

Positive performance management

Directive: 15/20

Effective date: 25/09/20

1. Purpose

- 1.1 Public service employment is to be directed towards promoting best practice human resource management, including through the application of the positive performance management principles set out in section 25A of the Public Service Act 2008 (PS Act).
- 1.2 This directive:
 - (a) outlines the principles of positive performance management in section 25A of the PS Act
 - (b) details the processes for managing employee work performance, including during induction and probation
 - (c) describes the use of performance and development agreements
 - (d) details the process of managing unacceptable work performance in a supportive way.

2. Authorising provisions

This directive is made pursuant to sections 25A and 53 of the PS Act.

3. Application

- 3.1 This directive applies to all public service employees (except chief executives, senior executives and senior executive equivalents) as defined in section 9 of the PS Act, including public service officers, general employees, and employees engaged on a fixed term temporary or casual basis.
- 3.2 This directive applies to the following entities (each entity being an 'agency' for this directive) and their employees:
 - (a) departments
 - (b) public service offices listed in Schedule 1 of the PS Act
 - (c) an entity declared to be a public service office under a regulation and where the regulation applies this directive to the entity (sections 22-23 PS Act).
- 3.3 Section 52 of the PS Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.

Directive

4. Principles

- 4.1 Public service employees work together to build a future focussed, high performing public service that delivers priority government services to the community.
- 4.2 Section 26 of the PS Act and the Code of Conduct for the Queensland public service set out the principles that guide a public service employee's work performance and personal conduct.
- 4.3 Management of all employees must be directed towards the positive performance management principles in section 25A of the PS Act.
- 4.4 Timely, open and regular, constructive communication is the mutual responsibility of managers and employees, who should work together to improve work performance outcomes.
- 4.5 Section 26 of the PS Act requires managers to proactively manage employees' work performance and to take prompt and appropriate action if unacceptable work performance arises.
- 4.6 Section 186C of the PS Act requires a chief executive to apply positive performance management principles before taking disciplinary action for work performance.
- 4.7 Under the *Human Rights Act 2019*, decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under this directive, to give proper consideration to human rights.

5. Positive performance management

- 5.1 Section 25A of the PS Act provides that the management of public service employees must be directed towards the positive performance management principles:
 - (a) pro-actively managing the personal and professional development of public service employees with a view to continuously building expertise within the public service
 - (b) ensuring regular and constructive communication between public service managers and employees in relation to the matters stated in section 26
 - (c) recognising the strengths, requirements and circumstances of individual employees and valuing their contributions
 - (d) recognising performance that meets or exceeds expectations
 - (e) providing opportunities and support to employees for improving performance
 - (f) continuously improving performance through the provision of training and development
 - (g) identifying at the earliest possible stage performance that does not meet expectations
 - (h) integrating the matters mentioned in paragraphs (a) to (g) into management practices and policies.
- 5.2 Chief executives are required to integrate the positive performance management principles into their agency's management practices and policies.
- 5.3 Managers are required to incorporate the positive performance management principles into their management practices.



6. Processes for managing employee work performance

Positive performance management

- 6.1 Agencies must incorporate the positive performance management principles and the processes detailed in clauses 5.1-5.3 into their policies and processes about managing employee work performance to ensure:
- (a) managers set clear expected outcomes linked to organisational performance objectives and plans, including through the use of performance development agreements in line with agency policies
 - (b) managers provide regular and constructive feedback on an employee's work performance, including recognising work performance that meets and exceeds expectations, and feedback on areas of work performance that need improvement, as is appropriate in the circumstances
 - (c) managers promptly communicate and document any gaps between actual and expected work performance of an employee and allow reasonable time for the employee to self-correct
 - (d) constructive engagement with an employee to identify development and training opportunities, to improve work performance, and to build expertise in the public sector.

Induction

- 6.2 Effective work performance management starts with an appropriate induction process for all new employees of the agency:
- (a) where the chief executive considers it appropriate, an induction may also be provided to employees returning to the workplace following leave or other absence of 12 months or more, and to employees who have been promoted, or have moved to positions with different or enhanced responsibilities.
 - (b) an induction process must be designed to provide employees with:
 - (i) a knowledge and understanding of the work performance and personal conduct principles in section 26 of the PS Act
 - (ii) an awareness of the agency's work performance expectations for their role
 - (iii) an understanding of how the agency will apply the positive performance management principles
 - (iv) an understanding that a performance and development agreement may be used to assess work performance during the probationary period (where applicable), as outlined under clause 6.5.

Probation

- 6.3 Under section 126 of the PS Act, when a person is appointed as a public service officer on tenure for the first time, the chief executive of the agency may decide that the officer is appointed on probation for a period of time as specified in the legislation (the probationary period).
- 6.4 This probationary period allows the agency to assess the employee to see if they are suitable for the role and the agency, and for the employee in turn to assess if the role and agency are suitable for them.



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- 6.5 Where an employee is subject to a probationary period under section 126 of the PS Act, during the probation process, the chief executive must ensure the employee receives:
- (a) a clear statement of the work performance expectations for the probationary period
 - (b) prompt and appropriate feedback on work performance, including recognition of acceptable and exceptional work performance, and feedback on areas of work performance that need improvement
 - (c) a structured review where unacceptable work performance issues persist that may result in termination of employment prior to the end of the probationary period if the issues are not resolved
 - (d) a structured review before the end of the probationary period to:
 - (i) confirm the appointment, or
 - (ii) extend the probationary period for a further period, or
 - (iii) terminate the employment.
- 6.6 The structured review process under clause 6.5:
- (a) is to be used to determine whether to confirm the appointment; extend the probationary period for a further period of time, or terminate the employment
 - (b) is not a Performance Improvement Plan under clause 7.2.

Performance and development agreements

- 6.7 Ongoing support and development should be provided to employees through the use of performance and development agreements, with regular reviews that promote constructive communication, reflecting the positive performance management principles, to assist the employee to meet and exceed work performance expectations.

7. Decision to commence a structured process to manage unacceptable work performance in a supportive way

- 7.1 The process for managing unacceptable work performance must be supportive, directed to the positive performance management principles, and take into account factors (work and non-work related) that may be affecting the employee:
- (a) Non-work related issues that may be affecting an employee could include personal circumstances that may be impacting their work performance (for example, domestic violence, family caring responsibilities, or a medical condition)
 - (b) Work-related issues that may be affecting an employee could include workload issues, workplace conflict or poor communication.
- 7.2 The chief executive may initiate a performance improvement plan (PIP) as a structured process to address unacceptable work performance where the chief executive considers it fair and reasonable in the circumstances.
- 7.3 Prior to determining whether it is fair and reasonable to initiate a PIP, the chief executive must ensure the following conditions have been met:
- (a) the expected level of work performance for the role was documented and provided to the employee and the employee had a reasonable opportunity to demonstrate the expected level of work performance
 - (b) the expected level of work performance was relevant and appropriate to the role
 - (c) the unacceptable work performance or the gap between actual and expected work performance was previously raised, documented and discussed with the employee



- (d) the employee was offered appropriate support and allowed a reasonable period of time to self-correct.

7.4 A PIP must clearly state:

- (a) the areas of work performance for the role that the employee is required to improve
- (b) the expected work performance with outcomes that are reasonable and measurable
- (c) any gaps between actual and expected work performance
- (d) the support to be offered to the employee
- (e) the frequency of feedback meetings
- (f) how additional feedback will be provided
- (g) its duration, including a start and an end date
- (h) specific strategies on how to address and achieve the expected work performance
- (i) the potential consequences of the expected work performance not being met, including that the chief executive may commence a disciplinary process under the directive relating to discipline.

7.5 The process for managing unacceptable work performance could lead to:

- (a) the employee meeting the work performance expectations for the role and completing the PIP and reverting to ongoing performance development agreements and regular reviews as outlined under clause 6.7, or
- (b) the employee meeting some of the agreed expectations for the role, and the chief executive extending the PIP for a further specified period, or
- (c) the employee failing to meet the work performance expectations set out in the PIP and the chief executive considering management action or commencing a disciplinary process under the directive relating to discipline.

7.6 An employee may appeal a decision to take, or not take, action under this directive under section 194(1)(a) of the PS Act.

8. Transitional arrangements

8.1 This directive applies to management action, performance development agreements, and performance improvement plans initiated after the commencement date of this directive.

9. Definitions

Agency—see application section

Chief executive in the context of exercising a decision making power, includes a person to whom the chief executive has delegated the decision making power.

Management action is a course of local action that is reasonably open to a manager to support and correct situations of employee conflict, poor work performance or unacceptable behaviours at the earliest possible opportunity.

Manager means an employee, regardless of title, whose duties involve or include managing other public service employees in the carrying out of their duties.





Performance development agreement means the agreement, however named in an agency (e.g. expectation agreement or a performance agreement), between an employee and the manager regarding the employee's expected, work performance and any agreed development during the course of their employment, but normally entered into and reviewed at least annually, in line with any relevant agency policies.

10. Related resources and reference materials

This material does not form part of the directive but may assist in the interpretation and application of the directive and should be considered by decision makers.

- [Find Resources about managing employees](#) in the Queensland Government:
 - Performance development agreement template
 - Performance improvement plan template
 - Performance improvement plan checklist
 - IME and discipline and grievance directives and guidelines
 - Interaction between work performance and discipline processes flowchart
 - Decision making checklist
- QIRC information about [Public Service Appeals](#)

