determined by the department (if applicable).

Collectively these three standards constitute the employee's progression criteria.

The progression criteria are to be developed at the commencement of the performance cycle or at the employee's commencement in a role.

The progression criteria may include requirements determined by the OSI from time to time, as well as progression criteria agreed between the manager and employee.

Where agreed areas of development have not been achieved for the performance cycle, the employee will not be eligible for a progression or top of grade or value range payment. The Special Investigator or Chief Executive Officer may, in their discretion, override this provision and deem the employee eligible in exceptional circumstances.

### **Formation and implementation of the performance and development plan (PDP)**

At the commencement of each performance cycle, all employees, including those at the top of their grade or value range, must, in conjunction with their manager, develop a new PDP to include (if applicable):

- a performance plan; and
- a learning development plan if learning has been identified.

A performance plan, for all employees, must include progression criteria in relation to performance goals, job-specific accountabilities and OSI values and behaviours (if applicable).

A learning development plan, for all employees, must include general learning goals and objectives agreed to between the manager and employee in order to build professional capability, as well as required learning as determined by the OSI from time to time.

Where required learning is determined by the OSI, the employee will receive notification prior to the commencement or during the performance cycle, or upon commencement in their role in the OSI.


An employee's PDP must have commenced no later than the end of October each performance cycle, or upon the employee's commencement in the role (if applicable). However, the progression criteria set out in the PDP may be adjusted by an employee's manager in consultation with an employee during the performance cycle.

### **Providing learning and professional development opportunities**

The OSI is committed to providing opportunities for employees to continue to build knowledge, skills and capability in order to meet the current and future needs of the organisation.

Management should facilitate an individual employee's ability to undertake appropriate learning and professional development throughout the performance cycle, and employees are encouraged to actively pursue and participate in appropriate learning and development.

In addition to providing employees with learning and professional development opportunities, the OSI may determine required learning to be completed by employees from time to time, in order to comply with



statutory obligations or department wide policy requirements. Such required learning may include but is not limited to completing online eLearn modules. Employees must complete any required learning within the specified timeframe in order to meet their progression criteria.

### **Leadership development programs**

The OSI may offer targeted learning opportunities to an employee through leadership development programs based on demonstrated levels of high performance. Such programs are for the purpose of building organisational capability, succession planning and continuity in the delivery of services. These opportunities may include attending leadership programs, or coaching and mentoring programs.

### **Formal and informal feedback**

In accordance with clause 29.2(g) of the Agreement, all employees can expect formal feedback about their performance and behaviour throughout the performance cycle from their manager.

The formal feedback stages of the performance cycle are managed through the:

1. commencement of the performance cycle (if applicable);
2. mid-cycle performance review (if applicable); and
3. end-of-cycle performance review.

The commencement of the performance cycle provides for managers and employees to determine progression criteria for the new performance cycle and establish the PDP. The mid-cycle performance review provides managers and employees with the opportunity to monitor and assess progress towards achieving the progression criteria, while the end-of-cycle performance review determines whether an employee has achieved the progression criteria to the required standard.

At each of the formal feedback stages the following may occur subject to the direction of the Special Investigator and Chief Executive Officer:


- the employee to provide a self-assessment against their progression criteria;
- the manager to provide assessment against the employee's progression criteria;
- the employee and manager to meet to discuss the employee's performance and behaviour having regard to the progression criteria;
- the manager to provide final assessment to the employee after the performance discussion, and inform the employee as to whether they met the progression criteria to the required standard; and / or
- the employee to acknowledge the outcome of the performance review

At the end-of-cycle performance review, the manager is to advise the employee of their eligibility or ineligibility for progression or a top of grade and value range payment taking into account the progression criteria for that employee.

### **Eligibility for progression or a top of grade or value range payment**

An employee will be eligible to be considered for a progression point or a top of grade or value range payment at the conclusion of the performance cycle, except in the following circumstances:

- the employee has been continuously employed in the VPS for less than 12 months as at 30 June, or
- the employee obtained a promotion to a position at a higher grade or value range, or otherwise negotiated a salary increase within the performance cycle that is equivalent to or greater than one progression payment, or
- the employee was subject to a formal underperformance process under clause 24 of the Agreement at any time during the performance cycle, or
- the employee was subject to proven misconduct under clause 25 of the Agreement during the course of the performance cycle. If, however the investigation of alleged misconduct spans more



than one performance cycle, the eligibility exclusion is to be applied in the performance cycle in which the determination of the discipline outcome (under clause 25.12 of the Agreement) is made. If a misconduct investigation is ongoing but has not yet concluded the employee is eligible to be considered for progression or a top of grade or value range payment but the manager is not precluded from considering matters relating to the misconduct investigation in deciding whether the employee has met their progression criteria where it is fair and reasonable to do so.

**Further instances where an employee will be eligible for progression, or a top of grade or value range payment include:**

- an employee who obtains a promotion at a higher grade or value range, or negotiates a salary increase within the performance cycle that is less than the equivalent of one progression payment, or
- an employee who completes a certificate or qualification during the performance cycle, which is part of an automatic career advancement for their role, or
- an employee whose role has been resized to a higher value range during the performance cycle, or
- an employee who has been acting in a higher duties' role for 12 months or greater as at 30 June, or
- an employee has been acting in a higher duties' role for less than 12 months as at 30 June but has worked for a sufficient period of time to be assessed against the progression criteria in the higher classified role.

Where an employee is ineligible for progression or a top of grade or value range payment, the Agreement still requires that the employee participate in PDP processes throughout the performance cycle.

Where an employee does not achieve the required expectations for all of the progression criteria, they will not be eligible for progression (unless the Special Investigator or Chief Executive Officer utilise their discretion).

A progression point or a top of grade or value range payment is not automatic. However, the Agreement indicates that the overwhelming majority of employees at Grade 1 – 4 and adaptive equivalent classifications will achieve the progression criteria. This is a general guide and individual progression is determined by the outcomes of each performance cycle's PDP.

The top of grade or value range payment is equal to one per cent of the Employee's salary at 30 June of the relevant performance cycle.

Progression will occur or a top of grade or value range payment will be made once the employee's outcome has been endorsed by the appropriate financial delegate.

**Conclusion of exclusion period for an employee new to the VPS**

An employee new to the VPS, who continues to be employed at the same classification level at the conclusion of their 12-month exclusion period for access to progression, and who demonstrates achievement of their agreed progression criteria for the relevant performance cycle, will be eligible for progression at the end of the next performance cycle.

The employee will need to participate in all aspects of the PDP for the relevant performance cycle and if they receive progression, the progression payment will include a backpay of progression to 1 January of the performance cycle to which the progression relates or the employee's 18-month date, whichever is the latter (the 18-month date is the date which marks 18 months after the employee commenced their employment in the VPS).

An employee new to the VPS who is subsequently promoted within the first 24 months of their commencement in the VPS and has therefore been ineligible to be considered for progression for 18

months or more based on the exclusion period, will be eligible to be progressed to the next progression step or amount. The employee will still need to demonstrate achievement of their agreed progression criteria for the relevant performance cycle in which they become eligible for progression after the exclusions are complete.

- The employee will need to participate in all aspects of the PDP for the relevant performance cycle (if applicable) and if they receive progression the progression payment will include backpay of progression to 1 January, or
- the staff member's 18-month date, whichever is the later (the 18-month date is the date which marks 18 months after the employee commenced their employment in the VPS).

For the avoidance of doubt, the Special Investigator or Chief Executive Officer may approve a deviation from any aspect of this policy so long as it results in the OSI employee being in a better position than under the VPS Enterprise Agreement.

This Policy should be read in conjunction with the supporting information listed below.

## 5. For more information

The following people may be contacted in relation to the matters arising under this policy:

- Chief Operating Officer, Corporate Services
- Strategic Adviser, Office of the Chief Executive Officer

## 6. Supporting information

The following suite of documents support this policy:

- (OSI Performance and development form)
- (OSI Gratuities Policy)
- VPS EA 2020
- DJSC PDP guideline and related policy 2020
- DJCS PDP Managers resources
- DJCS Higher duties guidelines and related policy
- DJCS Management of unsatisfactory work performance policy
- Eligibility for progression in the VPS table
- VPS Performance standards and expectations toolkit
- Early intervention to address employee behaviour, performance and conduct issues
- Public Administration Act 2004
- VPS Special Body Code of Conduct

## 7. Authorisation

Version	Date	Name	Signature
1.1	1 May 2022	Geoffrey Nettle, Special Investigator OSI.	Approved via Brief