

Victoria Police Manual – Policy Rules

Performance and professional management

Context

Victoria Police expects the highest standards of performance from employees within the organisation. Employees must be informed of the requirements of their job, the standard of performance expected of them, and areas where they are not meeting the required standard. Performance management decisions must be made in accordance with this Policy, the principles of natural justice and procedural fairness.

In order to support this and to meet the requirements of the industrial agreements, processes have been developed for the:

- management of employee performance and professional development. This is managed through a system called the Professional Development and Assessment (PDA) system. Its objectives are to:
 - develop a culture focussed on the performance and professional development of all employees
 - identify opportunities for development, and build individual and organisational capability to meet the policing needs of the community
 - increase alignment between individual performance and Victoria Police strategic and organisational goals to develop role clarity, responsibilities and accountability
 - facilitate feedback and communication between assessors and employees
 - enable employees to receive acknowledgement and recognition for at/above level performance, and where applicable facilitate salary progression in accordance with the **Victorian Police Force Enterprise Agreement 2011** and the **Victorian Public Service Workplace Determination 2012**.
- management of underperforming employees. Underperformance is the failure to meet a performance standard. Performance standards relate to work efficiency expected of employees

This Policy has been developed to provide direction to employees, supervisors and managers in regard to the application and operation of these processes.

Application

Policy Rules are mandatory and provide the minimum standards that employees must apply. Non-compliance with or a departure from a Policy Rule may be subject to management or disciplinary action. Employees must use the **Professional and ethical standards** to inform the decisions they make to support compliance with Policy Rules.

These Policy Rules apply to:

- Employees
- Supervisors
- Work Unit Managers

Rules and Responsibilities

1. Professional Development and Assessment system

1.1 Application

- With the exception of contractors, consultants, Reservists and Recruits, the following employees must participate in performance assessment via the PDA system, including permanent, fixed term, part time and full time employees:
 - Police members from Probationary Constable to Chief Superintendent rank
 - Protective Services Officers (PSOs)
 - Victorian Public Service (VPS) Employees Grades 1 to Senior Technical Specialist Grade 7
 - Forensic Officers.
- It does not apply to Executives and police members of Commander rank who have a separate system, see the **Executive Officer reference guide**.

1.2 Accountabilities

- Performance management decisions must be made in accordance with this Policy and in accordance with the principles of natural justice and procedural fairness.
- Work Unit Managers have responsibility to ensure:
 - an assessor (who is a manager or supervisor of the employee) is appointed for every employee in order to provide role clarity, feedback to employees and to assess the employee in the PDA Report
 - the employee is advised who their assessor will be
 - the employee assigns their assessor in accordance with the direction of the Work Unit Manager. The Performance and Development Unit can assist with assigning an assessor to a PDA when the employee is unable to do so
 - a performance assessment is submitted annually for every employee
 - an assessment is completed regardless of whether the employee is eligible for a salary progression payment, unless the assessment is deferred in accordance with **VPMG Professional Development and Assessment system** (police and protective services employees only).

- Assessors must:
 - within two months of the start of assessment period, discuss and record in the employee's PDA the performance expectations of the employee and the criteria for their assessment in accordance with **VPMG Professional development and assessment system**
 - provide timely feedback throughout the assessment period. As a minimum the assessor must have a performance discussion with the employee at the commencement, middle and end of a performance assessment cycle and record the performance discussion on the employee's PDA
 - finalise assessments prior to the assessment due date and promptly submit them in accordance with **VPMG Professional Development and Assessment system**. This is reliant on the employee fulfilling their PDA requirements.

1.3 Assessments

- Police employees and PSOs will be assessed against the capability profile relevant to their rank. This assessment will take into account their performance documented in the following fields of their PDA:
 - Performance Objectives (Senior Sergeants, PSO Senior Supervisors and above only)
 - Performance Discussion
 - Evidence Entry and Ratings
 - My Personal Development
 - On-the-job Tasks (Probationary Constables only).
- VPS employees Grades 1 to 4 and Forensic Officers will be assessed against the performance standards having regard to their performance documented in the following fields of their PDA:
 - Performance Objectives (VPS-4 and FO-4 to FO-7 employees only)
 - Performance Discussion
 - Evidence Entry and Ratings
 - My Personal Development.
- VPS employees Grades 5 to Senior Technical Specialist Grade 7 will be assessed against the performance standards having regard to their performance documented in the following fields of their PDA:
 - Performance Objectives (these must include measures of excellence and skill acquisition commensurate with the high level of responsibility)
 - Performance Discussion
 - Evidence Entry and Ratings (this encompasses the Capability Profile relevant to an employee's level)
 - My Personal Development.
- Police members, PSOs and Forensic Officers must complete their PDA prior to the assessment due date. The due date will be one month prior to the anniversary of the date of their appointment or promotion for police members below the rank of Superintendent, PSOs and Forensic Officers,

and July 31 for Superintendents. Progression to the next salary progression point will only be granted upon a satisfactory performance rating, and for Senior Constables progression points 13-16 will be based on the criteria set out in sub-clause 63.9 **Victoria Police Force Enterprise Agreement 2011**.

- VPS employees should complete their PDA prior to the assessment due date, being the 30th of June each year. PDAs will not be considered to be overdue until on or after 1st of August of the relevant year:
 - for VPS Grades 1 to 4, progression to the next salary progression amount will only be granted upon a rating of Performance Standards Met (Satisfactory Performance)
 - for VPS Grades 5 to Senior Technical Specialist Grade 7, progression to the next salary progression amount will only be granted upon a rating of Performance Standards Fully Met (Excellent Performance).
- The assessment process must be conducted in accordance with **VPMG Professional Development and Assessment system**.

2. Management of underperformance

2.1 *Application*

- Recruits are subject to the pre-existing performance improvement and appraisal provisions provided within their respective training programs. **VPMG Professional Development and Assessment system** and **VPMG Management of underperformance** do not apply.
- **VPMG Management of underperformance** does not apply to probationary constables and probationary protective services officers who have not 'Marched Out' of their respective training programs. Contact the Foundation Student Management Unit, Foundation Training, School of Policing (People Development Command) for further advice.
- The underperformance policy and guidelines are not to be utilised as an alternative to disciplinary action where discipline has been identified as the primary issue. There is no barrier to applying this policy where underperformance has been identified, in conjunction with or pending disciplinary action under **VPMP Complaints and discipline**.

2.2 *Accountabilities*

- Supervisors and managers must:
 - conduct performance discussions with employees and set clear performance expectations
 - identify and address instances of underperformance
 - work with their employees to identify developmental opportunities and strategies to improve performance to the appropriate standard.

- Employees are required to perform at the appropriate standard and to participate in measures designed to improve their performance where they have been identified as underperforming.

2.3 Dealing with underperformance issues

- Issues of underperformance must initially be addressed at the local level. For example, the manager/supervisor must make every attempt to raise the standard of performance to the expected level by workplace guidance and assistance. The manager/supervisor should document these developmental conversations and strategies in the employee's PDA in a timely manner. See **VPMG Management of underperformance** for further guidance.
- Where workplace guidance and assistance does not result in the required improvement in performance, the management of underperformance process must be followed, as outlined in **VPMG Management of underperformance**.
- The Performance and Development Unit must be contacted prior to formally managing an underperforming employee under this policy.

2.4 Standards

The following minimum standards apply when dealing with employees that are identified as underperforming:

- performance standards relating to work efficiency and job requirements are communicated to all employees and included in the employee's PDA
- employees are given reasonable notice that a performance standard is not being met and reasonable opportunity to improve their performance, and such notice should also be included in the employee's PDA
- policies and processes to deal with underperformance are fair, documented, accessible to all employees and applied consistently
- decisions and processes are developed within the principles of natural justice and procedural fairness
- management action is appropriate to the circumstances, including action taken in relation to a failure to meet performance standards
- management action that is a reasonable alternative to discipline proceedings should be considered as the circumstances warrant
- decisions are documented and capable of review. Documentary evidence of underperformance must be objective and focus on the performance itself and not on personalities and hearsay. Supervisors/managers are to ensure that, in accordance with the principles of natural justice, all records and

documents relating to managing the underperformance of an employee are accurate, current and where required have been signed by the subject employee. Where documentation requires an employee's signature and the employee refuses to sign, the document is to be endorsed with "Refused to Sign" and the supervisor/manager is to include any reasons given

- appropriate confidentiality is maintained
- performance standards and processes to deal with underperformance must be linked to the employee's capability profile and job requirements of the employee's position.

2.5 ***Actions available from the performance management process***

In accordance with the process detailed in **VPMG Management of underperformance** the following determinations are available if an employee is found not performing to the standard required:

- Probationary Police Members (section 28, *Victoria Police Act 2013*) and Probationary PSOs (section 39, *Victoria Police Act*):
 - confirmation of appointment
 - extend the probation once up to a maximum of one year; or
 - termination of employment.
- Confirmed Police members and Confirmed PSOs (section 70, *Victoria Police Act*):
 - transfer to other duties believed to be within the officer's capability
 - reduction in rank or seniority
 - both transfer and reduction in rank or seniority; or
 - dismissal.
- VPS employees (sub-clause 18.12.3, **Victorian Public Service Workplace Determination 2012**):
 - assignment of the employee to a role at a classification level or value range lower than the employee's current classification or value range; or
 - termination of employment.

2.6 ***Grievances and reviews***

All employees have a right of grievance and review in regard to PDA entries, the denial of incremental progression and the management of underperformance process or outcome.

PDA entries:

- Employees may submit a formal grievance if attempts to resolve the issue at the local level have been unsuccessful – refer to **VPM Review of actions (grievance)**.

- Contact Workplace Standards, Human Resource Department for guidance regarding the grievance process.

Denial of incremental progression:

- Police members and PSOs may submit a formal grievance if attempts to resolve the issue at the local level have been unsuccessful. For further information refer to **VPM Review of actions (grievance)**
- If the police member or PSO remains aggrieved by the decision, he or she has a right of review to the Police Registration and Services Board (PRSB) pursuant to clause 12.1, **Victoria Police Force Enterprise Agreement 2011**. The application for review must be lodged with PRSB within twenty eight days of the decision being communicated to the police member or PSO
- VPS employees may submit a formal grievance if attempts to resolve the issue at the local level have been unsuccessful – refer to **VPM Review of actions (grievance)**. If the matter is not settled the VPS employee may refer the dispute to Fair Work Commission to have the dispute dealt with by conciliation.

Management of underperformance outcome:

- If as a result of a Notice of Incapacity, a police member or PSO believes a decision to transfer and/or reduce in rank or dismiss the police member is harsh, unjust or unreasonable, he or she has the right to seek a review from the PRSB in accordance with section 146, *Victoria Police Act*. The application for review must be lodged with the PRSB within fourteen days of the decision being communicated to the police member or PSO
- If as a result of a Determination of Unsatisfactory Work Performance Outcome, a VPS employee believes a decision to assign them to a role at a lower classification level or value range or termination of employment is unfair or unreasonable, he or she may submit a formal grievance or refer the matter to Fair Work Australia.

Quick Links

VPMG Professional Development and Assessment system
 VPMG Management of underperformance
 VPMG Admonishment notices
 VPM Review of actions (grievance)

Further Advice and Information

For further advice and assistance regarding these Policy Rules, contact your supervisor.

Update history

Date of first issue	22/2/10	
Date updated	Summary of change	Force File number
01/07/14	Legislative reference updates due to the commencement of <i>Victoria Police Act 2013</i> .	FF-079620
11/12/15	Amendments have been made in accordance with the Victoria Police Force Enterprise Agreement 2011 and the Victorian Public Service Workplace Determination 2012 to update out of date processes	FF-075371
24/09/19	Instrument names amended to reflect new grievance policy.	FF-124135