

Office Procedural Circular No. 59

Performance Management Program for Assistant Drafters

Document release 1.2

Reissued April 2011

Contents

Part 1—Introduction	3
Background and sources	3
Objectives of the program.....	3
Operation of the program.....	4
Part 2—Performance agreements	5
Standard appraisal cycle and duration of agreements.....	5
Contents of performance agreements.....	5
Suitable percentage weightings for standard targets.....	6
Drafting skills covered by the targets	6
Weighting of skills within drafting targets	7
Non-drafting targets	7
Entering into performance agreements	7
Change of supervisor during appraisal cycle	8
Paperwork	8
Part 3—Individual Development Plans	9
Entering into Individual Development Plans	9
Change of supervisor during appraisal cycle	9
Paperwork	9
Part 4—Performance appraisal.....	10
The appraisal interview	10
Working out performance ratings	11
Applying the rating scale	12
Calculating the rating	12
Change of supervisor during appraisal cycle	13
Paperwork	13
Handling of performance appraisals	14
Part 5—The mid-cycle review.....	14
The review	14
Change of supervisor during the appraisal cycle	15
Paperwork	15
Part 6—Review processes.....	16
Review of appraisals	16
Part 7—Links to other matters.....	17
Probation.....	17
Salary advancement within classifications	17
Managing unsatisfactory performance.....	17
Staff development plan	17
Operation of Privacy Act	17

Office Procedural Circular No. 59
Performance Management Program for Assistant Drafters

Attachment A—Generic performance standards	19
Attachment B—“Fully effective” performance descriptions	20
APC1	20
APC2	21
APC3	22
Attachment C—Standard performance agreement (Assistant Drafters).....	24
Attachment D—Individual Development Plan	26
Attachment E—Appraisal report	27
Attachment F—Mid-cycle review report.....	29
Attachment G—Core Skills for APC1s, APC2s and APC3s.....	30
Attachment H—Work level descriptions for legal staff	31
APC1:.....	31
APC2:.....	31
APC3:.....	31
Attachment I—Summary of performance agreement and appraisal processes for Assistant Drafters.....	32
Performance agreements	32
Individual development plans	33
Appraisals	34
Appraisals con’td	35
Mid-cycle review	36

Part 1—Introduction

Background and sources

1 OPC’s Performance Management Program (***PMP***) reflects the APS Value mentioned in paragraph 10(1)(k) of the *Public Service Act 1999* (“the APS focuses on achieving results and managing performance”).

2 Under subclause 2.12(1) of the *Public Service Commissioner’s Directions 1999*, in upholding and promoting the APS Value mentioned in paragraph 10(1)(k) of the *Public Service Act 1999*, an Agency Head must put in place measures in the Agency directed at ensuring that:

- “(e) the Agency establishes a fair and open performance management system that:
 - (i) covers all APS employees; and
 - (ii) guides salary movement and is linked to the Agency’s organisational and business goals and the maintenance of the APS Values; and
 - (iii) provides each APS employee with a clear statement of performance expectations and an opportunity to comment on those expectations; and
- (f) the Agency conducts its performance management system in accordance with the objectives mentioned in paragraph (e).”

3 Under subclause 2.12(2) of the *Public Service Commissioner’s Directions 1999*, in upholding the APS Value mentioned in paragraph 10(1)(k) of the *Public Service Act 1999*, an APS employee must facilitate, and participate in, such a performance management system.

4 The public service management framework is not prescriptive and provides agencies with the flexibility to adopt approaches to performance management that are tailored to best serve the diverse needs of the organisations that make up the APS.

Objectives of the program

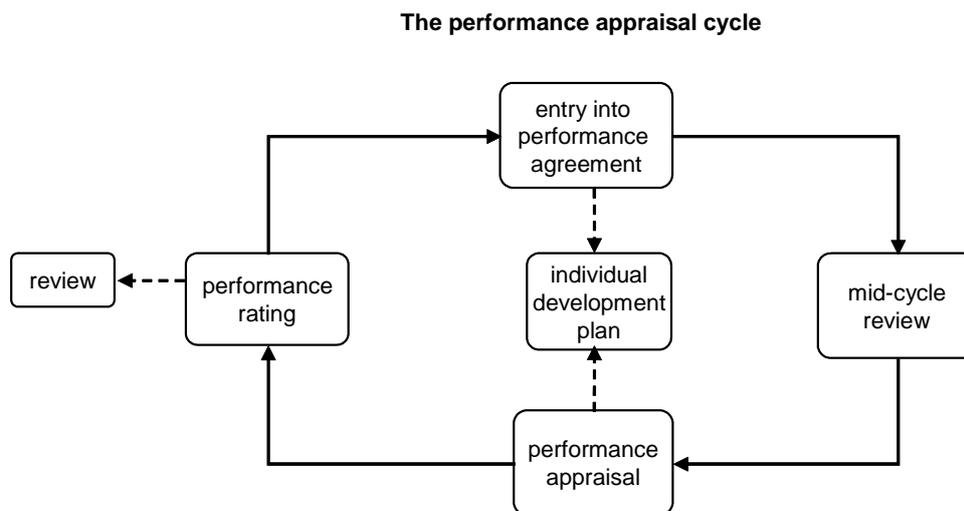
5 The PMP has the objectives of:

- improving the performance of individuals, teams and OPC with the purpose of enhancing the achievement of OPC’s organisational objectives and outcomes for the government; and
- furthering the recognition, understanding and achievement of organisational objectives; and
- achieving organisational objectives in line with the APS Values.

6 These objectives will be furthered by:

- articulating the standards of work expected and the values and behaviours employees are expected to uphold in meeting their job requirements and in communicating and working with others;
- focussing efforts on the objectives and needs of the organisation;
- assisting employees to understand what work they do well, where their development needs are and how they can improve their performance.

Operation of the program



7 The PMP requires all Assistant Drafters to enter into performance agreements with their supervisors which also includes an individual development plan.

8 Appraisees will be appraised against a 3-point rating scale using generic performance standards (see Attachment A) and specific performance descriptions (see Attachment B) of the “fully effective” standard in respect of the skills and activities covered by any standard performance targets.

9 Performance ratings will be given by the appraisee’s supervisor and will be moderated by FPC.

10 It is also fundamental to the program that it should augment rather than replace continuous feedback between supervisors and appraisees. The performance appraisal at the end of the cycle should involve no surprises for the appraisee or the supervisor. This cannot be guaranteed unless there has been on-going communication throughout the cycle.

11 The PMP also provides the basis for salary advancement in terms of incremental progression through pay points within a classification. It does not provide a basis for progression to the next classification either in a broadband or otherwise.

Part 2—Performance agreements

Standard appraisal cycle and duration of agreements

12 The standard performance appraisal cycle is a year and begins on 1 July. An appraisal cycle begins on the date of commencing employment in OPC for new employees in their first year of employment in OPC and on the date of promotion for an Assistant Drafter who has been promoted.

13 The minimum duration for a performance appraisal cycle is 3 months.

14 For Assistant Drafters entering into a performance agreement between 1 April and 29 June in a year, the agreement will be expressed to run until the second 30 June after the date of the agreement (such agreements will run for a minimum of 12 months and a maximum of 15 months).

15 In any other case, a performance agreement will be expressed to run until the first 30 June after the date of the agreement (such agreements will run for a minimum of 3 months and a maximum of 12 months).

Contents of performance agreements

16 The standard performance agreement template to be used by Assistant Drafters is in Pers,SD—Assistant Drafter’s performance agreement. See Attachment C.

17 Performance agreements are to contain, or refer to, qualitative performance standards setting out, for each target, a description of “fully effective” (rating 3) performance.

18 Attachment B sets out “fully effective” performance descriptions for standard targets A and B, which should be referred to in agreements. “Fully effective” performance descriptions for Target C must be agreed between individual appraisers and appraisees and set out in agreements.

19 Within the limits set out below, the contents of performance agreements are to be negotiated between the signatories.

20 All Assistant Drafters at a particular level have the same duty statement and do essentially the same kind of work. The work level standards for an APC 1, 2 or 3 are set out in Attachment H. There is greater emphasis on the on-the-job and formal training for an APC 1 or 2, and a greater emphasis on an APC 3 assuming progressively higher levels of responsibility in legislative projects. It is therefore appropriate for OPC to use standard performance agreements, with standard targets and performance indicators at each level, in relation to drafting tasks.

21 The standard agreements may be varied in appropriate circumstances, for instance:

- an employee who is engaged in full-time study or on a placement outside OPC would not have the standard targets;
- an employee who has been assigned a non-drafting responsibility would be able to include this in his or her agreement.

22 The standard targets and indicators recognise that APC1 and APC2 positions are training positions. APC3 positions occupied by newly promoted employees are also, to a considerable extent, training positions. The situation may be different for employees who have been APC3s for some time.

23 Standard targets will include:

Target A: Contributing to the drafting of Bills and amendments, including by checking and commenting in detail on drafts prepared by other drafters.

Target B: Developing a range of drafting skills and an awareness of drafting issues.

Target C: Contributing to product development and to the operations of OPC including presenting at least one Legislation Process course, and by [*other activities, if any, to be inserted*].

Suitable percentage weightings for standard targets

24 The following table shows the weightings that would generally be appropriate for these targets at different levels. If Target B is weighted at 0 for a longstanding APC3, it should simply not be included in the agreement.

Level	Target A	Target B	Target C
APC1	15-25	70-80	5
APC2	35-45	50-60	5
APC3 (new)	55-65	30-40	5
APC3 (longstanding)	75-95	0-20	5

Drafting skills covered by the targets

25 The following drafting skills will be relevant to each of Target A and Target B:

- Analysis (of instructions, drafts etc.)
- Creativity (e.g. ability to suggest solutions to problems and to devise new approaches)
- Written communication skills, in particular in relation to the drafting of Bills
- Oral communication skills
- Judgment
- Attention to detail
- Productivity/efficiency/organisational ability.

Weighting of skills within drafting targets

26 Each of these skills is to be weighted for Target A. Those weightings should be determined by reference to the appraisee's skills at the beginning of the appraisal period. A judgment about the appraisee's skills at this point, for the purpose of working out weightings, may need to involve a previous supervisor of the appraisee as well as the appraisee and the appraiser. The weightings for and within Target A should reflect the expected contribution of the appraisee to the actual drafting of Bills by the drafting team.

27 The weightings for skills within Target A should be reviewed, and may in some circumstances be adjusted, at the mid-cycle review and at the appraisal, having regard to the work that has been available to the appraisee during the period.

28 The individual drafting skills need not be separately weighted for Target B in the agreement. When the appraisal is conducted, the appraiser should discuss the appraisee's performance against Target B in relation to the various drafting skills, and the performance standards for those skills, and then assign a single rating for Target B. An appraiser and appraisee who can agree on individual weightings for Target B are, however, not precluded from including these in the agreement and conducting the appraisal on this basis.

29 The appraisal for Target B will need to take account of matters such as the appraisee having been denied suitable opportunities for development of one or more of the skills.

Non-drafting targets

30 Other matters which should be specified under Target C as appropriate include:

- assent checking;
- membership of an OPC committee;
- OPC representative on external body or network;
- presenting at a legislation process course;
- working as Special Assistant to FPC (note, a weighting of around 15% would normally be appropriate); and
- any other significant non-drafting tasks undertaken at the request, or with the consent, of First Parliamentary Counsel.

Entering into performance agreements

Responsibility for entering into performance agreements

31 Appraisees are responsible for ensuring that they have entered into a performance agreement within 4 weeks after the start of the appraisal cycle. If an appraisee has been promoted during the appraisal cycle, the appraisee will enter into a new performance agreement within 4 weeks after the promotion.

Signatories to performance agreements

32 Assistant Drafters are to enter into performance agreements with SES or Statutory Officer supervisors. In many cases Assistant Drafters will have only one supervisor. Where an Assistant Drafter is being supervised by more than one Senior Drafter, FPC will nominate the supervisor who is to sign the agreement.

33 The performance agreement is signed by both the appraisee and the appraisee's supervisor at the time the performance agreement is prepared.

34 All performance agreements will be reviewed and signed by FPC who will consider the appropriateness of the weightings assigned to and within the various targets, and of any variations from the standard agreement. If any changes are considered necessary by FPC, FPC will discuss the recommended changes with the appraisee and the appraisee's supervisor.

Short-term placements in OPC

35 Assistant Drafters employed in OPC on a temporary basis for at least 3 months, or performing higher duties for at least 3 months, during an appraisal cycle, should enter into an appropriate performance agreement expressed to last for the period concerned.

Departing employees and employees on extended leave

36 In general, performance agreements of employees leaving OPC, starting an external placement or a period of leave that is expected to last at least 3 months, will lapse on departure and new agreements will need to be arranged by returning employees.

37 Where an employee is undertaking a placement outside OPC, these arrangements may be varied by agreement between FPC and the appropriate authority in the organisation receiving the employee.

Change of supervisor during appraisal cycle

38 If, during the period covered by the agreement, the appraisee is allocated to a different drafting team, the appraisee will discuss his/her performance agreement with the new supervisor. If there is no change to the content of the performance agreement, there is no need for a new performance agreement. If changes are made to the performance agreement, the appraisee should sign a new agreement with the new supervisor expressed to cover the full appraisal period.

Paperwork

39 After a performance agreement has been signed by all the relevant signatories, copies should be kept by the appraisee and the appraisee's supervisor. The original will be forwarded to First Parliamentary Counsel.

40 First Parliamentary Counsel will arrange secure storage of performance agreements within the Executive Service Centre. The Executive Service Centre will keep a record of performance agreements and will send reminders to Assistant Drafters who are yet to finalise their performance agreement.

41 All hard copies of performance agreements will be destroyed in accordance with the minimum requirements set out by the National Archives of Australia in the Administrative Functions Disposal Authority (AFDA) (AFDA authorises destruction of performance agreements and appraisal reports 2 years after agreements are superseded).

Part 3—Individual Development Plans

42 The standard individual development plan (*IDP*) template to be used by Assistant Drafters is in Pers, SD—Assistant Drafter’s performance agreement. See Attachment D.

Entering into Individual Development Plans

43 An IDP should identify those areas of development to be focussed on during the appraisal cycle. However, an IDP should not be used as a “shopping list” of courses.

44 When the first performance agreement is being prepared, and at each appraisal interview, the appraisee’s supervisor and the appraisee should discuss the appraisee’s development needs in relation to appropriate competencies. This will be necessary for determining the respective weightings for and within Targets A and B and will also provide the basis for an IDP for the appraisee.

45 The appraisee should also be given an opportunity to raise career planning issues. The discussion should also address the core skills for APC 1, APC 2 and APC 3 employees (see Attachment G) and take account of any relevant development needs in relation to these skills.

46 As a result of this discussion, an IDP should be prepared and attached to the signed performance agreement.

Signatories to Individual Development Plans

47 An IDP is signed by both the appraisee and the appraisee’s supervisor at the time the performance agreement and IDP are prepared. If there is a change of supervisor during the appraisal cycle, the appraisee’s IDP should be discussed with the new supervisor and varied where appropriate. Any variation should be signed by both the appraisee and the new supervisor.

Change of supervisor during appraisal cycle

48 If, during the period covered by the IDP, the appraisee is allocated to a different drafting team, the appraisee will discuss his/her IDP with the new supervisor. If there is no change to the content of the IDP, there is no need for a new IDP. If changes are made to the IDP, the appraisee should sign a new IDP with the new supervisor expressed to cover the remainder of the appraisal cycle.

Paperwork

49 After an IDP has been signed by all the relevant signatories, copies should be made for the appraisee and the appraisee’s supervisor. The original will be forwarded with the signed performance agreement to FPC. A copy of the IDP will be forwarded to the Director of Drafter Training.

50 If an IDP is varied during the year, the new IDP should be forwarded to FPC and a copy forwarded to the Director of Drafter Training after copies have been made for the relevant signatories.

51 FPC will arrange secure storage of IDPs, with performance agreements, within the Executive Service Centre.

52 All hard copies of IDPs will be destroyed in accordance with the minimum requirements set out by the National Archives of Australia in AFDA (AFDA authorises destruction of performance agreements and appraisal reports 2 years after agreements are superseded).

Part 4—Performance appraisal

53 Documentation of appraisals is provided for in appraisees' performance agreements. See template at Pers, SD—Assistant Drafters performance agreement. See Attachment E.

The appraisal interview

54 The appraisal interview is a formal interview between the appraisee and the appraisee's supervisor.

55 The appraisee's supervisor at the end of the appraisal period will be responsible for conducting the appraisal interview. Where a change of supervisor has occurred during the appraisal period, see paragraphs 72 to 74.

56 The following matters should be discussed during the appraisal interview:

- The appraisee's performance during the appraisal period, by reference to the targets and standards covered by the agreement. The appraisee's performance should be separately addressed against each target.
- The appropriateness of the agreement as the basis for the appraisal, having regard to the events of the appraisal period.
- How well the appraisee's training and development needs were met, and what those needs are for the next appraisal period (for inclusion in the next agreement).
- The appropriateness of the supervision and training provided to the appraisee.

57 When assessing the appraisee's performance by reference to the targets and standards covered by the agreement, the appraiser will have regard to the APS values.

Timing

58 The appraisal interview should take place 4 weeks before or after the date of expiry of the agreement except in special circumstances. Since the appraisal needs to relate to a period of at least 3 months, it is highly unlikely that the overall appraisal result will be affected by events in the closing weeks of the period. Where the appraisal interview will not be held within this period, the appraiser must speak to FPC.

Notice

59 The appraisee's supervisor at the end of the appraisal period is responsible for arranging the appraisal interview. He or she should give the appraisee at least 3 working days' notice of the interview. At least one hour should be set aside for the interview.

Departing employees and employees on extended leave

60 Employees leaving OPC, or starting an external placement or a period of leave that is expected to last at least 3 months, should where possible ensure that they are appraised before departure. This does not need to be done if the previous appraisal was done within the last 3 months.

61 Employees returning from extended leave or an external placement will be appraised at the end of the appraisal cycle. The minimum duration of 3 months for appraisal cycle applies (does not need to be a continuous 3 months, e.g. could be 2 months at the beginning and 2 months at the end of the appraisal cycle). If the minimum 3 months does not apply, the appraisal cycle will extend to up to 15 months.

62 Where an employee is undertaking a placement outside OPC, these arrangements may be varied by agreement between FPC and the appropriate authority in the organisation receiving the employee.

Promotion during the appraisal cycle

63 An employee who is promoted during the appraisal cycle will be appraised at the end of the appraisal cycle. The appraisal should not cover the period before the promotion. However, to be eligible for salary advancement within the classification, the employee will need to have performed duties at the higher level for the minimum duration for appraisal cycle of 3 months. If the minimum 3 months does not apply, the appraisal cycle will extend to up to 15 months and at the end of this appraisal cycle the employee will be eligible for salary advancement.

Preparation for appraisal interviews

64 Clearly the appraiser will need to prepare for the interview. It is desirable that the appraisee also prepare. Preparation for each party should include identifying specific matters to be discussed during the interview and, where appropriate, gathering examples for use in the discussion.

65 There is no requirement for any formal self-assessment by the appraisee. However, appraisees are strongly urged to appraise themselves against their performance agreement before the formal appraisal interview, even if they do not wish to show a written self-assessment to their appraiser. Any dramatic discrepancy between the self-assessment and the appraiser's views is likely to indicate a problem in some aspect of the working relationship, and the appraisee should discuss this, ideally with the appraiser in the first instance but otherwise with FPC or another drafter.

Working out performance ratings

66 The appraisal process includes the appraisee's supervisor providing written comments against each performance target, where appropriate, and documenting performance ratings.

The comments can include input from people other than the appraisee's current supervisor. The comments should support the performance rating.

67 The appraisee's performance agreement has provision for comments and performance ratings.

Applying the rating scale

68 The generic performance standards make it clear that a rating of 3 indicates that a person has "clearly **more than** met standard work requirements" (emphasis added). Equally, a rating of 2 indicates that a person has met "the standard expected of officers at this classification level", and has "delivered satisfactory results against most significant indicators". In general, APCs who are still developing their drafting skills are likely to receive ratings between 2 and 3 for some skills.

69 The OPC "fully effective" performance descriptions also set fairly high standards, especially for APC3s. It is unlikely that many APCs will satisfy those standards in relation to every drafting skill.

70 A range of ratings between 2 and 3 should be used, because it enables appraisers to give appraisees a more useful indication of where they should focus their development efforts. This type of information should also be conveyed through the comments made about each drafting skill, but the message that certain skills need more development than others is better supported by different ratings than by rating all skills equally.

Calculating the rating

71 A single preliminary rating is to be worked out using a series of steps, as follows:

Step 1: Work out the preliminary rating for each target as follows.

Example:

Skill (Target A)	Weighting	Rating	Weighting x Rating
Analysis (of instructions, drafts etc.)	20	2.4	48
Creativity (e.g. ability to suggest solutions to problems and to devise new approaches)	15	2.7	40.5
Written communication skills, in particular in relation to the drafting of Bills	20	2.8	56
Other communication skills	15	2.5	37.5
Judgment	10	3	30
Attention to detail	10	2.7	27
Productivity/efficiency	10	2.6	26
Total	100	—	265

Preliminary rating for Target A = $250/100 = 2.65$

Handling of performance appraisals

76 In the normal course of events, the completed performance appraisal records will be available only to the appraisee, the appraiser, and FPC. Performance appraisals are not to be used in selection processes except on the initiative of the appraisee. However, they are linked to the probation system and the salary advancement system, and may in some cases need to be made available to the Corporate Services Officer.

After performance appraisals are completed

77 Both the appraisee and the appraiser will need to sign the report and obtain copies, if required. The original will be provided to FPC by the appraiser in a sealed envelope addressed to the FPC noting on the outside of the envelope that it is Personal-Staff-in-Confidence.

78 Preliminary ratings given by supervisors will be moderated by FPC and a final rating will be provided.

79 An employee who receives a final rating of 3 (fully effective), and who is not on the top pay point of his or her classification, will advance to the next pay point with effect from the 1 July immediately after the end of the appraisal period (see OPC's workplace agreements). There will be no advancement to the next pay point if the final rating is less than 3.

80 FPC will store the appraisal records in a sealed envelope under secure conditions, noting on the outside of the envelope that it is Personal-Staff-in-Confidence.

81 If the appraisee leaves OPC, the appraisee may request that existing appraisal records be returned to him or her, on or after the day of departure.

82 As all performance appraisal documents are Staff-In-Confidence, the electronic versions should be given password protection.

83 All hard copies of performance appraisals will be destroyed in accordance with the minimum requirements set out by the National Archives of Australia in the AFDA (AFDA authorises destruction of performance agreements and appraisal reports 2 years after agreements are superseded).

Part 5—The mid-cycle review

84 A template of the mid-cycle review report is in Pers,SD—Assistant Drafter's performance agreement. See Attachment F.

The review

85 The review is a formal part of the performance management cycle. At the review interview, the following matters should be discussed:

- performance to date, by reference to the targets and standards included in the Agreement;

- the continued relevance of the Agreement (if changed circumstances have affected its relevance, the agreement should be revised);
- how well training and development needs are being met, and what needs to be done during the rest of the appraisal cycle to ensure they are met.

86 When assessing the appraisee's performance by reference to the targets and standards covered by the agreement, the appraiser will have regard to the APS values.

Timing

87 A mid-cycle review will be held around the middle of the appraisal cycle.

Notice

88 The appraisee's supervisor is responsible for arranging the mid-cycle review. The appraisee will be given at least 3 working days' notice of the review discussion.

Need for continuous feedback

89 The mid-cycle review is important to ensuring that there are no surprises at the end of the cycle. However, it is not intended to take the place of continuous feedback.

Unresolved issues

90 Any unresolved issues at or around the time of the mid-cycle review should be discussed with FPC.

Change of supervisor during the appraisal cycle

91 If, around the time of a mid-cycle review, an appraisee is allocated to a different drafting team, the appraisee will have a full appraisal by the previous supervisor instead of a mid-cycle review (see paragraphs 72 to 74).

Paperwork

92 Both the appraisee and the appraisee's supervisor will need to sign the report and obtain copies, if required. Note that FPC will need to sign the mid-cycle review report endorsing any variations made to the performance agreement during the mid-cycle review.

93 The original of the mid-cycle review report will be provided to FPC by the appraisee's supervisor in a sealed envelope addressed to FPC noting on the outside of the envelope that it is Personal-Staff-in-Confidence.

94 FPC will store the mid-cycle review reports in a sealed envelope under secure conditions, noting on the outside of the envelope that it is Personal-Staff-in-Confidence.

95 All hard copies of mid-cycle reviews will be destroyed in accordance with the minimum requirements set out by the National Archives of Australia in AFDA (AFDA authorises destruction of performance agreements and appraisal reports 2 years after agreements are superseded).

Part 6—Review processes

Review of appraisals

96 An employee who is dissatisfied with the final appraisal outcome may seek a review of this outcome.

Informal review

97 The employee should first attempt to resolve the problem informally (as provided by general grievance procedures) through discussions with his or her supervisor, or FPC.

Formal review

98 If the dispute cannot be resolved informally, the employee may make a written application to FPC for review under regulation 5.24 of the Public Service Regulations 1999. Also under regulation 5.24, an employee may apply in writing to the Merit Protection Commissioner for review of the relevant action if FPC was directly involved in the action or in certain other circumstances.

99 If an application for review is made to FPC, FPC may, with the agreement of the Merit Protection Commissioner, refer the application to the Merit Protection Commissioner.

100 The procedures for dealing with applications for review are set out in Part 5 of the Public Service Regulations 1999.

101 If FPC does not refer an application for review to the Merit Protection Commissioner, FPC will (unless it appears that there is a more appropriate way of dealing with the application) refer the matter to a review committee consisting of the 2 Second Parliamentary Counsel and, at the option of the employee seeking the review, a person nominated by the CPSU.

102 If FPC decides not to refer the matter to a review committee, FPC will give the applicant written reasons for deciding not to refer the matter.

103 If a Second Parliamentary Counsel is involved in the disputed appraisal, either as the appraiser or as a person who has contributed to the appraisal, he or she will be replaced on the committee by an SES Band 2 member of OPC.

104 This committee will have the power to make recommendations about the review to FPC, who may accept or reject the recommendation in whole or in part.

105 An employee who is dissatisfied with the outcome of a review application made to FPC may apply in writing to the Merit Protection Commissioner under regulation 5.29 of the Public Service Regulations 1999 for secondary review of the relevant action.

106 Under regulation 5.23 of the Public Service Regulations 1999, action will not be reviewable if (among other things), the application for review is frivolous or vexatious.

Part 7—Links to other matters

Probation

107 See OPC No. 83—Selection and recruitment policies, practices and procedures for information on Probation.

108 Performance agreements will form the basis from which the work performance of an employee on probation is to be assessed.

Appraisals and probation

109 An appraisal for probation and an appraisal under this PMP (including a mid-cycle review) can be done as one appraisal if the timing of both coincide.

Salary advancement within classifications

110 See OPC's Workplace Agreements.

Managing unsatisfactory performance

111 See OPC's Workplace Agreements and OPC No. 37—*Managing unsatisfactory performance*.

Staff development plan

112 See Part 3—Development of APCs of OPC No. 36—*Staff Development Plan*.

Operation of Privacy Act

113 The Performance Appraisal Record is classified Personal-Staff-in-Confidence and the provisions of the Privacy Act apply to the recording, retention and use of the Record. The Privacy Commissioner can impose penalties on any person who breaches the provisions of the Act. Documents generated in the course of the appraisal process are intended to be exempt from access under the Freedom of Information Act by third parties who are not part of the appraisal process.

Peter Quiggin
First Parliamentary Counsel

8 April 2011

Document History

Release number	Release date	Document number
1.0	6 July 2009	s09am201.v01.docx

Office Procedural Circular No. 59
Performance Management Program for Assistant Drafters

Document History		
Release number	Release date	Document number
1.1	20 October 2009	s09am201.v02.docx
1.2	8 April 2011	s09am201.v05.docx

Attachment A—Generic performance standards

Rating	Description
3 Fully Effective	Performance fully meets the standard expected of employees at this classification level. This appraisal indicates that the employee has clearly more than met standard work requirements, achieving creditable results against all significant indicators and may have delivered superior results against one or two less significant indicators.
2 Adequate	Performance meets the standard expected of employees at this classification level. This appraisal indicates that the employee has delivered satisfactory results against most significant indicators. In some cases the employee may have achieved higher or lower results against some less significant indicators.
1 Unsatisfactory	Performance does not meet the standard expected of employees at this classification level. This appraisal indicates that the employee has failed to deliver adequate results against a number of significant indicators.

Attachment B—“Fully effective” performance descriptions

The performance standards for APC1, APC2 and APC3 positions, for the drafting skills covered by Target A and for Target B, are set out below. The performance standards indicate the minimum performance level that would justify an appraisal rating of 3 (Fully effective).

APC1

Target	Fully effective performance standard (rating of 3)
<i>Target A</i>	
Analysis (of instructions, drafts etc.)	Analysis is adequate, and identifies some important issues. Results of analysis are organised so as to enable identification of useful approaches to issues raised.
Creativity (e.g. ability to suggest solutions to problems and to devise new approaches)	Workable ideas and approaches are suggested to address some identified problems. These may be original suggestions or adaptations of existing approaches. Suggestions are sometimes made for improvements to satisfactory situations.
Written communication skills, in particular in relation to the drafting of Bills	Writing style is straightforward and grammatical. Ideas are grouped and ordered logically. Precedents are used intelligently where appropriate.
Other communication skills	Appraisee is articulate. Appraisee thinks before speaking, and communicates enthusiasm and interest where appropriate. Appraisee understands the need to listen actively and pay attention to non-verbal cues. Appraisee makes some use of questions and restatements to further mutual understanding. Appraisee can communicate complex concepts orally.
Judgment	Before making decisions, appraisee obtains a satisfactory grasp of relevant facts and a reasonable understanding of the matters at issue, considers several options and makes a reasonable assessment of the consequences of possible decisions. Appraisee’s judgments have a sound ethical base. Appraisee recognises his or her limitations, and seeks guidance where appropriate.
Attention to detail	Bills contain few typographical, spelling or grammatical errors, and few wrong cross-references. There are few inconsistencies of style or expression. Bills and related documents contain few formal errors.
Productivity/efficiency/organisational ability	Appraisee deals with work at an appropriate standard within deadlines agreed with supervisor. Where appropriate, appraisee manages his or her workload by setting priorities and goals, and seeks advice on priorities as necessary. Appraisee is not distracted by irrelevancies.

Office Procedural Circular No. 59
Performance Management Program for Assistant Drafters

Target B

Developing a range of drafting skills and an awareness of drafting issues

Appraisee has demonstrated recognisable progress towards the possession of independent drafting competence by improving some or all of his or her drafting skills.

Appraisee has demonstrated a willingness to take advantage of training opportunities offered, and to learn from instruction (including constructive criticism) and experience.

Appraisee has a realistic view of his or her level of competence, and recognises the areas in which most development is needed. Appraisee develops strategies (in conjunction with supervisor and others where appropriate) to address those areas.

APC2

Drafting skill

Fully effective performance standard (rating of 3)

Target A

Analysis (of instructions, drafts etc)

Analysis is detailed, and identifies most important issues. Results of analysis are organised so as to enable identification of useful approaches to issues raised.

Creativity (e.g. ability to suggest solutions to problems and to devise new approaches)

Workable ideas and approaches are suggested to address most identified problems. These may be original suggestions or adaptations of existing approaches. Suggestions are often made for improvements to satisfactory situations.

Written communication skills, in particular in relation to the drafting of Bills

Writing style is straightforward and grammatical. Ideas are grouped and ordered logically.

Precedents are used intelligently where appropriate.

Other communication skills

Appraisee is confident and articulate. Appraisee thinks before speaking, but communicates enthusiasm and interest where appropriate. Appraisee works at listening actively and paying attention to non-verbal cues. Appraisee makes use of questions and restatements to further mutual understanding. Appraisee can communicate complex concepts orally.

Judgment

Before making decisions, appraisee obtains a sound grasp of relevant facts and a sound understanding of the matters at issue, considers several options and makes a reasonable assessment of the consequences of possible decisions.

Appraisee's judgments have a sound ethical base, and are informed by a developing understanding of relevant matters including the political environment, the context in which the Office operates, legal matters and human nature.

Appraisee recognises his or her limitations, and seeks guidance where appropriate

Attention to detail

Bills contain few typographical, spelling or grammatical errors, and few wrong cross-references. There are few inconsistencies of style or expression. Bills and related documents contain few formal errors.

Productivity/efficiency/organisational ability

Appraisee deals with work at an appropriate standard within deadlines agreed with supervisor. Where appropriate, appraisee manages his or her workload by setting priorities and goals, and seeks advice on priorities as necessary. Appraisee is not distracted by irrelevancies.

Office Procedural Circular No. 59
Performance Management Program for Assistant Drafters

Target B

Developing a range of drafting skills and an awareness of drafting issues

Appraisee has demonstrated recognisable progress towards the possession of independent drafting competence by improving some or all of his or her drafting skills.

Appraisee has demonstrated a willingness to take advantage of training opportunities offered, and to learn from instruction (including constructive criticism) and experience.

Appraisee has a realistic view of his or her level of competence, and recognises the areas in which most development is needed. Appraisee develops strategies (in conjunction with supervisor and others where appropriate) to address those areas.

APC3

Drafting skill

Fully effective performance standard (rating of 3)

Target A

Analysis (of instructions, drafts etc.)

Analysis is detailed, and identifies all important issues in a logical way. Results of analysis are organised so as to indicate useful approaches to relevant issues.

Creativity (e.g. ability to suggest solutions to problems and to devise new approaches)

Where appropriate, many ideas and approaches are suggested as solutions for identified problems and as possible improvements to already satisfactory situations. These may be original suggestions or adaptations of existing approaches. From these ideas and approaches, elegant and practical ones can be selected to address relevant issues.

Written communication skills, in particular in relation to the drafting of Bills

Writing is clear, simple, elegant, even when dealing with complex matters. Style is suitable to the occasion. Ideas are arranged logically and so as to help the reader. Draft Bills contain aids to understanding which are genuinely helpful.

Precedents are critically examined, and improved on in appropriate cases.

Other communication skills

Appraisee is confident and articulate, but without being overbearing. Appraisee thinks before speaking, but communicates enthusiasm and interest where appropriate. Appraisee listens actively and pays attention to non-verbal cues. Appraisee makes appropriate use of questions and restatements to further mutual understanding. Appraisee can communicate complex concepts orally.

Judgment

Before making decisions, appraisee obtains a thorough grasp of relevant facts and a good understanding of the matters at issue, considers an appropriate range of options and makes a good assessment of the consequences of possible decisions.

Appraisee's judgments have a sound ethical base, and are informed by strategic vision, and by an understanding of relevant matters including the political environment, the context in which the Office operates, legal matters and human nature.

Appraisee recognises his or her limitations, and seeks guidance where appropriate

Attention to detail

Typographical, spelling and grammatical errors in Bills are rare, as are wrong cross-references. Inconsistencies of style or expression within Bills are rare. Mistakes in formal aspects of Bills or related documents are rare.

Productivity/efficiency organisational ability

Appraisee deals with work at an appropriate standard within deadlines agreed with supervisor. Where appropriate, appraisee manages his or her workload by setting

Office Procedural Circular No. 59
Performance Management Program for Assistant Drafters

priorities and goals, and seeks advice on priorities as necessary. Appraiser is not distracted by irrelevancies.

Appraiser has some skill at managing projects (and clients) to ensure that work proceeds efficiently. Projects for which appraiser has significant responsibility proceed in an orderly way until they are completed, or abandoned by clients.

Target B

Developing a range of drafting skills and an awareness of drafting issues

Appraiser has demonstrated recognisable progress towards the possession of independent drafting competence by improving some or all of his or her drafting skills.

Appraiser has demonstrated a willingness to take advantage of training opportunities offered, and to learn from instruction (including constructive criticism) and experience.

Appraiser has a realistic view of his or her level of competence, and recognises the areas in which most development is needed. Appraiser develops strategies (in conjunction with supervisor and others where appropriate) to address those areas.

Attachment C—Standard performance agreement (Assistant Drafters)

Appraisee:

Appraisee’s classification:

Appraiser:

Period of agreement:

Target A: Contributing to the drafting of Bills and amendments, including by checking and commenting in detail on drafts prepared by other drafters.

Weighting:

Weighting of skills within Target A:

Skill	Weighting
Analysis (of instructions, drafts etc.)	
Creativity (e.g. ability to suggest solutions to problems and to devise new approaches)	
Written communication skills, in particular in relation to the drafting of Bills	
Other communication skills	
Judgment	
Attention to detail	
Productivity/efficiency	
Total	

Target B: Developing a range of drafting skills and an awareness of drafting issues.

Weighting:

Target C: Contributing to product development and to the operations of the OPC including presenting at least one Legislation Process course, and by [*other activities, if any, to be inserted*].

Weighting:

Rating standards: The appraisee is to be rated on a 3 point scale using the generic performance standards set out in Attachment A of the PMP. The “fully-effective” standards (rating 3) for Targets A and B are as set out in Attachment B of the PMP.

The “fully-effective” standard (rating 3) for Target C is as follows:

[*To be agreed between appraisee and appraiser*]

Continuing legal education: Complete at least 15 hours of office-approved continuing legal education.

[*The requirement for 15 hours CLE is set out in Part 6 of Office Procedural Circular No. 36 (the Staff Development Plan). The requirement for 15 hours CLE should be apportioned if the performance agreement relates to a period of less than one year.*]

Individual Development Plan: [*To be attached.*]

.....
Appraisee	Appraiser	First Parliamentary Counsel
.../.../...	.../.../...	.../.../...

Attachment D—Individual Development Plan

Appraisee:

Appraiser:

Period of agreement:

1 Training and personal development

We discussed training and personal development needs and identified the following needs and methods of addressing them:

2 Career development

We discussed future career development preferences and options [*delete if this was not discussed*].

[*Comments may be included here, at the option of the appraisee.*]

.....

Appraisee

.../.../...

.....

Appraiser

.../.../...

CC: First Parliamentary Counsel

Director of Drafter Training

Attachment E—Appraisal report

Appraisee:

Appraisee's classification:

Appraiser:

Period of agreement:

Date of appraisal interview:

General comments

[Refer to matters such as unusual supervisory or work allocation arrangements.]

Preliminary rating calculation

1 Rating for each target

Target A: Contributing to the drafting of Bills and amendments, including by checking and commenting in detail on drafts prepared by other drafters.

Skill (Target A)	Weighting	Rating	Weighting x Rating
Analysis (of instructions, drafts etc.)			
Creativity (e.g. ability to suggest solutions to problems and to devise new approaches)			
Written communication skills, in particular in relation to the drafting of Bills			
Other communication skills			
Judgment			
Attention to detail			
Productivity/efficiency			
Total	100		
Preliminary rating for Target A = /100 =			

Comments: [Include explanation for preliminary ratings by reference to performance standards and examples where appropriate. Comments do **not** need to deal specifically with every drafting task in which the appraisee was involved.]

Attachment F—Mid-cycle review report

Appraisee:

Appraisee's classification:

Appraiser:

Period of agreement:

Date of mid-cycle review interview:

We agreed that the following significant changes should be made to the performance agreement:

We discussed work performance since the performance agreement was established, and noted;

- areas in which performance has been particularly good:

- areas in which performance needs extra attention:

We reviewed the Individual Development Plan and identified the following significant changes:

The following matters were also discussed at the interview:

.....
Appraisee	Appraiser
.../.../...	.../.../...

Variations to performance agreement endorsed:

.....
First Parliamentary Counsel

/ /

Attachment G—Core Skills for APC1s, APC2s and APC3s

The Core Skills include

- **communication skills**

- ability to communicate effectively both orally and in writing
- ability to prepare and present legal concepts or positions or factual analyses clearly and correctly
- ability to represent the organisation and, as necessary, to liaise with clients

- **negotiation skills**

- ability to present a case or a position

- **management and technical skills**

- ability to maintain an adequate knowledge of relevant areas of the law and of relevant practices and procedures
- ability to service [*sic*] clients
- ability to organise work (e.g. filing and matter management) so as to manage priorities effectively and meet deadlines
- ability to acquire and maintain proficiency in use of [Office] technology

- **interpersonal skills**

- ability to deal sensibly and sensitively with people and issues
- adaptability/flexibility

- **conceptual, analytical and strategic skills**

- ability to carry out legal research and comprehend and distil significant issues
- ability to apply legal knowledge and the results of legal research in a practical and effective manner, and to develop concepts and synthesise elements into options and arguments
- ability to identify relevant strategic issues and to balance short/long term perspectives.

Attachment H—Work level descriptions for legal staff

The following work level descriptions were developed for non-SES legal staff based on that developed for the Attorney-General's portfolio.

APC1:

With appropriate assistance and supervision, draft routine legislation and assist more experienced lawyers in drafting other legislation, producing a quality result consistent with less experience and the need for supervision.

APC2:

With minimum assistance and supervision, draft less complex legislation and assist more experienced lawyers in drafting other legislation, producing a quality result consistent with more experience.

APC3:

With no assistance or supervision, prepare and, as required, settle drafts of more complex and significant legislation and assist more experienced lawyers in drafting other legislation, producing a quality result consistent with greater experience.

Attachment I—Summary of performance agreement and appraisal processes for Assistant Drafters

Performance agreements

Outcome	Activity/task	Who is responsible	Documentation
1. Performance agreement in place	<p>1.1 Entering into performance agreements</p> <p>Enter into a performance agreement with supervisor within 4 weeks after the start of the appraisal cycle.</p> <p>Appraisal cycle begins on date of commencing employment in OPC for new employees in their first year of employment and on date of promotion for a promotee.</p> <p>Appraisal cycle is normally a year and begins on 1 July. Minimum duration for performance appraisal cycle is 3 months and can be up to a maximum of 15 months if performance agreement was entered into between 1 April and 29 June.</p>	Appraisee	<p>Template at Pers,SD—Assistant Drafter’s performance agreement</p> <p>See paras 12-15, & 31 of OPC No.59</p>
	<p>1.2 Contents of performance agreements</p> <p>A standard performance agreement is used that contains standard targets. Apply suitable weightings to the standard targets.</p>	Appraisee’s supervisor	See paras. 16-30 of OPC No. 59
	<p>1.3 Signatories to performance agreements</p> <p>Performance agreement is signed by both parties to the agreement at the time it is being prepared.</p> <p>All agreements are to be reviewed and signed by FPC.</p>	Appraisee/ appraisee’s supervisor FPC	See paras. 32-34 of OPC No.59
	<p>1.4 Change of supervisor</p> <p>No change to content of performance agreement—no need for a new agreement.</p> <p>When there are changes to performance agreement, appraisee signs new agreement with new supervisor to cover the full appraisal period.</p>	Appraisee/ new supervisor	See para. 38 of OPC No.59
	<p>1.5 Paperwork</p> <p>After signatures have been obtained, copies should be kept by the appraisee and the appraisee’s supervisor. The original is forwarded to FPC.</p> <p>Performance agreements are kept in secure storage within the Executive Service Centre.</p> <p>Reminders will be sent to Assistant Drafters who are yet to finalise their performance agreement.</p> <p>All hard copies of performance agreements will be destroyed 2 years after agreements are superseded.</p>	<p>Appraisee’s supervisor</p> <p>FPC</p> <p>Executive Service Centre</p> <p>FPC</p>	See paras. 39-41 of OPC No.59

Appraisals

Outcome	Activity/task	Who is responsible	Documentation
<p>3. Appraisal interviews are conducted and a rating applied</p>	<p>3.1 The appraisal interview</p> <p>Timing The appraisal interview should take place 4 weeks before or after the end of the appraisal period. Where the appraisal interview will not be held within this period, the appraiser must speak to FPC.</p> <p>Notice The appraisee should be given at least 3 working days' notice of the interview. At least one hour should be set aside for the interview.</p> <p>Departing employees and employees on extended leave Staff leaving OPC, or starting an external placement or a period of leave that is expected to last at least 3 months, should be appraised before departure. Note, this does not apply if the previous appraisal was done within the last 3 months. Employees returning from extended leave or an external placement will be appraised at the end of the appraisal cycle. Note, the minimum duration of 3 months for appraisal cycle applies.</p> <p>Promotion during the appraisal cycle An employee who is promoted during the appraisal cycle will be appraised at the end of the appraisal cycle. The appraisal should not cover the period before the promotion. Note, the minimum duration of 3 months for appraisal cycle applies.</p> <p>Preparation for interviews Preparation for each party should include identifying specific matters to be discussed during the interview and, where appropriate, gathering examples for use in the discussion.</p>	<p>Appraiser</p> <p>Appraiser</p> <p>Appraiser/ appraisee</p> <p>Appraiser/ appraisee</p> <p>Appraiser/ appraisee</p>	<p>Template at Pers,SD— Assistant Drafter's performance agreement</p> <p>See paras. 54-65 of OPC No.59</p>
	<p>3.2 Working out performance ratings</p> <p>A 3 point rating scale is used, together with the "fully effective" performance descriptions, to work out performance ratings. A single preliminary rating is worked out using a series of steps.</p>	<p>Appraiser</p>	<p>See paras. 66-71 and Attachment A & B of OPC No. 59</p>

Appraisals con'td

Outcome	Activity/task	Who is responsible	Documentation
	<p>3.3 Change of supervisors</p> <p>When an appraisee is allocated to a different drafting team, a full appraisal should be conducted that includes ratings. Ratings will be used as information by the new supervisor when doing the appraisal at the end of the appraisal period.</p> <p>If appraisee is allocated to a drafting team for less than 3 months during the appraisal cycle, a rating is obtained from the supervisor of the team where most time has been spent. Input should be obtained by other supervisor.</p>	<p>previous supervisor/ new supervisor</p> <p>appraiser</p>	<p>See paras. 72-74 of OPC No. 59</p>
	<p>3.4 Paperwork</p> <p>After appraisal interview and report has been completed and the preliminary rating applied, a copy of the written report is provided to the appraisee.</p> <p>After signatures have been obtained, and copies are obtained by appraisee and appraiser, the originals are forwarded to FPC.</p> <p>Preliminary ratings given by supervisors are moderated and a final rating is applied. Where applicable, employees who receive a final rating of 3 will advance to the next pay point with effect from 1 July immediately after the appraisal period.</p> <p>Appraisals are stored under secure conditions.</p> <p>All hard copies of performance appraisals will be destroyed 2 years after agreements are superseded.</p>	<p>Appraiser</p> <p>Appraiser</p> <p>FPC</p> <p>FPC</p> <p>FPC</p>	<p>See paras. 75-83 of OPC No. 59</p>

Office Procedural Circular No. 59
Performance Management Program for Assistant Drafters
Mid-cycle review

Outcome	Activity/task	Who is responsible	Documentation
4. Mid-cycle review conducted	<p>4.1 The review A mid-cycle review will be held around the middle of the appraisal cycle.</p> <p>The appraisee should be given at least 3 working days' notice of the interview.</p> <p>Any unresolved issues at or around the time of the mid-cycle review should be discussed with FPC.</p>	<p>Appraiser</p> <p>Appraiser</p> <p>Appraisee/ appraiser</p>	<p>Template at Pers,SD— Assistant Drafter's performance agreement</p> <p>See paras. 85-90 of OPC No. 59</p>
	<p>4.2 Change of supervisor If, around the time of a mid-cycle review, an appraisee is allocated to a different drafting team, the appraisee will have a full appraisal instead of a mid-cycle review.</p>	<p>Appraiser</p>	<p>See paras. 72-74 & 91 of OPC No. 59</p>
	<p>4.3 Paperwork After signatures have been obtained and copies are obtained by appraiser and appraisee, the original is forwarded to FPC.</p> <p>Mid-cycle review reports are stored under secure conditions.</p> <p>All hard copies of mid-cycle reports will be destroyed 2 years after agreements are superseded.</p>	<p>Appraiser/ appraisee Appraiser</p> <p>FPC</p> <p>FPC</p>	<p>See paras. 92-95 of OPC No. 59</p>