



Toolkit for the Management of Poor Performance in the Public Service

Public Service Commission

December 2007

Vision

The Public Service Commission is an independent and impartial body created by the Constitution, 1996, to enhance excellence in governance within the Public Service by promoting a professional and ethical environment and adding value to a public administration that is accountable, equitable, efficient, effective, corruption-free and responsive to the needs of the people of South Africa.

Mission

The Public Service Commission aims to promote the constitutionally enshrined democratic principles and values of the Public Service by investigating, monitoring, evaluating, communicating and reporting on public administration. Through research processes, it will ensure the promotion of excellence in governance and the delivery of affordable and sustainable quality services.

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Published in the Republic of South Africa by:

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Compiled by: Branch: Investigations Human Resource Reviews
Distribution by: Directorate: Communication and Information Services
Printed by: The Kashan Group

ISBN: 978-0-621-37615-9
RP: 17/2008



Foreword

The Public Service Commission (PSC) takes pleasure in releasing these guidelines in the format of a Toolkit on the Management of Poor Performance for use in the Public Service.

Collectively, the Public Service is a labour intensive employer and therefore relies heavily on the performance of its employees for the delivery of its mandate to the community that it serves. As such it is of utmost importance that the performance of its employees is managed appropriately, in particular to identify and address poor performance.

In its recently released Reports on the Management of Poor Performance and Grievance Trends in the Public Service, the PSC has observed that poor performance is a problem in the Public Service. The causes are multiple, but a lack of skills and shortcomings associated with the management of performance itself, in particular the management of poor performance, were specifically evident in both Reports. As this poses a very real and serious threat to service delivery, the PSC has decided to compile this Toolkit to assist managers to deal with this extremely important responsibility attached to their different portfolios.

It is trusted that this Toolkit will, as reference guide, be of practical value to all managers in the Public Service, notably the Senior Management Service who is expected to lead the way by example.



PROFESSOR SS SANGWENI
CHAIRPERSON: PUBLIC SERVICE COMMISSION



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CHAPTER ONE

INTRODUCTION AND OVERVIEW

1.1 Introduction

The primary orientation of performance management is developmental in nature. It also provides for effective feedback to inadequate performance and for recognising outstanding performance¹. This approach to performance management in the Public Service was ushered in by the new Public Service Regulations, 1999². Given the heightened expectations of South African Citizens on better service delivery, such approach gave emphasis, through the principle of devolution, to improved individual and organisational performance as key enablers to improved service delivery. As such the focus has moved from measuring subjective personal qualities to measuring performance against pre-agreed outputs or outcomes. Through the application of the performance management system in the Public Service, the objectives and outputs agreed with individuals and teams are integrated with and support the achievement of organisational objectives³.

This approach is reinforced by the Public Service Regulations which, amongst others, provide that "Departments shall manage performance in a consultative, supportive and non-discriminatory manner in order to enhance organisational efficiency and effectiveness, accountability for the use of resources and the achievement of results. Performance management processes shall link to broad and consistent plans for staff development and align with the department's strategic goals. The primary orientation of performance management shall be developmental but shall allow for effective response to consistent inadequate performance and for recognising outstanding performance. Performance management procedures should minimise the administrative burden on supervisors while maintaining transparency and administrative justice."⁴

The overall objectives with performance management as contained in the Public Service Regulations are supported by Armstrong, who indicates that from both a private and public sector perspective the objectives can be defined as follows:

- to align organisational and individual goals;
- to foster organization-wide commitment to a performance-oriented culture;
- to develop and manage the human resources needed to achieve organisational results;
- to identify and address performance inefficiencies;
- to create a culture of accountability and a focus on customer service; and
- to link rewards to performance⁵.

Performance management therefore has objectives beyond the measurement of performance alone. A key outcome of performance management is to facilitate the development of human resource capacity through the identification of developmental needs⁶. Apart from performance rewards, performance management if correctly applied therefore has significant benefits for public servants in terms of personal development.

¹ Extract from a paper delivered by Ms. OR Ramsingh, Director-General of the Office of the Public Service Commission at the 1st Biennial Labour Relations Conference for the Public Service in March 2007.

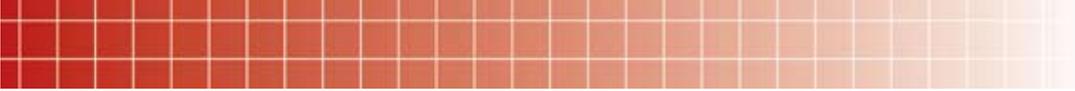
² Republic of South Africa, Public Service Regulations, 1999.

³ Report on the State of Performance Management Systems in the South African Public Service, Public Service Commission, 2004, p.4.

⁴ Republic of South Africa, Public Service Regulations, 2001, Chapter V, Part VIII.

⁵ Armstrong, M, A Handbook of Personnel Management Practice, 1998.

⁶ Republic of South Africa Baseline Implementation Guide, Department of Public Service and Administration, 2000.



Prior to the implementation of the new approach to performance management in the Public Service, little attention was given to actual performance outcomes. The assessment of employees was predominantly based on a range of competencies and behavioral attributes. The new approach has a far more focused approach in measuring tangible outcomes against agreed indicators.

Current practice, however, shows a different leaning from the intended objectives. Performance management as an enabling tool should facilitate assessment both in terms of individual performance and organisational effectiveness. Somehow this becomes clouded in a “dust of conflict” at the time of formal assessments. The reward side of performance management appears to be over-emphasized. Because of this emphasis, employees mostly have monetary expectations from the application of performance management which, if not realized, results in dissatisfaction and the lodging of disputes. It comes as no surprise therefore, that when performing employee performance appraisals this is one of the most challenging functions managers have. And yet through well organised and professional performance appraisal a huge difference can be made in turning around poor performing employees, as well as encouraging good or even average workers to perform at their best⁷.

1.2 Purpose of the Toolkit

Dealing with poor performance issues can be complex. If not handled properly in accordance with legal processes, Departments may amongst others be liable for unfair labour practices and unfair dismissal, compromising their reputations in the process. Issues relating to poor performance should always be handled sensitively and in a fair manner. This toolkit is intended to provide managers and supervisors with practical guidelines on how to deal with poor performance, so that it does not become a daunting challenge. If you have any uncertainties or concerns around any aspects of the process outlined in this toolkit, you are encouraged to simply ask for advice or assistance. See **Chapter 6** for various sources that you can contact/utilise for advice.

This toolkit is intended to provide managers with a practical and consistent approach to managing poor performance throughout the Public Service. Whilst the primary orientation of the toolkit is developmental, it must be recognised that in extreme cases, the application of the steps discussed in the toolkit may lead to dismissal.

1.3 What it covers

This toolkit is divided into two broad sections which cover the following:

- An overview of the performance management system
- How to manage poor performance.

⁷ www.inforambler.com/business/performance-appraisal.html.

CHAPTER TWO

MANAGING PERFORMANCE

2.1 Performance Management in context

Performance management is intended to be a process that assists organisations in establishing a climate conducive to motivating employees to develop and achieve high standards of performance. Contrary to popular belief, it is not an annual event, but rather, an ongoing day-to-day participative process that is intended to:

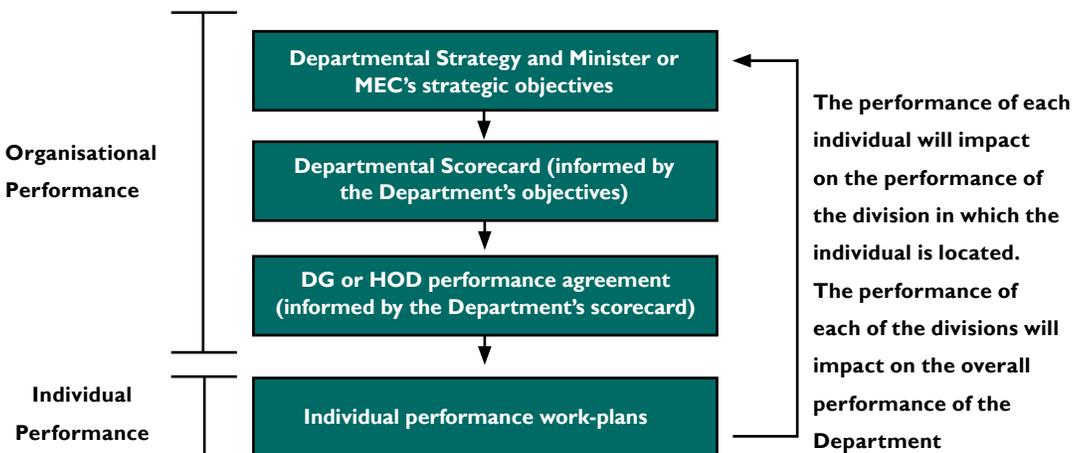
- ensure a common understanding of performance expectations;
- constantly improve employee competencies and raise employees' enthusiasm to meet performance expectations;
- develop employees; and
- recognise and reward employees who constantly perform at a superior level.

The Public Service's Performance Management and Development System is underpinned by amongst others the following principles:

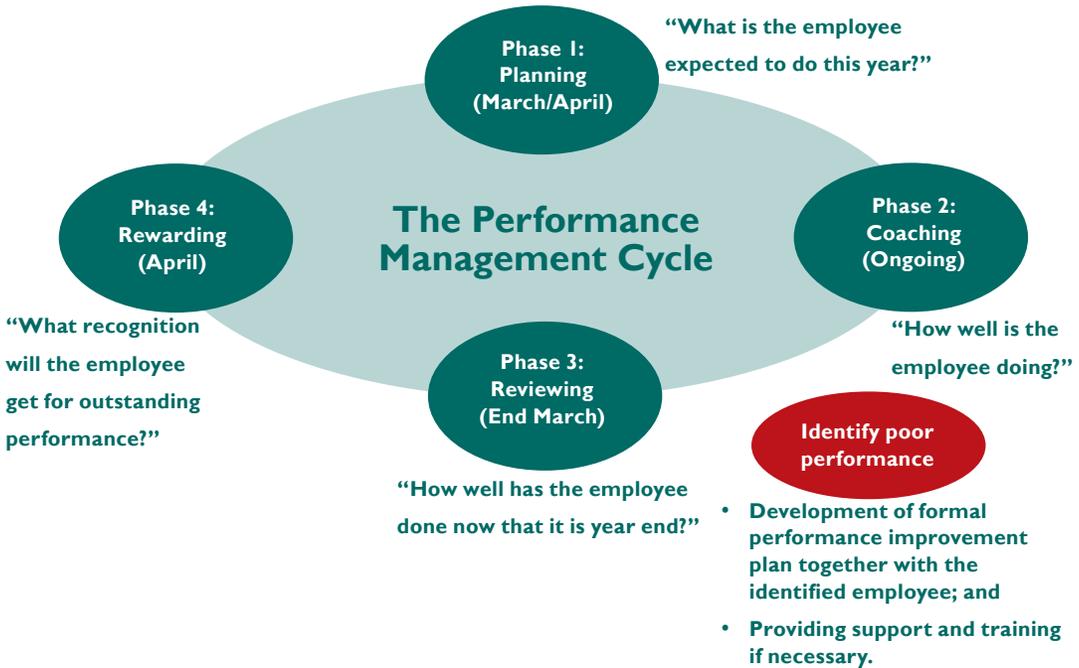
- Departments shall manage performance in a consultative, supportive and non-discriminatory manner.
- Performance management shall link to staff development plans, and align with the departmental strategic goals.
- Performance management processes shall be developmental, but shall allow for effective response to consistent inadequate performance and recognising outstanding performance.
- Performance management procedures should minimise the administrative burden on supervisors (and members of the SMS) while maintaining transparency and administrative justice.

The diagram below illustrates the link between organisational performance management and individual performance management. As depicted in the diagram, the point of departure is the Department's strategy, which is used to formulate its scorecard. This scorecard, which includes key performance areas, performance standards, targets, etc., is then cascaded a level down to shape division or unit scorecards. Similarly, division or unit scorecards inform the development of individual scorecards. Threading the Department's strategic priorities right through the organisation helps to focus all the employees on what matters most. Through this process, it is envisaged that achieving individual performance objectives will ultimately impact on the Department's strategic objectives.

Figure 1: Performance Management Context



The next diagram, i.e., 'The Performance Management Cycle', depicts the four key phases in the performance management cycle. Very often, managers only pay attention to the formal performance review stage (phase 3). This is only one aspect of performance management – the other three phases are equally as important.



| Planning | Coaching | Reviewing | Rewarding |
|---|---|---|--|
| This is about jointly identifying individual performance expectations and gaining the employee's commitment to achieving these expectations. | This is a crucial phase of continuously tracking and improving performance, through feedback and reinforcement of key results and behaviour. | This phase involves jointly assessing actual performance against expectations at the end of the performance cycle to review and document planned vs. actual performance. | This phase establishes the link between performance and reward. It aims to direct and reinforce effective work behaviour by determining and allocating equitable and appropriate rewards to employees. |
| ↓ | ↓ | ↓ | ↓ |
| Outcome | Outcome | Outcome | Outcome |
| The employee's work is linked to the objectives of the Unit and ultimately to those of the Department. Knowledge, skills and behaviour needed by the employee are identified. | As a manager your expectations are clear and you give the employee positive feedback when he/she does well. You also let the employee know when he/she is not doing well and you help him/her to improve. | You provide the employee with feedback on his/her performance thus far: You review the objectives with the employee to ensure that they are still relevant. You provide the employee with a rating. | Based on the employee's performance the employee is given a reward. |

The roles and responsibilities of the parties during the performance management process are provided in **Chapter 4**.

2.2 How do I effectively manage performance?

In order to effectively manage performance you need to:

- **Communicate Expectations**

The first and most important step in the performance management process is to communicate what is expected. In addition, you should identify any job-related learning needs and possible ways to address them.

You should also review performance plans periodically to make sure that job expectations are relevant and appropriate and revise them if needed. You are encouraged to do this jointly with your employees.

- **Observe And Document Performance**

Throughout the performance management cycle, you should observe your employees' performance and identify instances of both good and poor performance. Specific events and details are important for employees to clearly understand the impact, results, and consequences of their performance. Thorough documentation will enable you to recognize good performance and help you to correct poor performance.

- **Provide Feedback**

You should provide frequent feedback and coaching to your employees regarding performance throughout the year. This is especially important for the employee who is performing poorly. To be effective, feedback needs to be immediate, specific, and expressed in relation to a particular outcome and expectation.

- **Deal With Performance That Does Not Meet Expectations**

You may wish to enlist the support of your manager: He/she can give you the benefit of his or her experience and provide input and support before proceeding. Also, you can use the services of your Human Resources or Labour Relations Components especially if you are contemplating disciplinary action. They will provide the procedural and regulatory guidance as well as assistance in looking at alternatives and providing resources, intervention strategies, and other support.

CHAPTER THREE

MANAGING POOR PERFORMANCE

3.1 What is poor performance?

Simply put, poor performance is the failure of an employee to do his or her job, or to do it at an acceptable level. Poor performing employees are also characterized as “employees with whom you are seriously disappointed. You have little confidence that they will do their jobs, and/or do them right. You often have to do or redo their work, or you may have had to modify their assignments to such an extent that you are left confident to only give them work that they can do, which is much less than you would otherwise want them to do”.

3.2 Why is the management of poor performance important?

In addition to what was said in Chapter 1, you as a manager have a responsibility to manage the performance of your employees. If you have witnessed poor performance (including inappropriate behaviour), or you are in receipt of a complaint or grievance, you must address this with the employee concerned.

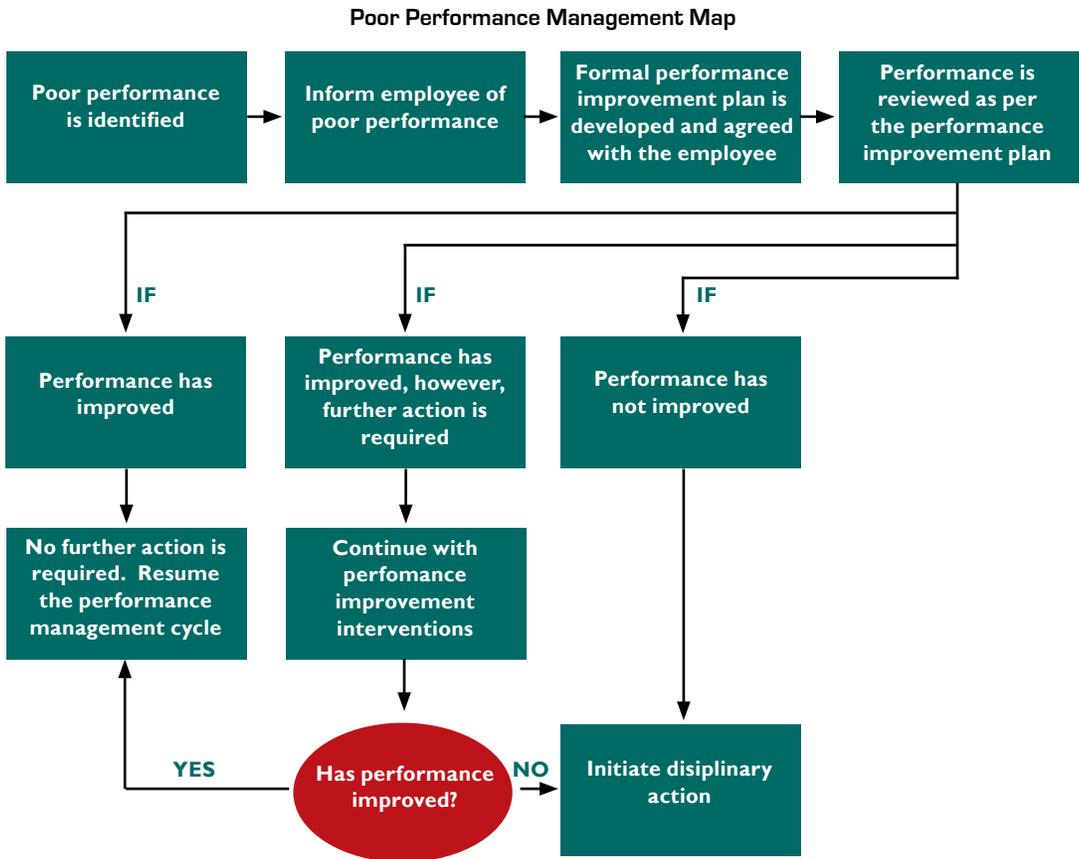
You may feel that dealing with performance problems is a real challenge. Experienced supervisors often say that it is one of the toughest parts of their job. However, it is a key responsibility in your management or supervisory function, and failure to address under-performance can have a significant long-term impact on the team’s morale and the achievement of your collective goals.

By failing to address poor performance, you are sending a clear message to other employees that they need not meet their performance expectations and they should not expect any consequence for their unacceptable behaviour. Poor performance normally gets worse over time – rarely does it correct itself without action on the part of the manager or supervisor.

Taking action against one employee does not lower morale amongst other employees. In fact, the opposite is true. Often taking action leads to a more productive work environment.

**NOTE: It is your responsibility to manage poor performance as part of your management functions:
If you do not manage poor performance then you are a poorly performing manager yourself!**

3.3 How does the process work?



3.4 Practical Steps to follow in managing poor performance

What should I do when I know or suspect that an employee is performing poorly?

Always remember that it is your responsibility as a manager or supervisor to manage poor performance.



If you know or suspect that an employee is performing poorly, you should at the earliest possible opportunity arrange a meeting with the employee concerned. You should first advise the employee in writing of the reasons why it is necessary to initiate this process and arrange the meeting with the employee.



This is a formal meeting in which the employee, if he/she so chooses, may be represented by a trade union representative and/or fellow employee.

The purpose of the meeting must be to:

- inform the employee that his or her work does not meet the required performance standards;
- explain to the employee the performance standards required;
- determine the reasons for the poor work performance; and
- determine the manner in which poor work performance is to be addressed, including practical steps that need to be taken by both parties -

in clinical, matter-of-fact and non-emotive manner. It is important to realize that if the tone of the meeting is hostile and of a nature that will put the employee on the defense, the meeting will lose its impact. Instead of gaining an understanding for your problem, he or she will lose focus while quietly dealing with his or her anger or resentment. It is in this regard important to remember that there may be mitigating circumstances present that could explain the poor performance. It would therefore be insensitive and unfair to assume willful conduct before such mitigating circumstances have been ruled out.

It is further important that you should use a joint problem-solving approach in the meeting. You should make it clear to the employee that the resolution of the poor work performance is not only a managerial issue, but that it involves all parties concerned. You should give the employee an opportunity to explain, in his /her own terms, the reasons for the poor work performance.

What happens during the meeting?

During the meeting:

Explain to the employee the reasons why his/her performance is not meeting the required standards. The standards expected from the employee may be sourced from a job description, norms or standards of the division/unit, etc. Illustrate this by using examples which may include (but are not limited) to the following situations:

- where the employee did not meet deadlines;
- cases where the employee's work was of a poor quality; and
- where the employee's work was not done at all, etc.

Allow the employee time to respond to the situations presented to him or her:



Remain objective – you may not make a judgement until you have all the facts, including the employee's response. In legal jargon this is called the *audi alteram partem* rule (also the *audi rule*), meaning that one must objectively first listen to and consider the other side.



There is a wide range of reasons an employee may advance for his or her poor work performance, including but not limited to the following:

- perceived or actual work over-load;
- insufficient training or instruction;
- insufficient information;
- reasons related to personal circumstances; and
- lack of self-confidence.

After going through the reasons for the poor performance with the employee, you need to discuss a course of action to address the problem. You may discuss the course of action with the employee during the same meeting or in a subsequent meeting. This is largely for you as a manager to decide – it may be necessary for you to first investigate the reasons offered by the employee.

The course of action should include remedial steps such as:

- providing the employee with clear instructions on the best way to perform his/her tasks so that the employee can meet the required performance standards;
- set measurable performance goals and allow reasonable timeframes for improvement;
- providing guidance or coaching (if necessary) or appointing a “buddy” (i.e. a competent colleague) to do this on your behalf;
- provide the employee with, or arrange formal or informal training (if necessary); and
- set a review date and follow-up meetings to check on the employee’s progress.

General hints on how to conduct a performance discussion are provided in **Chapter 5**.



NB – The employee must be given reasonable time to improve his/her work performance. The period of time given to the employee may differ from case to case and this may be dependent on aspects such as the complexity of the employee’s work, the nature of remedial steps required and the performance improvements expected.

Do I need to conduct a follow up meeting(s) to track performance?

A number of regular follow up meetings may be necessary to track the employee's performance. These meetings may be scheduled for once a month or as regular as you deem appropriate.

How often you conduct the meetings will depend on the seriousness of the poor work performance, the ability of the employee to improve, the time required to improve, the nature of remedial steps required as well as the complexity of the employee's tasks.

Further remedial actions should be considered or applied as and when possible during the meeting.

You should make it clear to the employee during the course of the follow-up meetings that his/her performance is improving or not.



NB – a union representative or fellow employee must be allowed to represent the employee during the meeting if he/she so wishes.

What should I do if the performance of the employee does not improve?

If the employee's performance does not improve during the time allocated, you should arrange a final meeting with the employee. The purpose of this meeting is to:

- Give the employee a written report on the outcome of the process followed thus far; and
- Explain the outcome of the process and measures to address any problems indicated in the report.

You should make it clear to the employee during this meeting that:

- problems have been experienced with his/her performance for some time;
- you have given the employee appropriate opportunity to improve his/her performance to meet the required standards;
- despite the employee being aware of the required performance standards, the employee's work still fails to meet the performance standards; and
you must then consider whether:
- to continue to give the employee further guidance, counseling and establish a further appropriate period for the employee to meet the required standards of performance, or
- place the employee in a more appropriate job, or
- mentor the employee, or
- charge the employee with misconduct or incapacity, whichever is appropriate, given the circumstances surrounding the continual poor performance.



Your decision will depend on the circumstances of the particular case, but remember to note the time and date of the meeting as well as the summary of the issues discussed during the meeting.

(A summary of the poor performance management process is provided in **Chapter 5**).

What happens if I decide to dismiss the employee or place him/her in another job?

A charge of misconduct/ inefficiency stemming from continued poor performance and the possibility of dismissal if the employee is found guilty of the charge, must always be regarded as a last resort. All appropriate remedies must be exhausted and the employee's work performance must not have improved to the extent of meeting the required standards.

Before placing the employee in an alternative job or charging him/her with misconduct/ incapacity, you must grant the employee a hearing. If you decide to place the employee in a different job that entails lower pay, the employee must, in terms of section 14(3)(a) of the *Public Service Act, 1994* (as amended), agree to this.

You may initiate disciplinary action based on an employee's poor performance. The action must be taken in accordance with PSCBC Resolution 1 of 2003 (Disciplinary Code and Procedures).

In terms of Resolution 1 of 2003, failure to perform at an acceptable level is one of the misdemeanours that appear in the schedule of misconduct.

The procedure to address misconduct of a serious nature (including poor performance) is contained specifically in paragraphs 6,7 and 8 of Resolution 1 of 2003 and your HR/LR Component should be in position to assist you to apply the provisions of the Resolution and other prescripts⁸.



Your HR/LR Component should be able to advise you on the relevant sections of the applicable codes or legislation that may be invoked during this process.

⁸ A detailed list of policies and legal frameworks is provided in **Schedule 4**

CHAPTER FOUR

ROLE CLARIFICATION ON THE MANAGEMENT OF POOR PERFORMANCE

Roles and responsibilities relating to the management of poor performance

4.1 What is the role of the Head of Department (HoD)?

- The Head of Department gives direction to the Department.
- The HoD oversees the overall performance of the Department and holds managers accountable for the management of performance and poor performance.

See section 7 (3) (b) of the Public Service Act (as amended).

4.2 What is the role of Managers / Supervisors?

- Oversee the performance of employees
- Ensure that employee performance is linked to the Department's overall objectives
- Ensure that employees understand what is expected from them
- Provide employees with constructive feedback on their performance
- Capacitate employees to perform their duties by facilitating and providing the necessary training and/or resources
- Conduct performance reviews
- Counsel employees on their performance.

To carry out this role successfully, managers need to:

- communicate the big picture of the Department's overall goals to employees and show the relationship between their jobs and the success of the Department;
- let employees know what is expected from them and why;
- assist employees to establish challenging but realistic objectives and work with employees to help them achieve these objectives;
- identify appropriate behaviour needed for achieving quality results;
- identify employee developmental needs and implement specific development strategies based on those needs; and
- create a climate that enhances employees' natural motivation.



Managers must be aware of how their management styles impact on the way it “feels” to work in their organizational units.



Managers must conduct individual discussions with each employee on their experience of the work environment.

4.3 What is the role of Employees?

Employees must assume an active role to achieve performance excellence. Employees' role in this regard includes:

- taking responsibility for their own continuous performance improvement and development;
- creating action plans and following through to achieve objectives;
- letting their managers/ supervisors know when they need information, help or advice to meet their objectives;
- planning for performance by ensuring that they understand what is expected of them;
- participating actively in performance reviews;
- requesting feedback on their performance; and
- an ongoing effort to perform duties to the required standards set by the Department.

4.4 What is the role of HR Components?

HR Components must:

- monitor the application of the PMDS in their Departments;
- provide practical guidance to managers in the management of performance and poor performance;
- develop and communicate policies and procedures on the management of poor performance;
- provide/facilitate training to managers and employees on the performance management system;
- provide/facilitate managers with training on skills needed to manage; and
- provide advice to managers and employees on performance management matters.

4.5 What is the role of LR Components?

LR Components must:

- provide advice to managers/supervisors on how to manage poor performance in terms of chamber agreements, other national norms and standards and legislation;
- provide practical guidance to managers/supervisors on correct procedures in dealing with poor performing employees;
- input into the Departmental policy on the management of poor performance;
- keep records on poor performance within their Departments; and
- provide input into strategies on the improvement of the Department's performance in this regard.

4.6 What is the role of HRD⁹ Components?

HRD Components must:

- provide/facilitate training for employees identified during performance counseling;
- develop a Workplace Skills Plan for the Department based on what emanates from the Individual Development Plans (IDP'S); and
- ensure that employees in the Department are trained in terms of the Workplace Skills Plan and their IDP's.

⁹ Human Resource Development Components

CHAPTER FIVE

HINTS ON DISCUSSING POOR PERFORMANCE WITH EMPLOYEES

5.1 How do I go about discussing poor performance?

The following may assist you in structuring a discussion aimed at supporting an employee to improve his/her performance:

STEP 1: Preparation

Do thorough preparation:

- Formulate your key message to the employee
- Define what you expect from him or her
- Put together your evidence of poor performance.

Expect hostility, denial and a defensive attitude! Prepare to manage this calmly, clinically and factually to defuse the situation. Remember not to judge before hearing the employee's side to the matter!

STEP 2: State the need for the discussion

- The purpose of this meeting is...
- I have a concern about...
- I have noticed that...
- We agreed at your last performance development meeting that...and these are not being met...

STEP 3: State the facts as you see and know them

- It was brought to my notice that...
- What I discovered is that...
- The facts are...
- The report states that...

STEP 4: Explain why this is/ was wrong and may not be allowed to continue

- This behaviour/ procedure/ work quality deviates from the Department's/Public Service's policies on...for the following reasons **and**
- Although you may have a good reason or explanation for this, I may not turn a blind eye to..., as I do not have the authority to condone this...
- Although you may have a good reason or explanation for this, I may not turn a blind eye to..., as I have to treat all staff equally **and**
- It is my duty as your manager/supervisor to point out deviant conduct to you in order to ensure future compliance.

STEP 5: State the consequences if this was to continue

- If this continues, the consequences for the Department/... are...
- I am concerned that if this keeps occurring it will affect your position in the following manner...
- If this continues I will have no alternative but to...
- In the past, such... behaviour/...met with...

STEP 6: Ask the employee to share his/her views on the matter

- Is that the way you see it...?
- Do you agree with the factual situation?
- What happened? Why/how did this happen?
- Why do you think this is happening...?
- What can you do to make things better?
- What is getting in the way of your work/attentiveness/dedication/...?
- What can I do to support you?

STEP 7: Pose probing questions to fully understand the employee's views

- What happened? Why/how did this happen?
- So to recap, is my understanding correct that...?
- What steps have you taken to avert the situation?
- Why haven't you brought this to my attention before?
- Apart from what...may have done/failed to do, what is your share in all of this?
- What else is getting in the way of your work/attentiveness/ dedication/...?

STEP 8: Decide and agree on an action plan

- What can you do to make things better/address the problem at hand –
 - in the short term;
 - in the medium to long term?
- What can I do to support you –
 - in the short term;
 - in the medium to long term?
- Is there anything else we should look at –
 - in the short term;
 - in the medium to long term?

STEP 9: Summarise and agree on a follow up mechanism and date

- To summarise, do you agree that –
 - the following are the problems/challenges that we are facing;
 - you will be doing –
 - the following in the short term; and
 - the following in the medium to long term;
 - I will be doing –
 - the following in the short term; and
 - the following in the medium to long term;
 - the following (additional) arrangements will be made –
 - in the short term; and
 - in the medium to long term?

- Do you also agree that –
 - the situation will be monitored as follows...
 - you will revert back to me if .../further obstacles arise
 - we will again meet on...to discuss progress?

STEP 10: Follow up

- Monitor the process constantly
- Provide feedback
- Provide support/assistance/encouragement/guidance/training/...
- Strengthen improvements by acknowledgement/praise
- Be specific about areas of non-conformance and warn against the implications of a continuation of such.

5.2 How do I provide feedback?

When providing feedback, the following should be considered:

Be prepared

Review the facts. Ensure accurate information on which to base the feedback. You should know exactly what the agreed measures are and how actual performance/behaviour compares. Elicit inputs from the employee.

Listen

The employee's viewpoint or additional facts may give a completely different perspective on what you have observed.

Be specific

Clearly describe what you have observed or the facts that you are relying on and state how these relate to the desired performance. Avoid being judgemental or using words that could imply judgement.

Be brief

Be to the point and stay focused on the facts.

Describe the Impact

Let the employee know the impact and consequences of his/her performance or non-performance or non-compliance.

Be immediate

Give the feedback immediately after the event has taken place as delay can reduce the importance and impact of the event.



Be consistent

Give the same type of feedback in similar situations.

Be appropriate

Choose the right place and time to give feedback. Constructive feedback is always done in private, never to be done in front of other employees. Avoid embarrassing employees.

Be sure the feedback is understood

Check that the employee has understood and has accepted the feedback. Request the employee to restate what was said in his/her own words.

CHAPTER SIX

SOURCES OF INFORMATION AND ADVICE



Listed below are typical resources that can at anytime be consulted for guidance and advice on how to deal with poor performance issues:

The Department's HR Component

Your Departmental **HR Component** can provide you with:

- advice on the performance management system;
- advice on how to review performance;
- advice on developing a performance report on the employee's poor performance;
- advice on corrective measures to be taken when an employee is not performing up to the expected standards; and
- counseling services.

The Department's LR Component

Your Departmental **LR Component** can provide you with:

- advice on how to develop a notice informing an employee of poor performance and arranging a meeting;
- advice on procedures to conduct a poor performance meeting;
- advice on developing a performance report on the employee's poor performance; and
- advice on disciplinary steps.

The Department's HRD Component

Your Departmental **HRD Component** can provide you with:

- advice on training programmes and material development;
- training service providers;
- courses presented by SAMDI; and
- assist on the implementation of corrective measures of a developmental nature.

The PSC's Reports: www.psc.gov.za

The **PSC's Reports** posted on its website can provide you with a wide spectrum of recommendations related to HR matters in general and performance management in particular

The DPSA's Helpdesk and Document Archive: www.dpsa.gov.za

The website of the **Department for Public Service and Administration** and its online Helpdesk can provide you with information on national norms and standards related to HR matters in general and performance management in particular:

Your Departmental Library Services

Your **Departmental Library Services** can assist you in obtaining literature (articles/papers/publications) on HR matters in general and performance management in particular.

CHAPTER SEVEN

THE REGULATORY FRAMEWORK ON THE MANAGEMENT OF POOR PERFORMANCE



The applicable legislative framework relevant for the management of poor performance in the public service is discussed below.

Public Service Act, 1994 (as amended)

The following sections in the Act are relevant to the management of performance in the public service:

Section 3 (5): Assigns powers and duties concerning the internal organisation of a department to its Executing Authority. This includes:

- the determination and grading of the post establishment; and
- the career incidents of employees other than HoD's, such as performance management and discipline in a department.

Section 3 B: Assigns to the President and Premiers the powers and responsibilities concerning the appointment and other career incidents of HoD's, which may be delegated.

Section 7(3)(b): Provides for the following responsibilities of HoD's:

- efficient management and administration;
- effective utilisation and training of staff;
- maintenance of discipline;
- promotion of sound labour relations; and
- proper use and care of state property.

Section 12(4)(b): Provides for the inclusion, by mutual agreement, of "specific performance criteria for evaluating the performance of the HoD."

The Senior Management Service Handbook

Chapter 4 of the Handbook describes the process and requirements of performance management and development for members of the SMS. This Chapter further outlines in **Sections 6 and 15.11** the approach in dealing with unsatisfactory performance by members of the SMS.

The Treasury Regulations

Part 3 Section 5.3 entreats accounting officers to establish procedures for quarterly reporting to the executive authority to facilitate effective performance monitoring, evaluation and corrective action.

PSCBC Resolution I of 2003

The Resolution provides a disciplinary procedure for the Public Service and outlines conduct that are considered serious misconduct, warranting formal handling. Amongst the list of misdemeanours cited by the procedure, poor performance is cited as one of the transgressions as follows:

“An employee will be guilty of misconduct if she or he, among other things (this list is not exhaustive):

- Fails to comply with, or contravenes an Act, regulation or legal obligation.
- Performs poorly or inadequately for reasons other than incapacity.”

PSCBC Resolution 10 of 1999

Section 4 of the resolution outlines a procedure in respect of poor performance. This procedure is stated as follows:

Subsection 4.1 compels the employer to give written reasons if the employer is of the view that an employee is not performing in accordance with the job that the employee has been employed to do. The employer is also compelled to consider the employee's reasons in a meeting, which may also involve an employee representative, should the employee so choose.

Subsection 4.2 of the resolution describes what should transpire within the meeting i.e. it sets the agenda on issues that should be discussed in the meeting.

Subsection 4.3 deals with a process to be followed to improve performance including agreeing on the time-frames by when performance should have improved. It also places a duty on managers to remove or address barriers to performance.

Subsection 4.4 deals with formal notification to the employee if the level of performance of the employee has not improved within the time-frames established in terms of subsection 4.3.

Subsection 4.5 of the resolution deals with choices that the employer can consider after consulting with the employee, including instituting formal misconduct proceedings.

Subsection 4.6 is a reminder that prior to exercising any option in dealing with consistent poor performance, a hearing would be necessary to establish the severity of failure to meet performance standards.

Subsection 4.7 provides guidelines to the employer that should a decision be taken to place an employee in a different job that entails lower pay, consent must be obtained from the employee.

PSCBC Resolution 10 of 1999

The White Paper laid the foundation for the framework of managing performance in the public service. **Clause 5.12** of the White Paper points out that the success of the Public Service in delivering its operational and development goals depends primarily on the efficiency and effectiveness with which public servants carry out their duties. Managing performance is therefore a key human resource management tool to ensure that:

- Employees know what is expected of them;
- Managers know whether the employee's performance is delivering the required objectives;
- Poor performance is identified and improved; and
- Good performance is recognised and rewarded.

**In cooperation with
German Technical
Cooperation**

gtz

December 2007

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KWAZULU-NATAL

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FREE STATE

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Bloemfontein, 9301
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National Anti-Corruption Hotline for the Public Services: 0800 701 701