

## PERFORMANCE APPRAISAL PROCESS GUIDANCE DOCUMENT

### 1. Introduction

#### Purpose of Our Performance Management System

Our performance management system is the process we have adopted to help establish a culture in which everyone takes responsibility for the continuous improvement of business processes, achievement of objectives and development of their skills, behaviour and contributions. It is about sharing expectations. Managers can clarify what they expect individuals and teams to do; likewise individuals can communicate their expectations of how they should be managed, what support and resources they need to do their job, what risks may preclude the achievement of their own and the organisations goals and how those might best be addressed.

There are five key elements of our performance management system:

- Measurement – assessing performance against agreed targets and objectives, taking account of the risks that may have had an impact on achievement and how those risks were managed, and behaviour and attitudes against our values.
- Feedback – providing information to individuals on their performance and progress and on what is required to continue to perform well in the future, particularly in view of any changes to the overall function and evolution of job roles and the changing nature of the risks facing the organisation.
- Positive reinforcement – emphasising what has been done well and making only constructive criticism about what might be improved, and drawing out the importance of how things are done, as well as what is done, and ensuring effort is directed at value-adding activities.
- Exchange of views – a frank exchange of views about what has happened, how appraisees can improve their performance, the support they need from their managers to achieve this and their aspirations for their future career.
- Agreement – jointly coming to an understanding by all parties about what needs to be done to improve and sustain performance generally and overcome any issues raised in the course of the discussion.

#### Who is this guidance for?

This guidance document is for use by the manager (appraiser) and employee (appraisee) in order to help understand why the appraisal is important and how to go about preparing for and carrying it out.

## 2. Background

### The work of the Commissioner

The functions and requirements of the Ethical Standards Commissioner (ESC) are laid out in the Standing Orders. Where the term “the Commissioner” is used this will refer to the person of the Commissioner, where the term “ESC” is used this will refer to the organisation (body of people) who work to fulfil the functions required by the Commissioner.

The work that the Commissioner is required to do is defined by:

Legislation (Functions)	the Ethical Standards in Public Life etc. (Scotland) Act 2000 the Scottish Parliamentary Standards Commissioner Act 2002 the Public Appointments and Public Bodies etc. (Scotland) Act 2003, All as amended by the Scottish Parliamentary Commissions and Commissioners Etc. Act 2010. the Lobbying (Scotland) Act 2016
Strategic Plan	Sets out how the Commissioner proposes to perform his / her functions (as laid out in legislation) during a four-year period
Business Plan	Details how the Commissioner will work to achieve his/her strategic objectives (as laid out in the Strategic Plan) on a rolling two-yearly basis
Annual Action Plan	Provides the details of how each member of the Commissioner’s senior management team will work towards achievement of the business plan for the area for which they are responsible.
Performance Management Objectives	Provides the details of how each member of staff will work towards achievement of the business plan through a number of set objectives.
Risk management policy and Risk register	The policy sets out how the Commissioner and all staff deal with the risks facing the organisation and that may have an impact on the achievement of our objectives. The register identifies key risks on an ongoing basis.

This shows that the work of the Commissioner is achieved by every employee contributing to overall workload. Every contribution is of value to the overall work and the performance management system can help to define what individuals have done to help achieve this workload and what will be required for the future and how each member of the team will assist with this.

### Our Principles and Values

Alongside knowing WHAT we need to do, it is important that HOW this is done is in keeping with our values. In addition to the general principles set out in the code of conduct, our approach to the way that we work with each other and to all of our communications, internally and externally should be supported by behaviours that can be summed up with the words:

**WE VALUE PEOPLE.** Our values are set out in full in our strategic plan.

Some examples of behaviours that support the way in which we can do this include:

Communication skills	Keeping all communication clear, accurate and well structured. Using facts, examples, and visuals to great impact to effectively engage diverse audiences.
Adaptability	Willingness and ability to be adaptable and flexible to ensure that changing priorities and shifting demands inherent in a small office environment are achieved.
Problem solving skills	Exploring the root cause of problems and generating new ideas and solutions to problems – providing useful recommendations.
Team working skills	Sharing information, knowledge and experience freely with others and building and maintaining positive relationships within the team. Recognising when others are under pressure and offering help where feasible.
Planning & organisation skills	Thinking and planning ahead: making plans, setting priorities, being well organised and reviewing outcomes. Concentrating on detail while being aware of the overall objective. Recognising areas of pressure and asking for assistance if required.
Decision making	Understanding the importance of decisions based on analysis, and making timely decisions based on facts.
Ability to build relationships	Understanding the importance of building relationships and building a positive rapport when engaging with a variety of different people. Being empathetic and kind in all of our dealings with others.
Continual improvement	Asking directly for feedback, listening to it and enthusiastically applying any recommendations or advice to continually make improvements
Seeing the bigger picture	Understanding where you fit into the organisation and how your own contribution dovetails with the contribution of everyone else. Understanding how the organisation's work fits into the work of other organisations and society as a whole; scanning the horizon for risks and thinking about solutions beyond your own immediate sphere of influence.

### 3. Timescales

The performance appraisal process comprises an annual appraisal of performance and personal development options over the previous year, plus an optional interim review or series of reviews during the year. The cycle is:

**Annual review meeting takes place at end of probation period or one year (approximately) after previous annual review:**

- Review of performance over the previous year against job description and any personal objectives
- Review of risks identified in the previous year and how those were managed

- Agree any changes required to the job description, personal objectives and associated risks for the coming year
- (If required – see “during the review meeting” below) a Wellness action plan
- Agree training and development required to achieve objectives and any personal development requested
- Specifically investigate training requirements in relation to records management, data protection and freedom of information.
- Review the operation of any remote working agreement.

## **Interim review(s) take place (optionally) at an agreed timeframe during the year:**

- Optional interim review(s) of progress against objectives, risk management and opportunity to amend timescales.
- Amendment and update of training requirements.
- (If required – see “during the review meeting” below) update or amend the Wellness action plan

## **4. Process**

1. The appraiser agrees the date and time of the review meeting at least two weeks in advance. Approximately one to two hours should be booked for this meeting.
2. The appraiser will ensure that the appraisee has access to a copy of their job description, any other relevant documents such as the business plan, risk register and annual action plan which might be referred to and a record of discussion form. The record of discussion form should have the previous year's objectives, risks and measures of success included, but otherwise be blank. See the Probation section below for new employees. If a wellness action plan is in place, this should also be considered.
3. The appraisee should complete the record of discussion form in the sections highlighted “In Preparation” and return this to the appraiser at least 3 working days before the meeting. When completing this form, the questions should be used as a prompt /aide memoire, rather than each being answered specifically and individually.
4. The record of discussion should be the basis for discussion at the meeting, using and referring to the appraisee's “In Preparation” sections and adding anything additional discussed, or varied to the “In discussion” sections. Where a team member has an action plan, this may be appended to or referenced in the record of discussion, rather than the entire document copied over.
5. The record of discussion form (and action plan if appropriate) will be commented on and signed by appraiser and appraisee and stored in the individual's electronic personnel file. A copy may be kept by the individual in his/her personal folder.
6. If it would be helpful to hold one or more interim review meetings, agree suitable date(s). This will be appropriate in situations where someone is new to the role, or requires additional support for any other reason, or where one or more objectives are of a short timescale and it will be appropriate to review it / them as soon as complete. These meetings will be shorter (up to one hour) and will be used to update objectives and training (and possibly the wellness plan). Any amendments should be recorded on the record of discussion form.

## **During the Review Meeting**

During the meeting, the appraisee should be encouraged to lead the discussions on their performance. As far as possible, the form should provide a joint overview of performance

assessment and future work and training requirements. However, ultimately, the appraiser will be the one who sets the performance objectives for the year in line with the performance requirements for the organisation.

The review meeting provides an opportunity to discuss and record:

1. Performance over the last 12 months

- key result areas and measures of success
- factors influencing achievement including risks
- examples where any exemplary behaviours have been demonstrated
- areas of pressure identified and how the appraiser can provide support to alleviate these
- the relationship between appraisee and appraiser and where any communication can be improved or support provided (see Appendix 1)
- personal development planned and achieved over the period
- Any aspects of a personal nature which may have impacted on performance

The performance review should be primarily a positive experience, used to capture successes and celebrate instances of good performance. Where objectives have not been achieved, the review should be used as a learning opportunity to understand what could have avoided this happening and therefore what might be done differently in the future. Although it is expected that the appraiser will have had discussions with the appraisee during the year about any personal issues which may be concerning them and potentially affecting work performance, the annual review is nonetheless an opportunity to further discuss personal difficulties for which support might be able to be offered. In particular, where an individual is suffering from stress, anxiety or any other types of mental health challenge (whether as a result of work or a personal situation which potentially impacts on work) the appraiser should consider use of the wellness action plan and support leaflet. If there is already a wellness action plan in place, this could be referred to and/or reviewed as part of the annual review meeting. If an individual's performance is becoming or has become problematic for the organisation, this should not be addressed through the review meeting. Problematic performance should be managed through the disciplinary policy. Unless very recent, any such issue should not be addressed for the first time in the meeting.

2. Performance for the next 12 months

- objectives to be achieved in the next year
- risks that may preclude their achievement and how these might best be managed
- training or development needs. Including specifically any need for data protection, records management or freedom of information training.
- long term development of the individual
- The Wellness Action Plan (if required)

It should be remembered that not all training and development needs will take the form of a formal training event. Development can include things such as internet research, job shadowing, visiting another relevant organisation, on-line training, work experience, discussions, coaching, mentoring etc. Also, long term career aspirations will not always involve moving to another job – it can also include learning new aspects of or developing experience of different areas within the current position or wider organisation.

At the end of the meeting the appraiser should add comments to the review form and sign the document then ask the appraisee to add comments and also sign the form. If they do not agree with the review's conclusions, they should be referred to the resolution policy.

## 5. Probation

The timescales and process to be followed when using the performance management system for probation purposes is as follows:

- Within the first week of starting, the appraiser will go through the job description with the new employee and provide feedback from the recruitment process. They will identify relevant objectives and risks to achievement and any training and development requirements and fill in sections 3 and 4 of the form.
- In month 3 of employment, the appraiser and new employee will meet to discuss the objectives, how the employee is performing against these and adjust any objectives and / or training and development requirements as needed. They will complete section 5 of the form if anything has changed. If the new employee is struggling to perform in the role, their shortcomings should be made very clear to them at this stage and a short letter should be given to them (see Appendix A to this document) to highlight where improvement needs to be made in order to continue in the role after 6 months.
- In month 6 of employment, the appraiser will meet with the new employee again to review performance in the first 6 months, provide feedback, and if performance has been acceptable, confirm permanent employment in the role. At this stage a new form should be completed, but reviewing 6 months of previous performance, rather than 12. This will then become the first annual review meeting in the performance appraisal cycle. Thereafter, all annual reviews should fall shortly after the financial year end to ensure that they coincide with the organisation's business planning cycle
- If at 6 months of employment the employee has not performed in the role and has been provided with due warning that their performance has not been of the standard required and given the opportunity to improve, then their contract of employment will be terminated. In any such case, advice should be sought from the Head of Corporate Services in advance of the meeting.

### Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)? This policy applies to all staff members and its impact was considered when drafting. In the latest review, additional wording was added to particularly support employees who could be facing mental health challenges (whether these resulted from work or personal circumstances). It is expected that by including the additional aspects of the policy that other groups will also benefit from considering wider discussions about personal circumstances potentially impacting on work (e.g. those with caring responsibilities). We consulted with staff prior to publication to identify and address any issues.

### Data Protection, Information and Records Management Impact Assessment

Have we considered the impact/effect this policy may have:

- on the collecting, processing and storing of personal data?
- on our cyber-resilience?
- on our ability to manage our records?

The records generated by this policy will contain personal data and may contain sensitive and special category personal data. Suitable retention and destruction policies are in place to manage this material.



This policy is applicable in our customary operating environment but will be subject to ad hoc amendment and application as appropriate should exceptional circumstances arise, such as when business continuity measures have been invoked.

Version	Description	Date	Author
3.0	Revisions related to supporting mental health challenges, shortening and simplifying the process and linking it to job descriptions.	01/06/21	Public Appointments Officer
4.0	Revisions to include risk management embedded across the organisation	21/4/22	Acting Ethical Standards Commissioner
4.1	Updated telephone number	16/06/23	Human Resources and Facilities Officer
4.2	Added review of remote working agreement	28/06/2023	Head of Corporate Services

Dear [Employee Name]

**Re.: Probationary period 3 month review**

As you are aware, your appointment with the Ethical Standards Commissioner is subject to a probationary period of six months. It is due to end on [date].

Unfortunately, as discussed at our meeting on [date], your performance has not yet reached a satisfactory standard, particular in the following areas [briefly outline areas of weakness in the employee's performance relating to the job description and objectives set].

As discussed, you still have a further 3 months of your probation period in which to improve in these areas. We are fully committed to providing you with assistance in meeting the required level of performance and we also discussed [give details of any additional assistance, e.g. I have arranged for you to attend training in....].

We will meet [timeframe; weekly/monthly] to discuss your progress.

If you have any queries regarding this decision please do not hesitate to contact me.

Yours sincerely,



**APPENDIX 1 – Suggestions for aspects to think about when considering the relationship between appraisee and appraiser.**

In the section in the “record of discussion form” around the relationship between employee (appraisee) and line manager (appraiser), as well as considering how communications and support can be improved when carrying out the main job (as specified in the job description), the senior management team have a number of commitments which they have made through implementation of the ESC HR policies. These are based around a number of themes and it may be helpful for the appraisee to think through any communications on these which have been provided recently and/or over the course of the preceding year. Could anything be better about this communication? Are there any gaps that the senior management team should consider or is there any further support could be given in a particular area which would be helpful to you and/or your colleagues?

The themes and some prompting questions are set out below:

1 – Health and Safety Theme	<p>H&amp;S roles – are there appropriate staff assigned to the roles of DSE assessor, First Aider, Fire Wardens etc. Do you know who they are and where to find this info? If you fulfil any of these roles, when did you last receive training and do you feel that you need any refresher or other support to carry out the role?</p> <p>Do you know who/ how to arrange a DSE, or other health and safety assessment if you need to? Who would you approach if you had a concern about security or any other health and safety issue?</p>
2 – Health and Safety - Wellbeing theme	<p>Are you aware of the policies in place around wellbeing? (e.g. mental health and wellbeing, substance abuse, period and menopause, domestic abuse). When did you last hear about these? Are there any gaps in employee wellbeing that you think that the senior management team should consider? Are there any of these policies which are of particular interest to you that you would like to hear more about?</p>
4 – Training needs theme	<p>Are you aware of the Governance policies on subjects such as data protection, freedom of information, records management? When were you last made aware of, or provided training on these? Do you feel that you need any further awareness or training on these? Are there any gaps on aspects of Governance that you are aware of and think that you would like to know more about?</p>
5 – Inclusion theme	<p>Are you aware of the ESC Equality, Diversity and Inclusion Policy? Are you aware that it includes a commitment from the senior management team that they will run an awareness session on an aspect of inclusion at least annually? Have you heard about this</p>

	<p>session from anyone in the senior management team and did you learn anything new?</p> <p>A few examples of the kind of session that this may include are: race awareness, religious practices and festivals, neurodiversity, access for disabled persons, the effects of ageing, supporting someone who is transitioning between genders</p> <p>Are there any of these topics that you know a lot about and could share knowledge and / or experience with the senior management team? Or that you would like to know more about? Are there any gaps that you think should also be included?</p> <p>Are you aware of what an Equalities Impact Assessment is? Have you used one for any aspect of your role? Would you find any training or information about this helpful in your role?</p>
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