

Performance Management in the Scottish Government Main bargaining unit

Performance Management is a process which brings together many of the elements which go to make up the successful practice of people management, including:

- the appraisal of performance
- learning and development
- reward

The aim of the Scottish Government's performance management system is to create a high performing organisation that is well equipped to meet day-to-day and future challenges, to improve the way we work and the quality of service we provide to Cabinet Secretaries, Ministers and the people of Scotland.

The Performance Management System is used to appraise, develop and reward all staff in the Scottish Government Main Bargaining Unit (SGM) in Bands A-C.

Performance Appraisal is designed to:

- ensure that Job Holders are clear about their individual role and how they should fulfil it;
- link the Job Holder's role and individual objectives to the wider organisational objectives set out in Management Plans;
- ensure that Job Holders and their Reporting Officer agree and review objectives and priorities;
- ensure that Job Holders review their performance against objectives to make sure that they are making the best possible contribution;
- ensure that Job Holders receive constructive feedback in order to develop and improve their performance;
- ensure that less than effective performance is identified quickly and support provided promptly to raise it to an acceptable standard.

Remember, the appraisal form is a tool which Job Holders and Reporting Officers should use to manage performance. Both parties have a responsibility to ensure that it is used appropriately and that the proper process is followed at the appropriate time.

Pay is directly linked to performance. The performance and pay award years differ – the performance year runs from 1 April to 31 March and the pay year follows on from this, running from 1 August to 31 July. To qualify for a pay award individuals must be employed by the Scottish Government on the date from which the award is effective i.e. the start of the pay year - 1 August

Performance Management

and meet the required criteria within the preceding appraisal period. Separate arrangements apply to those staff who are on anniversary pay award cycles, such as, Fast Stream and Legal Officers.

Performance Appraisal should be a fair and straightforward record of an individual's achievement against their objectives, based on evidence, but without requiring a line by line account of every aspect of performance. **The brief explanations on the performance appraisal form and the notes at the end of the form should provide sufficient guidance for the appraisal to be completed in the majority of cases. Additional guidance, should it be required, is set out in this document.** If you still have unanswered queries you should raise them with HR Shared Service Centre (HRSSC).

Equal Opportunities

The Scottish Government policy on equal opportunities requires all staff to be treated equally irrespective of their sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern, employment status, gender identity (transgender), caring responsibility or trade union membership and this is reflected in the performance management and performance appraisal process. All staff should ensure that they adhere to this policy throughout the performance appraisal process.

Managing Disability In The Performance Management Process

Line Managers play a major role in the performance management process and, in carrying out their duties and responsibilities, they should be aware that disability is an important issue which can have an impact on an individual's performance. It is important therefore that all Line Managers ensure they are aware of their responsibilities. These are set out in the Managing Disabled Staff guidance on the HR Intranet.

General

The Scottish Government attaches great importance to all staff participating conscientiously and timeously in the performance management system. Failure to do so will be viewed seriously.

Performance Appraisal

Performance Appraisal

- Overview of Process
- Appraisal Standards
- Objectives
- Performance Reviews
- Overall Performance Markings
- Roles and Responsibilities
- Appeals
- Probationary reports and non-standard arrangements
 - Staff on probation
 - Level transfer or Promotion/Downgrading
 - Temporary Responsibility at a Higher Pay Range
 - Fast Stream staff
 - Absences
 - Outward secondment
- Appraisal Form

Overview of Process

Step 1 Objectives

Set SMART objectives at the start of the appraisal year:

- 4-6 non-mandatory objectives
- 1 mandatory objective – people management (for those who manage staff)
- 1 mandatory objective - diversity

Identify training and development needs (PLP)



Step 2 In-Year Performance Review

At least one per year, no later than October/November

Discussion on performance/progress

Review objectives – valid/achievable/additional

Opportunity for job holders to discuss where Management might further assist their performance and/or development e.g.

- support in delivering certain aspects of objectives
- changes to management/leadership styles
- diversity issues



Step 3 Annual Performance Review

Takes place April/May

Discussion about achievement of objectives and overall performance

Complete Performance Appraisal form

Indication of achievement against each objective including supporting comments where required

Overall Performance Marking

Summary of overall performance

Note that less than effective performance **must** be tackled **immediately** it is identified. Specific guidance is detailed under Managing Less than Effective Performance at page 34.

Performance Appraisal

Appraisal Standards

Outline Procedures For Ensuring Fair Distribution Of Performance Markings

The aim of these procedures is to ensure that all those responsible for managing staff are aware of and understand their role and responsibility in ensuring that the performance appraisal system relating to staff in the Scottish Government Main bargaining unit (SGM) is operated fairly and consistently across the Scottish Government.

A top-down approach is required. Senior Management, particularly Directors General, Directors and Divisional Heads, have the lead responsibility in ensuring that all Line Managers in their commands understand and apply the performance appraisal standards properly and fairly.

Directors General should bring together their Directors and Divisional Heads, along with their HR Business Partner, periodically throughout the year to discuss the fair and consistent application of performance appraisal standards.

Such meetings might usefully take place at the beginning of the appraisal year, mid-way through the appraisal year and shortly before the end of the appraisal year.

The purpose of the meetings would be to ensure:

- that the agreed corporate guidance on performance appraisal is applied conscientiously, consistently and fairly;
- that Line Managers understand the overall performance criteria before awarding performance markings, and that markings are awarded properly and consistently so far as possible across the Scottish Government;
- that overall performance standards set out in the performance appraisal form are understood and applied properly and consistently within their areas;
- that Line Managers understand their responsibility for identifying and dealing with less than effective performance quickly and in accordance with agreed procedures;
- that markings can be justified and significant variations against any expected spread across Directorates can be defended;
- that performance appraisal is carried out timeously for all staff in their commands;

It is important that there is an ongoing dialogue at every level to ensure that markings are awarded fairly and consistently.

After all performance markings are available, HR will carry out an analysis and report to Permanent Secretary, Directors General and the Unions.

Performance Appraisal

Objectives

At the start of the appraisal year, the Job Holder and Reporting Officer should agree objectives for the year ahead. These should be recorded in Section A of the performance appraisal form.

Objectives should be **Specific Measurable Achievable Relevant Time-related** with verifiable targets and milestones where possible.

The aim should be to set 4 - 6 non-mandatory objectives.

In most cases there should be a clear link between objectives, Management Plans and the delivery of business. However, this may not always be possible, particularly for staff in Band A where it may be more appropriate to set objectives which reflect the work they do to support their team. Managers should ensure that Job Holders understand how their objectives contribute to the success of the Branch/Division/Directorate's commitments.

Anyone who manages staff must have at least one **people management** related objective. Possible examples are:

- Give staff individual and constructive feedback about their performance and the quality of their work by the end of July, November and March;
- Improve communication within the team by holding monthly Branch meetings.

With effect from 1 April 2008, all staff must have at least one **diversity** related objective. Possible examples of diversity objectives are:

- Ensure that membership of the Policy Working Group has an appropriate representation of women, ethnic minorities and disabled people;
- When organising the Branch Away Day ensure that diversity issues are considered by consulting the Staff Etiquette Guide on the HR Intranet

When agreeing objectives, consideration should be given to whether there is any training or development needed to help deliver the objectives successfully. Any learning activities should be recorded in the Job Holder's Personal Learning Plan (PLP). The PLP is included in the Skills for Success/Development Review materials available on the Skills for Success section on the intranet. Once this is completed it should be sent to the Training Liaison Officer (TLO).

There is no need to wait for an in-year review to amend objectives. Objectives should be reviewed regularly and should be part of the ongoing discussion between the Job Holder and Reporting Officer.

Performance Appraisal

Performance Reviews

In-Year Performance Review

There must be at least one in-year review of performance and ideally this should be no later than October/November. **In-year performance reviews can be instigated by either the Job Holder or the Reporting Officer.**

The in-year review provides an opportunity for open and constructive discussion between the Reporting Officer and Job Holder - both should prepare for it. An aide-memoire is available which both the Job Holder and Reporting Officer may find useful when discussing performance against objectives.

Points to cover include performance/progress against objectives, whether objectives are still valid/achievable and whether there are any new objectives to agree and any new training/development requirements.

Discussion should be recorded at Section B of the Performance Appraisal form by the Reporting Officer, and agreed by both parties. It should be retained by the Job Holder and the Reporting Officer and not submitted to HR. On request, subject to the agreement of both the Job Holder and the Reporting Officer, a copy may be shared with the Countersigning Officer.

It is also good practice for Reporting Officers to ask if there is anything Management can do to help the development and performance of the Job Holder. This may cover issues such as support in delivering certain aspects of the agreed objectives; or whether there are any changes to management or leadership styles which would help to smooth the flow of business. Managers should also consider any diversity issues which could assist them in supporting the job holder e.g. these might relate to disability, religion, or working patterns. Both parties are encouraged to participate constructively and to agree whether this aspect of the discussion should be recorded in Section B of the Appraisal form.

Annual Performance Review

The annual performance review takes place in April/May.

The review must include an open and constructive discussion between the Job Holder and Reporting Officer about the achievement of objectives and overall performance. The standards against which performance must be assessed are described at pages 10-12. An aide-memoire is attached which both the job holder and reporting officer may find useful when discussing performance against objectives.

If agreement is not reached on any aspect of the Annual Performance Review, the Reporting Officer should explain why in the appraisal form. In such circumstances, the final decision is left to the

Performance Appraisal

Countersigning Officer. Please see further information at page 9. However, if there remains a disagreement the Job Holder may appeal. Please see further information at page 16.

Performance Appraisal Form

At Section A Part 1, the Reporting Officer should indicate for each objective, whether it has been Exceeded, Achieved, Partly Achieved or Not Achieved and provide supporting comments particularly where an objective has been Exceeded or Partly or Not Achieved. Details of any extenuating circumstances which may have affected the achievement should also be noted.

At Section A Part 2, the Reporting Officer should record the overall performance marking taking account of the standards described at pages 10-12. This marking should take into account the level of achievement of all the objectives, outcomes and overall performance and be discussed in advance with the Countersigning Officer.

At Section A Part 3, the Reporting Officer should record their views on how the objectives for the year have been achieved. Any major strengths in performance and, where relevant, potential areas for development should be highlighted.

At Section A Part 4, the Countersigning Officer should indicate whether they agree with the report, and add any comments which they may wish to make.

At Section A Part 5, the Job Holder can comment on any aspect of the performance appraisal report.

Meeting with Countersigning Officer

The Job Holder may request a meeting with the Countersigning Officer to discuss the appraisal. The meeting does not need to be a forum simply to discuss disagreements. It may also be used as a means for managers and staff to keep in touch.

A record of the meeting is required only by HR where the Job Holder intends to pursue an appeal or if during the meeting, the Job Holder disagrees with any aspect of the performance assessment. In any other circumstances there is no specific need to return a record of the meeting to HR unless either party requests it.

If a record of the meeting is made, both the Job Holder and Countersigning Officer should verify it with their signatures.

Performance Appraisal

Overall Performance Markings

There are five overall performance appraisal markings:

- Exceptional
- Highly Effective
- Effective
- Partly Effective
- Not Effective

The starting point for any assessment should be an Effective marking. This represents the standard for the range. Only if an individual's performance falls below or exceeds the reasonable expectation for the range should a different marking be awarded. If a different marking is considered the Reporting Officer must be convinced that the criteria laid down in the definitions that follow have been satisfied. The Reporting Officer must be content that evidence exists to support the marking awarded.

Effective

A good performance fully meeting expectations, where individuals have:

- delivered their agreed objectives;
- responded well to pressures, where they arose;
- worked in partnership with colleagues, and others, helping them as required.

However, Job Holders may still be marked Effective if circumstances outwith their control mean that they do not fully meet their objectives.

Performance which exceeds Effective

Highly Effective

A very strong overall performance, where individuals have exceeded an Effective standard of performance and, in particular, have:

- delivered and exceeded their agreed objectives;
- responded well to pressures, where they arose;
- demonstrated that they are able to deliver demanding tasks which were delegated to them;
and
- worked in partnership with colleagues, and others, helping them as required.

Performance Appraisal

Exceptional

Exceptional markings can be awarded to staff at all levels but to receive such a marking the individual's performance must have been truly exceptional. Staff in Band A pay ranges who merit an Exceptional marking would normally be expected to meet a minimum of three of the following descriptors over the relevant appraisal year. Staff in Bands B and C pay ranges would normally be expected to meet all of the descriptors over the relevant appraisal year:

- delivered and significantly exceeded their agreed objectives;
- responded very well to pressures, where they arose;
- have gone beyond their agreed objectives and expected levels of performance, producing viable new ideas and new approaches which may, for example, improve efficiency, deliver savings or improve team or cross-directorate working; and
- worked in partnership with colleagues, and others, helping them as required.

However, working long hours, coping well with the routine pressures of the post and time in post or in the Service do not equate to Exceptional performance.

It is important to keep in mind that an individual's disability should not preclude them from achieving an exceptional marking. Such a marking should be awarded where their performance is assessed as exceptional in relation to the objectives which have been agreed with them.

Less than Effective Performance

It is important to note that as soon as an individual's performance becomes less than effective it must be tackled at that point. Action must not be delayed until the mid-year or end-year review. When dealing with less than effective performance specific procedures (see page 34) must be followed. The following performance markings cannot be awarded unless an individual is subject to these procedures.

Partly Effective

The Partly Effective marking is for staff who are not achieving their objectives and who need to work on their development to become effective. A Partly Effective marking may be appropriate where individuals have:

- tried but failed to deliver consistently the standard of performance expected of the range;
- delivered some acceptable work but showed weaknesses in overall performance;
- allowed slippages in timescales which were within their control and did not achieve some or many objectives;
- required input from peers or managers on a regular basis to ensure agreed objectives were met.

Performance Appraisal

Where a Partly Effective performance marking is given the individual's salary is not affected.

Not Effective

This marking should be awarded where there are serious concerns about an individual's performance.

A Not Effective marking may be appropriate where:

- work was of a consistently poor standard;
- objectives were not achieved and there were serious slippages in timescales;
- there was an approach to work which has had a negative impact on the delivery of objectives;
- there was little or no evidence that the Job Holder had applied themselves to their objectives and made a reasonable and sustained effort to perform to an effective standard.

Where a Not Effective performance marking is given the individual will not receive a pay award and their salary will be frozen.

Performance Appraisal

Roles and Responsibilities

It is the responsibility of all staff to play their part in the performance management process and complete the necessary actions conscientiously and on time.

Who can carry out an appraisal?

Appraisal should not normally be carried out below A4 level. In some operational areas, however, there may be staff at A3 level who have supervisory responsibilities which can include annual reporting and career development.

Reporting and Countersigning Officers must have completed the performance appraisal training package before conducting appraisals.

Reporting and Countersigning Officers must also have at least three months experience of the Job Holder's work. If not, appraisals should be carried out by the individual's former Reporting/Countersigning Officer. If they are not available, the person next above in the current management chain should take on this role.

Staff who are on probation cannot conduct an appraisal. The next above in the management chain should carry out the appraisals in consultation with the probationer.

Staff undertaking temporary responsibility at a higher level cannot conduct an appraisal of their peers. They can however set objectives. For example, a B1 member of staff temporarily undertaking duties at B2 level can agree objectives for their B1 staff member.

The presumption is that consultants and contractors would not normally carry out appraisals on substantive members of staff. However, in exceptional circumstances, following discussion with HR (or where appropriate the relevant Agency HR team) this may be possible. Any consultants, contractors or secondees who carry out appraisals must have completed the appropriate appraisal training. The Countersigning Officer must be a substantive member of staff.

Performance Appraisal

Job Holder's role

As a Job Holder, you are required to:

- discuss and agree with your Reporting Officer your SMART objectives for the forthcoming performance appraisal year;
- consider whether there are any training and development needs associated with successful delivery of the objectives. Any learning activities should be recorded in your Personal Learning Plan;
- ensure your SMART objectives are agreed by 31 May and that you understand how your objectives will contribute to the success of the Branch/Division/Directorate commitments and link to Management Plans;
- agree at least one date for your in year review and prepare for the discussion in advance;
- perform effectively against your objectives and deliver the agreed outcomes; and
- contribute actively to the discussion of your performance and further development needs with your Reporting Officer.
- An aide-memoire is available which both the Job Holder and Reporting Officer may find useful when discussing performance against objectives.

Reporting Officer's role

As a Reporting Officer, you are required to take responsibility for managing your staff's performance.

In particular you should:

- discuss and agree SMART objectives with your staff;
- ensure that your staff understand how their objectives will contribute to the successful delivery of the commitments contained in Management Plans;
- discuss and agree your staff's training and development needs and learning opportunities;
- ensure that individual Personal Learning Plans for the coming year are completed and forwarded to your Training Liaison Officer (TLO);
- monitor their performance regularly and provide ongoing support and feedback;
- give praise and thanks when it is due;
- identify less than effective performance as soon as it arises and deal with it in accordance with the agreed procedures;
- understand and maintain appraisal standards as well as ensuring your staff understand them; and

Performance Appraisal

- carry out appraisals on time so that your staff do not feel their contribution, performance and development is unimportant as well as ensuring that their pay award is not delayed.
- An aide-memoire is available which both the Job Holder and Reporting Officer may find useful when discussing performance against objectives.

Before carrying out an Annual Performance Review it is good practice to seek the Countersigning Officer's views on staff in your area.

Countersigning Officer's role

As a Countersigning Officer, you are required to:

- oversee the management role of the Reporting Officer;
- ensure your staff and managers understand and maintain appraisal standards;
- act as arbiter where there is a disagreement between Job Holder and Reporting Officer;
- meet with Job Holders where requested;
- ensure objectives are SMART, fair and broadly comparable for people at equivalent levels and are linked to the Branch/Division/Directorate Business Plans;
- review evidence used to substantiate markings, ensuring consistent and fair application of assessment criteria;
- decide who is responsible for conducting their appraisal where a Job Holder works to a number of different people; and
- indicate on the appraisal form whether you agree with the report, and add any comments you may have.

Any changes to the performance assessment you may be considering should be discussed in advance with the Reporting Officer. Where there remains disagreement, your amendments will stand. You can also change the overall performance marking but before doing so you must conduct a meeting with the Job Holder.

Once you have completed Section A Part 4 of the appraisal form you should forward it to the Job Holder for comment. The Head of Division has responsibility for ensuring that appraisal forms are completed and returned to HR on time.

Appeals

Where a Job Holder is unhappy about any aspect of the appraisal process as it applies to them, they should discuss this first with their Reporting Officer with a view to reaching a satisfactory resolution of the issue. If the issue is unresolved, the Countersigning Officer should become involved (see Countersigning Officer's role at page 15). They have the authority to alter the Reporting Officer's markings.

If there remains disagreement about any aspect(s) of the appraisal which cannot be resolved with the Reporting or Countersigning Officers the Job Holder may appeal.

The appeal should be made in writing to the Head of Division/Director/Chief Professional Officer (CPO) or Agency equivalent, as appropriate. The appeal should be lodged within 10 working days of the Job Holder and Countersigning Officer agreeing a formal record of their meeting and a copy of the appeal should be sent to the:

- HR Professional Adviser
- Reporting and Countersigning Officers
- appropriate Head of Profession if the appeal relates to professional practice or standards
- Trade Union representative if the Job Holder so wishes.

The appeal should contain full details of the grounds for appeal and copies of the performance appraisal report and the record of the meeting with the Countersigning Officer. The Job Holder must provide evidence if they consider their overall performance marking inappropriate.

The HR Shared Service Centre or relevant Agency HR Team will select an Arbiter from outwith the Job Holder's Directorate General or Agency to decide the appeal and should exercise discretion in the selection having due regard to the particular circumstances of each case and the need to ensure objective arbitration.

The Arbiter will:

- obtain information and comments from the Reporting and Countersigning Officers, and will copy their comments to the Job Holder;
- consult the relevant HR Professional Adviser, for advice on any issues relating to the Performance Appraisal system, or any Equal Opportunities/Diversity matters;
- where necessary, obtain advice from the appropriate Head of Profession on any matters relating to professional practice or standards;
- ensure the Reporting Officer attends the Hearing;

Performance Appraisal

- invite the Job Holder to present their case at an oral hearing, normally within 15 days of receiving the appeal;
- if the Job Holder so wishes, a colleague or Trade Union representative, may assist the Job Holder at the Hearing. The accompanying person may confer with the Job Holder, address the Hearing and ask the Arbiter questions. They cannot, however, answer questions that the Arbiter specifically addresses to the Job Holder.

The Arbiter may seek additional information or clarification on any issues raised, from relevant persons, at any time in the appeal process and the Job Holder will be given the opportunity to comment on any additional information provided.

The Arbiter will consider all the available evidence before reaching their decision on the appeal and, normally within 5 days of the Hearing, notify the Job Holder and their:

- Head of Division/Director/CPO/Agency equivalent as appropriate
- Reporting and Countersigning Officers
- HR Professional Adviser

of his/her decision and the reason(s) for it in writing.

If the Arbiter changes the Performance Appraisal report, the Job Holder will be given a copy.

The Arbiter's decision on an appeal is final.

Probationary reports and non-standard arrangements

Probation

Most staff have a probation period of nine months from their date of entry to the Scottish Government. An interim probation performance appraisal is required at four months and a final probation performance appraisal at nine months. It is important that those timescales are adhered to so that performance during probation can be properly managed.

Probation Performance Appraisal Cycle

When the Probationer takes up post, they should, in discussion with the Reporting Officer, agree objectives for the forthcoming 4 and 9 months. These objectives should be SMART and, importantly, realistic in terms of the Probationer's experience. The objectives should be recorded in the relevant section of the Performance Appraisal form.

The Reporting Officer and Probationer should meet regularly throughout the probation period to discuss performance including any difficulties that the latter may have in meeting objectives. Reporting Officers should consult Human Resources (HR) about any performance that is less than effective (see Less than Effective Performance during probation guidance at page 19).

Interim Probation Performance Appraisal

The Reporting Officer and Probationer will meet after the latter has spent 4 months in post to review progress in achieving the agreed objectives. The outcome of this will be recorded on the Performance Appraisal form. The Reporting Officer will forward this form to the Countersigning Officer and the normal process for completing a performance appraisal form will follow. Finally, the Reporting Officer will send the Performance Appraisal form to the HR Shared Service Centre.

Final Probation Performance Appraisal

The Reporting Officer and Probationer will meet after the latter has spent 9 months in post to review progress in achieving the agreed objectives during the whole 9 months probation period.

The outcome of this will be noted on a Performance Appraisal form. The Reporting Officer will forward this form to the Countersigning Officer and the normal process for completing a performance appraisal form will follow. Finally, the Reporting Officer will send the Final Probation Performance Appraisal form to the HR Shared Service Centre.

Performance Appraisal

Next Performance Appraisal

Probationers, whose appointments are confirmed after satisfactorily completing their probation, join the normal performance appraisal cycle that runs from 1 April to 31 March. Consequently, if probation ends between:

1 April and 30 September inclusive - the Probationer and Reporting Officer should agree further objectives for the period up to 31 March so that a performance appraisal for the full appraisal year can be undertaken.

1 October and 31 March inclusive - no further formal performance appraisal is required for that appraisal year. However, the Reporting Officer and Probationer should agree objectives for the remainder of that appraisal year and the Probationer given feedback on performance.

Less than Effective Performance during Probation

Where, despite giving feedback, advice, support and assistance, the Reporting Officer (in consultation with the Countersigning Officer) is concerned that the performance of the Probationer remains below an effective standard they should consult immediately with HR. HR and the Reporting Officer will discuss the performance shortcomings and the circumstances surrounding them.

When HR agrees that a Partly Effective or Not Effective marking may be appropriate (a Not Effective marking can be awarded at any time during the probation period when it is clear that the Probationer's performance is less than effective and unlikely to become effective) the Reporting Officer should conduct a performance appraisal and forward the appropriate Probation Performance Appraisal form to the Countersigning Officer. The normal process for completing a performance appraisal form will follow. Finally, the Reporting Officer will send the Probation Performance Appraisal form to the HR Shared Services Centre.

The HR Professional Adviser will invite the Probationer to a meeting where the Probationer may be accompanied by a colleague or Trade Union representative. The main points that HR will cover during these meetings are set out under the relevant headings below.

Performance Appraisal

Interim Probation Performance Appraisal - Partly Effective

- The performance issue
- Improvement required
- Consequences if the Probationer does not reach an effective standard by the end of the probation period or performance deteriorates to Not Effective at any time during the remainder of the probation period (i.e. that his/her appointment will be terminated).

Final Probation Performance Appraisal - Partly Effective

- Concern about less than effective performance
- Consideration is being given to dismissing the Probationer
- Purpose of meeting is to discuss this before a decision is made
- If the Probationer is dismissed they have a right of appeal against dismissal

Final Probation Performance Appraisal - Partly Effective (where exceptional circumstances exist not to consider dismissal)

- The performance issue
- Probation extended to give final opportunity to reach required standard
- Improvement required
- Consequences if the Probationer does not reach an effective standard by the end of the extended probation period or performance deteriorates to Not Effective at any time during the remainder of the extended probation period (i.e. that his/her appointment will be terminated).

Not Effective (at any time)

- Concern about less than effective performance
- Consideration is being given to dismissing the Probationer
- Purpose of meeting is to discuss this before a decision is made
- If the Probationer is dismissed they have a right of appeal against dismissal

Performance Appraisal

Level Transfer or Promotion/Downgrading

Where staff change post or pay range between 1 April and 30 September inclusive:

- an appraisal report is due at the end of March based on their performance in the new post or new pay range.

Where staff change post or pay range between 1 October and 31 March inclusive:

- an appraisal report is due at the time of transfer based on their performance from 1 April. No further Performance Appraisal is required for that reporting year.

If exceptionally a Job Holder has three or more posts in an appraisal year, the Reporting Officer for the post in which they have served longest should complete the Performance Appraisal in consultation with the other Reporting Officer(s).

Temporary Responsibility at a Higher Pay Range

Temporary responsibility for undertaking duties at a higher pay range is normally a short term arrangement for three months or less. If exceptionally, staff complete work associated with a higher range for six months or more in an appraisal year, their performance should be appraised at the higher pay range. It is possible that by undertaking the more demanding work, they may receive a lower performance marking than normal and, to ensure that they receive a fair performance pay award, their marking is determined using a conversion table. This can be found at the TRS entry on the HR Intranet. While acting up to the higher range if an individual's performance becomes less than effective the expectation is that the temporary responsibility will cease.

Fast Stream staff

Staff joining the Fast Stream undertake a two year development period, during which their appraisal cycles run according to their start date. There must be at least one in-year review of performance and ideally this should be around mid-year. On completion of the two year development period, the standard appraisal cycle will apply.

Examples:

Joined Fast Stream **1 September 2006**

1st Annual Appraisal & Performance Pay Award 1 September 2007

2nd Annual Appraisal & Performance Pay Award 1 September 2008

3rd Annual Appraisal 31 March 2009

3rd Performance Pay Award 1 August 2009

- Following the 2nd review as there are more than 6 months of the appraisal year remaining a report is due at 31 March 2009

Performance Appraisal

Joined Fast Stream

1 December 2006

1st Annual Appraisal & Performance Pay Award 1 December 2007

2nd Annual Appraisal & Performance Pay Award 1 December 2008

3rd Performance Pay Award 1 August 2009

3rd Annual Appraisal 31 March 2010

- o Following the 2nd review as there are less than 6 months of the appraisal year remaining no report is required at 31 March 2009. The performance marking at the 2nd review will be used again, and inform the 3rd performance pay award.

Absence

To qualify for a performance appraisal at the end of the appraisal year, staff have to be at work for three consecutive months of the appraisal year. Staff who are/have been on long term sick absence, maternity leave or special leave and who don't have three consecutive months attendance will not have a Performance Appraisal for that appraisal year. Arrangements for determining pay awards in such circumstances are detailed at the Pay of Staff on Long Term Absences entry on the HR Intranet.

Secondment

The Scottish Government's Performance Appraisal system/form is to be used by all staff on secondment to an outside organisation. Full details of the arrangements will be set out in the letter of secondment.



PERFORMANCE APPRAISAL

PERSONAL DETAILS

Full Name:	Full Name
Staff Number:	Staff No
Pay Range:	Pay/Range
Job Title:	Job Title
Directorate General/Agency:	Directorate General/Agency
Division:	Division

APPRAISAL DETAILS

(To check a box, double click it and change the Default Value to 'Checked')

Type of report:		
<input type="checkbox"/> Standard Appraisal	<input type="checkbox"/> Transfer Report	<input type="checkbox"/> Improvement Programme
<input type="checkbox"/> Interim Probation	<input type="checkbox"/> Final Probation	<input type="checkbox"/> Extended Probation
Pay Range to which the report relates: Pay Range		
Period of Report:	From: dd/mm/yyyy	To: dd/mm/yyyy

Performance Management in the Scottish Government Main Bargaining Unit

Performance Management is a process which brings together many of the elements which go to make up the successful practice of people management, including:

- the appraisal of performance;
- learning and development;
- reward.

The aim of the Scottish Government's performance management system is to create a high performing organisation that is well equipped to meet day-to-day and future challenges, to improve the way we work and the quality of service we provide to Cabinet Secretaries, Ministers and the people of Scotland.

Performance Appraisal is designed to:

- ensure that Job Holders are clear about their individual role and how they should fulfil it;
- link the Job Holder's role and individual objectives to the wider organisational objectives set out in Management Plans;
- ensure that Job Holders and their Reporting Officer agree and review objectives and priorities;
- ensure that Job Holders review their performance against objectives to make sure that they are making the best possible contribution;
- ensure that Job Holders receive constructive feedback in order to develop and improve their performance;
- ensure that less than effective performance is identified quickly and support provided promptly to raise it to an acceptable standard.

Pay is directly linked to performance. For the majority of staff, the overall performance appraisal marking which is given for the period covered by this report will inform their pay award. There will be exceptions to this and these are described in the detailed Performance Management guidance.

Performance Appraisal should be a fair and straightforward record of an individual's achievement against their objectives, based on evidence, but without requiring a line by line account of every aspect of performance. The brief explanations on the performance appraisal form and the notes at the end of this form should provide sufficient guidance for the appraisal to be completed in the majority of cases. However, there will be instances where more detailed guidance is required and this may be found in the Performance Management guidance.

Equal Opportunities

The Scottish Government policy on equal opportunities requires all staff to be treated equally irrespective of their sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern, employment status, gender identity (transgender), caring responsibility or trade union membership and this is reflected in the performance management and performance appraisal process. All staff should ensure that they adhere to this policy throughout the performance appraisal process.

General

The Scottish Government attaches great importance to all staff participating conscientiously and timeously in the performance management system. Failure to do so will be viewed seriously.

RESTRICTED – MANAGEMENT AND STAFF

SECTION A – PERFORMANCE APPRAISAL

1. **Objectives** (See Note A1)

Objectives should be **Specific, Measurable, Achievable, Relevant, Time-related** and, wherever possible, linked to Branch/Division/Directorate Plans. Reporting Officers should comment on how effectively each of the specific objectives has been carried out and whether there were any factors which may have influenced the achievement of the objectives. The four box ratings are indicative of performance against objectives only and should not be seen as a direct read across to the overall performance marking.

Mandatory People Management Objective (where individuals have staff management responsibilities) Objective	Exceeded <input type="checkbox"/> Achieved <input type="checkbox"/> Partly Achieved <input type="checkbox"/> Not Achieved <input type="checkbox"/>
Comments: Comments	

Mandatory Diversity Objective Objective	Exceeded <input type="checkbox"/> Achieved <input type="checkbox"/> Partly Achieved <input type="checkbox"/> Not Achieved <input type="checkbox"/>
Comments: Comments	

Objective	Exceeded <input type="checkbox"/> Achieved <input type="checkbox"/> Partly Achieved <input type="checkbox"/> Not Achieved <input type="checkbox"/>
Comments: Comments	

Objective	Exceeded <input type="checkbox"/> Achieved <input type="checkbox"/> Partly Achieved <input type="checkbox"/> Not Achieved <input type="checkbox"/>
Comments: Comments	

RESTRICTED – MANAGEMENT AND STAFF

Objective	Exceeded <input type="checkbox"/> Achieved <input type="checkbox"/> Partly Achieved <input type="checkbox"/> Not Achieved <input type="checkbox"/>
Comments: Comments	

Objective	Exceeded <input type="checkbox"/> Achieved <input type="checkbox"/> Partly Achieved <input type="checkbox"/> Not Achieved <input type="checkbox"/>
Comments: Comments	

Objective	Exceeded <input type="checkbox"/> Achieved <input type="checkbox"/> Partly Achieved <input type="checkbox"/> Not Achieved <input type="checkbox"/>
Comments: Comments	

Objective	Exceeded <input type="checkbox"/> Achieved <input type="checkbox"/> Partly Achieved <input type="checkbox"/> Not Achieved <input type="checkbox"/>
Comments: Comments	

When agreeing objectives, consideration should be given to whether there is any training or development needed to help deliver the objectives successfully. Any learning activities should be recorded in the Job Holder’s Personal Learning Plan (PLP). The PLP is included in the Skills for Success/Development Review materials available on the Skills for Success section on the intranet. **Please confirm, by ticking the box, that this has been completed.**

RESTRICTED – MANAGEMENT AND STAFF

4. **Countersigning Officer's Comments**

The Countersigning Officer should indicate whether they agree with the report, and add any additional comments which they may wish to make.

Comments

Countersigning Officer: Name

Date: dd/mm/yyyy

5. **Job Holder's Comments**

The Job Holder can comment here on any aspect of the performance appraisal report.

Comments

I have seen this report and request a review meeting with my Countersigning Officer
(check if applicable)

Job Holder: Name

Date: dd/mm/yyyy

The Reporting Officer should update eHR with details of this report. Where this is not possible they should forward electronically to the HR Shared Service Centre or Agency HR Team.

NOTES TO SECTION A

A1. Objectives

At the start of the appraisal year objectives should be agreed between the Job Holder and Reporting Officer for the performance appraisal year ahead.

The aim should be to set 4 to 6 non-mandatory objectives.

In most cases there should be a clear link between objectives, Management Plans and the delivery of business. However, this may not always be possible, particularly for staff in Band A where it may be more appropriate to set objectives which reflect the work they do to support their team.

Anyone who manages staff must have at least one **people management** related objective. Possible examples are:

- Give staff individual and constructive feedback about their performance and the quality of their work by the end of July, November and March;
- Improve communication within the team by holding monthly Branch meetings.

With effect from 1 April 2008, all staff must have at least one **diversity** objective. Possible examples are:

- Ensure that membership of the Policy Working Group has an appropriate representation of women, ethnic minorities and disabled people;
- When organising the Branch Away Day ensure that diversity issues are considered by consulting the Staff Etiquette Guide.

Further information on diversity can be found on the Intranet.

Objectives should be reviewed regularly. There is no need to wait for an in-year review to amend objectives, this should be part of the ongoing discussion between the Job Holder and Reporting Officer.

A2. Performance Markings

There are five performance appraisal markings:

- Exceptional
- Highly Effective
- Effective
- Partly Effective
- Not Effective.

The Reporting Officer must be satisfied that evidence exists to support the marking awarded.

The starting point for any assessment should be an Effective marking. This represents the standard for the pay range. Only if an individual's performance falls below or significantly exceeds this should a different marking be awarded. If a different marking is considered, the Reporting Officer must be convinced that the criteria laid down in the following descriptors have been satisfied.

It is important to note that as soon as less than effective performance becomes evident it must be tackled at that point. Action must not be delayed until in-year or end-year reviews. Further guidance is available on the Intranet.

The following are performance descriptors for each category of marking. These must be used when considering the appropriate performance marking from the evidence available. An aide-memoire is available which both the Job Holder and Reporting Officer may find useful when discussing performance against objectives.

Effective

A good performance fully meeting expectations, where individuals have:

- delivered their agreed objectives;
- responded well to pressures where they arose; and
- worked in partnership with colleagues, and others, helping them as required.

However, Job Holders may also be marked Effective if circumstances outwith their control mean that they do not fully meet their objectives.

Performance which exceeds Effective

Highly Effective

A very strong overall performance, where individuals have exceeded an Effective standard of performance and, in particular, have:

- delivered and exceeded their agreed objectives;
- responded well to pressures where they arose;
- demonstrated that they are able to deliver demanding tasks which were delegated to them; and
- worked in partnership with colleagues, and others, helping them as required.

Exceptional

Exceptional markings can be awarded to staff at all levels but to receive such a marking the individual's performance must have been truly exceptional. Staff in Band A pay ranges who merit an exceptional marking would normally be expected to meet a minimum of three of the following descriptors over the relevant appraisal year. Staff in Bands B and C pay ranges would normally be expected to meet all of the descriptors over the relevant appraisal year:

- delivered and significantly exceeded their agreed objectives;
- responded very well to pressures where they arose;
- have gone beyond their agreed objectives and expected levels of performance, producing viable new ideas and new approaches which may, for example, improve efficiency, deliver savings or improve team or cross Government working; and
- worked in partnership with colleagues, and others, helping them as required.

However, working long hours, coping well with the routine pressures of the post and time in post or in the Service do not equate to Exceptional performance.

It is important to keep in mind that an individual's disability should not preclude them from achieving an exceptional marking. Such a marking should be awarded where their performance is assessed as exceptional in relation to the objectives which have been agreed with them.

Less than Effective

Partly Effective

The Partly Effective marking is for staff who are not achieving their objectives and who need to work on their development to become effective. A Partly Effective marking may be appropriate where individuals have:

- tried but failed to deliver consistently the standard of performance expected of the grade;
- delivered some acceptable work but showed weaknesses in overall performance;
- allowed slippages in timescales which were within their control and did not achieve some or many objectives;
- required input from peers or managers on a regular basis to ensure agreed objectives were met.

Not Effective

This marking should be awarded where there are serious concerns about an individual's performance. A Not Effective marking may be appropriate where:

- work was of a consistently poor standard;
- objectives were not achieved and there were serious slippages in timescales;
- there was an approach to work which had a negative impact on the delivery of objectives;
- there was little or no evidence that the Job Holder had applied themselves to their objectives and made a reasonable and sustained effort to perform to an effective standard.

SECTION B

In-Year Review(s) (See Note B1)

There must be at least one in-year review of performance. The in-year review provides an opportunity for an open and constructive discussion between the Reporting Officer and Job Holder. Points to cover include: performance/progress against objectives, whether objectives are still valid/achievable and whether there are any new objectives to agree and any new training/development requirements.

It also provides an opportunity to record the outcome of any discussion on what Management could do to support the development and performance of the Job Holder.

In-Year Review(s)

Reporting Officer: Name

Date:

Job Holder: Name

Date:

Section B should be retained by the Job Holder and the Reporting Officer and not submitted to HR. Subject to the agreement of both the Job Holder and the Reporting Officer, a copy may be shared with the Countersigning Officer.

NOTES TO SECTION B

B1. In Year Review

There must be at least one in-year review of performance and ideally this should be no later than October/November. Feedback on performance should form part of a continuous dialogue between the Reporting Officer and Job Holder. Both parties should agree how and when feedback on performance will be given. An aide-memoire is available which both the Job Holder and Reporting Officer may find useful when discussing performance against objectives.

It is good practice for Reporting Officers to ask if there is anything Management can do to help the development and performance of the Job Holder. This may cover issues such as, support in delivering certain aspects of the agreed objectives, or whether there are any changes to management or leadership styles which would help to smooth the flow of business. Managers should also consider any diversity issues which could assist them in supporting the job holder e.g. these might relate to their disability, religion, or working patterns. Both parties are encouraged to participate **constructively** in such discussions and to agree whether the outcome should be recorded in Section B of the Appraisal form.

PROCEDURES FOR MANAGING LESS THAN EFFECTIVE PERFORMANCE

Aim

1. In order to fulfil its commitment to provide the best possible service to Ministers and the people of Scotland, the Scottish Government makes a substantial investment in the development and general well-being of its staff. When the performance of an individual falls below an effective standard it is therefore in everyone's interest that the individual's performance is brought up to and maintained at an acceptable standard as quickly as possible. This will be achieved by providing the support, assistance, development and time in order to affect an improvement. Line Managers must have demonstrated that they have taken these actions before pursuing formal procedures for handling the underperformance. Under these formal procedures, where a Partly Effective performance marking is given the individual's salary is not affected. Where a Not Effective performance marking is given the individual will not receive a pay award and their salary will be frozen.

Principles

2. The principles on which the procedures for dealing with less than effective performance have been constructed are that they should:

- be open and fair;
- be flexible enough to be tailored to the circumstances of individual cases; and
- avoid uncertainty for staff through undue delays in their implementation.

3. The procedures comply with good employment practice and employment protection legislation and the provisions of Chapter 6.3 of the Civil Service Management Code (Poor Performance: Inefficiency and Limited Efficiency).

Responsibility of Line Managers

4. It is an absolute requirement that Line Managers deal with less than effective performance as soon as it is identified. Failure to tackle the problem quickly will have a detrimental effect on the business, the individual concerned and on other staff, and will create the impression that managers accept or even condone the situation. Line Managers must not wait until the mid-year or end-year performance reviews before taking remedial action.

Initial stages

5. Instances of minor concerns about performance are often best dealt with informally and a quiet word from the Line Manager may be all that is required to improve the individual's performance.

6. There may be instances where the discussion between the Line Manager and individual reveal that the less than effective performance is beyond the individual's control.

For example:

- matters relating to a disability;
- health problems;
- domestic difficulties;
- capability problems;
- lack of relevant experience or inadequate training.

7. In such circumstances it will not normally be appropriate for individuals to be warned about their performance. The Line Manager's concerns should, nonetheless, be brought to their attention and sympathetic consideration given to whether the issues could be resolved or helped by appropriate support, e.g. reasonable adjustment relating to any disability, training, more effective supervision, encouragement to seek medical help, referral to Employee Assistance Programme or Welfare. The Line Manager should consider, in discussion with the individual, whether to involve HR at this stage. Individuals who may be experiencing personal and/or domestic difficulties which may be contributing to their less than effective performance may wish to discuss these with Human Resources rather than their Line Manager.

8. If, despite the support and assistance which is given, there is no improvement in performance within a reasonable period of time, it may be appropriate to apply the formal procedures described below.

Formal procedures

9. These procedures apply only to staff who have passed their probationary period. They will not apply to staff who have been in their post or range for less than nine months.

10. An essential feature of the formal procedures is the partnership which should be formed between the Line Manager and Human Resources (HR) for managing the individual's performance up to an effective standard and taking the case through to a final conclusion.

11. **In all cases the Line Manager must contact HR as soon as they have concerns that an individual's performance is of a more serious nature.** A Professional Adviser will be allocated to work in close partnership with the Line Manager throughout the entire process. The Professional Adviser will provide support and professional advice to the Line Manager.

12. If once formal procedures have started it comes to light that there are mitigating circumstances relating to the individual's performance which are new or have not been identified previously then the guidance at paragraph 7 should be followed.

13. The attached flowchart shows the main stages of the procedures. The timescales in the chart represent minimum periods.

14. The main features of the formal procedures are:

14.1 The individual will be sent a letter by the Line Manager setting out the areas of concern and why their level of performance is causing concern. The letter will invite the individual to a meeting with the Line Manager and Professional Adviser with a view to their performance being discussed.

14.2 The purpose of the meeting will be to discuss the performance problem, the basis of the concerns, the possible cause and to agree an action plan with a view to bringing the individual's performance up to an effective standard.

14.3 Following the meeting the individual will be given the agreed action plan in writing by their Line Manager, setting out:

- the performance issue;
- the improvement that is required;
- the support that will be given in order to secure the required improvement in performance, including appropriate, relevant and targeted training;
- the timescale for achieving the required improvement; and
- a review date.

The letter will explain that this is the first stage of a formal procedure that is aimed at helping staff improve their performance and to sustain it at an effective level. It will also be a first warning about the possible consequences of continuing underperformance.

14.4 In the event that it is not possible to agree an action plan an Arbiter will be appointed from within HR to review the case. The Arbiter's decision will be final.

First Improvement Period

14.5 The timescale set for this first improvement period can vary and will be agreed between the Line Manager and Professional Adviser taking account of any views expressed by the individual concerned. However, it will not normally be less than 3 months. During this period the Line Manager will give support and encouragement, monitor performance, give feedback and advise the individual if no improvement is being made. Managers are reminded of the need to take account of any mitigating circumstances (see paragraph 12).

14.6 At the end of the agreed period (but not before then), the Line Manager in consultation with the Professional Adviser will review the individual's performance:

- Where it is assessed as being of an Effective standard over the agreed improvement period the Line Manager will write to the individual confirming the improvement and that no further action will be taken. The letter will make clear that the individual will be expected to maintain their improved performance.
- However, if performance has remained below an Effective standard the Line Manager must complete a performance appraisal report and award an overall performance marking of either Partly Effective or Not Effective. **Note that such reports are not tied to the annual performance appraisal cycle.**

Second Improvement Period

14.7 Where an individual's performance has not improved to an Effective standard they will be invited to a meeting with their Line Manager and Professional Adviser where their continued under-performance will be explained to them. During the meeting a further action plan will be agreed with them which will cover the issues set out in paragraph 14.3 above. The individual will receive a letter from their Line Manager describing the agreed action plan and advising them of their right to appeal. It will also advise that no further warning will be given and that if they do not improve to an Effective standard during this second improvement period they may be dismissed or subject to some other action. It will explain that in the event of any such action the individual will have the right of appeal. Again, managers are reminded of the need to take account of any mitigating circumstances (see paragraph 12).

14.8 At the end of the second improvement period the Line Manager will complete a performance appraisal form after having first discussed the individual's performance with them and the Professional Adviser.

14.9 Where the individual's overall performance is assessed as being Effective or better they will be informed in writing and no further action will be required. The letter will make clear that the individual will be expected to maintain their improved performance.

14.10 Where an overall performance marking of Partly Effective or Not Effective is awarded then the Line Manager who has been dealing with the case will refer it immediately to an Assessment Board for consideration and appropriate action.

Assessment Board

15. The Assessment Board will comprise:

- a Chairperson who will be a Line Manager from Band C or above who has had no previous involvement in the case, who is at least one management level higher than the individual concerned and is from outwith the individual's Directorate General/Agency; and
- a member who will be a HR Professional Adviser who has had no previous involvement in the case.

16. The Assessment Board will decide on an appropriate outcome. That outcome may be downgrading, dismissal or some other action as appropriate.

17. A factual report will be prepared for the Assessment Board by the HR Professional Adviser who has been involved with the case. It will include a summary of events and copies of all papers relating to the case. A copy of the report will be sent to the Job Holder with a covering letter, informing them of the convening of the Board, its membership and the arrangements for hearing the case.

18. The Assessment Board will then write to the individual notifying them of the concerns about their performance, the basis for these concerns and inviting them to a meeting to discuss the matter. The individual has the right to be accompanied at the meeting by a colleague or Union official.

19. The Assessment Board is expected to reach a decision quickly. Following the meeting the individual will be sent a letter advising them of the decision reached. In all cases the individual will be advised that they have the right of appeal against the Assessment Board's decision if they are not satisfied with it. In the event of the decision being dismissal the individual will also be advised of the reasons for dismissal, the date on which their employment contract will terminate, and any period of notice which will apply.

Appeals

20. Individuals have the right of internal appeal against the Assessment Board's decision. Appeals must be lodged within the timescale stipulated within the letter advising of the Assessment Board's decision. Appeals will be heard by a member of the Senior Civil Service who has not been party to the decision or action which is being appealed against and who is from outwith the individual's Directorate General/Agency.

21. Individuals will be given the opportunity to make written and oral representations and they may be accompanied at the appeal proceedings by a colleague or Trade Union representative. The Appeal Hearing will be held within 21 working days of the letter of the Assessment Board's decision. Full details of the appeal procedures will be given to individuals when they are notified of the Assessment Board's decision.

22. A letter confirming the outcome of the Appeal Hearing will be issued within two working days of the decision. The decision of the Senior Civil Servant hearing the appeal will be final. In any case where an appeal against dismissal or non-payment or the amount of compensation is rejected or where the individual has decided not to lodge an internal appeal against these penalties, the individual will be informed of their right of appeal to The Civil Service Appeals Board if they are eligible to do so.

General

23. The procedures set out in this section are an outline of the Scottish Government's approach to dealing with less than effective performance and do not take account of all possible circumstances. Further information is available from Human Resources.



