



## Administrative Instruction – Instruction administrative

Ref. ICC/AI/2013/003

Date: 6 March 2013

### PERFORMANCE APPRAISAL SYSTEM

The Registrar, pursuant to section 3.2 of Presidential Directive ICC/PRES/D/G/2003/001 and for the purpose of implementing staff regulation 1.3 a) and staff rules 101.9 (a) and 104.17, hereby promulgates the following:

#### Section 1

##### Scope of Application

1.1 The present Administrative Instruction shall apply to all staff members serving in the Court on established posts and staff members on positions funded by General Temporary Assistance (GTA) whose appointments have been or are expected to be for at least six months.

#### Section 2

##### Purpose

2.1 The purpose of the Performance Appraisal System is to ensure the effectiveness of the Court by optimizing performance at all levels and contributing to a positive staff climate, which will be achieved by:

- (a) Promoting a culture of high performance, personal development and learning;
- (b) Empowering managers and holding them responsible and accountable for managing their staff;
- (c) Encouraging a high level of staff participation in the planning, delivery and evaluation of work;

- (d) Recognizing successful performance and addressing underperformance in a fair and objective manner.

2.2 The function of the Performance Appraisal System is to promote communication between staff members and supervisors on the objectives and results to be achieved by which individual performance will be assessed.

2.3 The Performance Appraisal System is supported by a revised performance appraisal form that captures the main stages of the performance process (performance objectives, end-of-cycle performance appraisal and development needs), mid-term progress monitoring form and descriptions of the Court's core competencies which are included in the annex to this administrative instruction.

### Section 3

#### Performance Appraisal Cycle

3.1 Except as provided in sections 3.2 and 3.3 of the present instruction, the performance appraisal cycle shall be 12 months. The cycle begins on 1 March of each year and ends on 28 February of the following year. However, as provided in sections 3.2 and 3.3, the performance period may be shorter or longer than the 12-month cycle, normally not shorter than 6 months or longer than 18 months.

3.2 When a staff member takes up new duties upon initial recruitment or upon selection for another post with a probationary period in the course of the performance year, an individual performance plan setting the performance objectives shall be established within the first month of assumption of the new function. If a staff member's appointment is subject to a probationary period, for which separate objectives shall be established, the performance objectives under the performance appraisal system shall be established within the first month after the probationary period has ended. When a staff member serves with the Court for less than six months during a performance appraisal cycle, excluding the probationary period, performance objectives will be established for a longer period, including the next performance cycle, and, if necessary, adjusted in March.

3.3 When a staff member takes up new duties upon selection for another post or separates from service, the performance appraisal form shall be completed by the staff member and his/her supervisor for the period between the beginning of the performance appraisal period and the date of selection for another post or separation, provided the staff member actively served for at least six months during the performance appraisal cycle. If the staff member remains in the same functions but serves under successive supervisors during the year, the supervisor who has supervised the staff member for the larger part of the performance appraisal cycle shall complete the end-of-cycle evaluation, and the other supervisors should be consulted.

3.4 To ensure timeliness of completion of the performance appraisal form, if supervisors leave the Court, it is their responsibility to complete the Performance Appraisal System duties required of them prior to their date of separation. Separation procedures and processing of final entitlements of supervisors may be delayed until the evaluations for which they are responsible are completed.

### Section 4

## Roles and Responsibilities

4.1 All staff members shall fulfill their responsibility under the Performance Appraisal System. To this end, supervisors as well as staff members under their supervision are required to ensure that all relevant steps and initiatives are taken to perform their respective role in the conduct of a performance appraisal as described in this present instruction.

### *Staff Members*

4.2 Staff members shall be responsible for:

- (a) Understanding the larger organizational goals and the strategic objectives of the Court;
- (b) Soliciting clarification on individual performance expectations;
- (c) Participating in discussions with the immediate supervisor to facilitate the development and finalization of the individual performance objectives and maintaining discussions during the appraisal period; and
- (d) Taking steps to complete each stage of the process for which they are responsible, without unnecessary delay.

### *Immediate Supervisor*

4.3 An immediate supervisor shall be designated for each staff member at the beginning of the performance cycle. The immediate supervisor shall be responsible for:

- (a) Developing the performance objectives together with the staff member;
- (b) Conducting the mid-term progress monitoring and annual evaluation;
- (c) Providing ongoing feedback on the overall work of the staff member throughout the performance cycle;
- (d) Advising, supporting and coaching the staff member on development needs;
- (e) Developing a performance improvement plan in consultation with the staff member in the case of performance shortcomings or underperformance, if applicable;
- (f) Ensuring the completion of all performance appraisal forms of a staff member supervised in accordance with the prescribed procedures; and
- (g) Ensuring the provision of adequate means and opportunities to a staff member in a fair manner to allow a staff member to fulfill his/her objectives and his/her development plan.

#### *Reviewer*

4.4 The reviewer, who shall be the immediate supervisor's supervisor or equivalent, shall be responsible for:

- (a) Ensuring that the immediate supervisor understands and applies the Performance Appraisal System principles and procedures;
- (b) Holding the immediate supervisor accountable for developing, together with staff, individual performance plans including performance objectives with fair and consistent performance expectations and ensuring linkages between priorities of work units as per each Organ's structure and individual performance plans;
- (c) Holding the immediate supervisor accountable for the timely appraisal of the staff member's performance;
- (d) Providing ongoing feedback and evaluating the immediate supervisor's ability to manage the performance of his/her supervisees;
- (e) Resolving disagreements between the staff member and the immediate supervisor in the implementation of the Performance Appraisal System; and
- (f) Overseeing the establishment and implementation of a performance improvement plan in case of performance shortcomings or underperformance, as provided for in section 9 of the present instruction.

4.5 The reviewer also has the broader responsibility of ensuring that the Performance Appraisal System is consistently and fairly applied across work units by all immediate supervisors who report to him/her. The reviewer shall ensure fairness and consistency throughout the cycle, especially when defining performance objectives and communicating performance standards. The reviewer ensures consistency between the competency ratings, the comments and the overall performance rating of individual staff members for a given performance cycle. A staff member normally has one reviewer at any given time throughout the reporting cycle<sup>1</sup>.

#### *Noncompliance*

4.6 Noncompliance with the terms of the present instruction by a staff member, a supervisor or a reviewer shall be recorded in his/her performance appraisal form and be reflected in his/her overall performance rating. Immediate supervisors' and reviewers' individual performance plans shall include an objective for timely implementation of and compliance with the Performance Appraisal System.

#### *Implementation by Heads of Organs*

4.7 Heads of Organs are responsible for the implementation of the Performance Appraisal System process. To enhance managerial accountability at all levels, Performance Appraisal System

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<sup>1</sup> In certain situations, due to the organizational structure, a staff member may not have a reviewer of their performance appraisal. In such case, the responsibilities of the reviewer are not applicable.

implementation is included as a key indicator in work plans of work units, as per the Organ's structure, in order to emphasize the importance of senior management leadership in performance management.

4.8 Primary responsibility for the timely execution of the Performance Appraisal System, overall compliance and consistent and fair implementation rests with the Heads of Organ. The Head of Organ shall promote communication between staff members and their supervisors, encourage ongoing feedback and dialogue and ensure that any change in the mandate or priorities of the Organ is communicated to the staff.

4.9 The Head of Organ shall hold all supervisors accountable for the effective use of the Performance Appraisal System through all stages of the process and provide advice and recommendations where warranted. The Head of Organ should ensure that the Organ's priorities are communicated to all staff members of the Organ.

## Section 5

### Organizational Priorities, Work Unit and Individual Plans

5.1 Prior to the beginning of the performance cycle, and for the purposes of strengthening accountability in the Court, senior managers meet with the Head of Organ and develop work plans of work units as per each Organ's structure. Priorities, strategic goals and budget plans of Heads of Organ are translated into work plans of work units as per each Organ's structure, which form the basis for establishing individual performance plans.

#### *Individual performance plans*

5.2 At the beginning of the performance cycle, supervisors shall meet with the staff under their direct supervision to ensure that the objectives of the work unit are understood and individual performance plans are prepared within one month of the start of the performance cycle. Supervisors may meet with the staff in their work unit either as a group or individually.

5.3 Immediate supervisors shall work with staff members under their supervision on the development of the staff member's individual performance plan for the performance cycle, which shall constitute the performance expectations. The performance-planning stage includes: (a) establishing individual performance objectives; (b) establishing competencies; and (c) formulating job-specific and competency related development needs, as follows:

- (a) Performance objectives: the immediate supervisor, together with the staff member he or she supervises, prepares draft performance objectives for discussion between the staff member and immediate supervisor. Upon the discussion and agreement with the immediate supervisor, the staff member revises, if necessary, and submits the final performance objectives to the immediate supervisor. The performance objectives are normally recorded on the performance appraisal form and must be SMART: Specific, Measurable, Achievable, Relevant and Timed. When more than one staff member performs the same function, performance objectives may be collectively developed, while allowing for individual variations, where appropriate;

- (b) Competencies: the Court's core competency model listed in the annex to this instruction defines performance standards against which staff may be evaluated. The immediate supervisor, together with the staff member he or she supervises, selects a minimum of three of the most relevant core competencies related to the achievement of the performance objectives. Job-specific competencies may be added where applicable; and
- (c) Job-specific and competency-related development needs: the supervisor, together with the staff member, prepares a plan which may include job-specific or competency-related aspects that may need development or for which extra focus and attention may be useful. The plan describes what concrete (SMART) actions will be undertaken and includes the time and support needed.

5.4 In the case of disagreement, the reviewer shall be consulted and decide on the final individual performance plan.

## Section 6

### Mid-Term Progress Monitoring

6.1 During the year, the immediate supervisor and the staff member shall hold conversations and dialogue, formally and informally, and may have exchange of e-mails and/or other written communication on the progress of the individual performance plan set for the year. These conversations and/or written communications shall address recognition for good performance and any shortcomings as they become apparent at any time during the cycle.

6.2 At a minimum, the immediate supervisor shall conduct a mid-term progress review, usually six months after the creation of the performance plan, after discussing with the staff member the progress to date of the objectives set in the performance plan. The review should indicate the progress made, and justify any updates to the performance objectives and development needs. The staff member and his or her immediate supervisor should also discuss the progress made in demonstrating the competencies.

6.3 The mid-term progress review shall be recorded on the mid-term progress monitoring worksheet, which shall be attached to the performance appraisal form at the end of the performance appraisal period.

## Section 7

### End-of-year formalities

7.1 At least four weeks before the end of the performance appraisal cycle, the immediate supervisor and the staff member shall meet to discuss the overall performance during the cycle.

7.2 The immediate supervisor shall evaluate, rate and comment on the staff member's overall performance, achievement of individual performance objectives and the manner in which the staff member has demonstrated the selected competencies. Rating of the staff member's performance shall

be given by the immediate supervisor pursuant to section 8 below.

7.3 To reflect a fuller range of performance, feedback from additional supervisors should be taken into account by the immediate supervisor, as provided for under section 3.3.

7.4 The staff member, the supervisor and the reviewer shall sign the performance appraisal form. The immediate supervisor shall first sign the filled in form and give it to the staff member who may make his or her comments prior to the form being communicated to the reviewer. After the signature and comments of the reviewer, the staff member shall sign the form and may add his or her comments.

7.5 The signature of the staff member constitutes an acknowledgement that the performance review has been conducted. It does not indicate that the staff member is in agreement with the evaluation. The staff member shall sign the completed form within fourteen days of its receipt unless exceptional circumstances prevent him or her to do so.

7.6 The rebuttal process provided for in Administrative Instruction ICC/AI/2010/002 on Performance Appraisal Rebuttals and Procedures cannot be initiated unless the staff member has signed off on the finalized performance appraisal form. A staff member who does not sign his or her performance appraisal form shall be so informed by the immediate supervisor at the end of the fourteen day period mentioned under section 7.5 and the period for submission of a rebuttal statement by the staff member, pursuant to Administrative Instruction ICC/AI/2010/002, shall commence as of the date of notification to the staff member.

7.7 At the end of the performance cycle, the performance appraisal form shall be submitted to the Human Resources Section and placed on the staff members official status file. The performance appraisal form shall also be submitted to the Human Resources Section if a staff member does not sign his or her performance appraisal form in accordance with sections 7.5 and 7.6.

## Section 8

### Rating system

#### *Performance objectives ratings*

8.1 Each of the performance objectives shall be given one of the following five ratings, taking into account all circumstances relevant for the achievement of the objectives:

- Significantly exceeded;
- Exceeded;
- Fully achieved;
- Partially achieved;
- Not achieved.

8.2 Ratings of objectives shall be taken into account when determining the overall performance rating.

8.3 A rating of "significantly exceeded" should be considered in cases where the



performance of the staff member has considerably surpassed the accomplishment of the objective.

8.4 A rating of “exceeded” should be considered in cases where the performance of the staff member has surpassed the accomplishment of the objective.

8.5 A rating of “fully achieved” should be considered in cases where the performance of the staff member fully accomplished the objective.

8.6 A rating of “partially achieved” should be considered in cases where the performance of the staff member did not fully accomplish the objective.

8.7 A rating of “not achieved” should be considered in cases where the performance of the staff member did not accomplish the objective.

#### *Competency ratings*

8.8 A staff member shall be appraised on the basis of the definitions and descriptions of each of the selected core competencies, as provided in the core competency model listed in the annex to this administrative instruction, and shall be given one of the following three ratings for each competency:

- Fully competent;
- Requires development;
- Unsatisfactory.

8.9 Each of the individual ratings establishes the level of demonstration of each of the competencies by the staff member during the performance appraisal cycle. The appraisal should be based on the degree to which the individual has been observed as acting or behaving in accordance with the particular competency. Competency ratings are a basis for staff development and shall be taken into account when determining overall performance ratings.

#### *Overall performance rating*

8.10 A staff member’s overall performance shall be given one of the following five ratings:

- 5. Significantly exceeded performance expectations;
- 4. Exceeded performance expectations;
- 3. Fully met performance expectations;
- 2. Partially met performance expectations;
- 1. Did not meet performance expectations.

8.11 The ratings of overall performance as “significantly exceeded performance expectations”, “exceeded performance expectations” and “fully met performance expectations” establish full satisfaction with the work performed. The ratings of overall performance as “partially met performance expectations” and “did not meet performance expectations” indicate the existence of performance shortcomings. These ratings shall be so viewed when staff members are considered for selection for a post at the same or higher level, without prejudice to the discretionary authority of the Registrar or Prosecutor, as appropriate, to appoint staff members.



8.12 A rating of “significantly exceeded performance expectations” should be considered in cases where the staff member has surpassed the performance expectations for the majority of the defined objectives during the performance cycle and has continually gone beyond expectations; considerably surpassing performance expectations in quantity and quality.

8.13 A rating of “exceeded performance expectations” should be considered in cases where the staff member has surpassed the performance expectations for some of the defined objectives during the performance cycle and has regularly gone beyond expectations; surpassing performance expectations in quantity and quality.

8.14 A rating of “fully met performance expectations” should be considered where the staff member has fully achieved the performance expectations for the all of the defined objectives during the performance cycle.

8.15 A rating of “partially met performance expectations” should be considered in cases where the staff member did not meet the performance expectations for some of the defined objectives but demonstrates potential to develop the required skills.

8.16 A rating of “did not meet performance expectations” should be considered in cases where the staff member did not meet the performance expectations for the majority of the defined objectives and the staff member demonstrates an inability to develop the required skills.

## Section 9

### Identifying and Addressing Performance Shortcomings and Unsatisfactory Performance

9.1 During the performance cycle, the immediate supervisor should continually evaluate performance. When a performance shortcoming is identified during the performance appraisal cycle, the immediate supervisor, in consultation with the reviewer, should proactively assist the staff member to remedy the shortcoming(s). Remedial measures may include counseling, additional training and/or the establishment of a time-bound performance improvement plan.

9.2 A written performance improvement plan, as provided for under section 9.1, shall be prepared by the immediate supervisor, in consultation with the staff member and the reviewer. The performance improvement plan shall cover a period up to six months. The staff member shall be given a clear indication in writing of the nature of the performance concerns by his or her appraising officers and the staff member shall receive a plan with performance objectives and targets for improvement, including actions expected to be taken to achieve these objectives and targets.

9.3 If the performance shortcoming is not rectified at the end of the performance improvement plan, this shall be reflected at the end of the performance appraisal cycle and a number of administrative actions may ensue, including the withholding of a within-grade salary increment pursuant to section 10.4, the non-renewal of an appointment, in accordance with guidelines established by the Registrar in consultation with the Prosecutor, or the termination of an appointment for unsatisfactory service in accordance with staff regulation 9.1 b) ii).

9.4 Where at the end of the performance cycle performance is appraised overall as “partially met

performance expectations“ or “did not meet performance expectations”, the appointment may be terminated or not renewed as long as the remedial actions indicated in section 9.1 above included a performance improvement plan, which was initiated not less than six months before the end of the performance appraisal cycle.

9.5 Should unsatisfactory performance be the basis for a decision for a non-renewal of a fixed-term appointment and should the appointment expire before the end of the period covering a performance improvement plan, the appointment should be renewed for the duration necessary for the completion of the performance improvement plan.

## Section 10

### Performance Appraisal System and Salary Increments

10.1 Under staff rule 103.8, the granting of salary increments is subject to the satisfactory performance of staff members. The determination that service is satisfactory in respect of performance and the procedures for withholding a salary increment when such a determination cannot be made are governed by the provisions of this section.

10.2 The recommendation to award or withhold a salary increment on the basis of performance shall be made by the immediate supervisor, based on the rating of overall performance as reflected in the performance appraisal form.

10.3 The following overall ratings shall justify a determination that awarding a salary increment is warranted:

- 5. Significantly exceeded performance expectations;
- 4. Exceeded performance expectations;
- 3. Fully met performance expectations;

10.4 The following overall ratings shall justify withholding a salary increment:

- 2. Partially met performance expectations;
- 1. Did not meet performance expectations.

10.5 Should the performance appraisal rating on the basis of which a salary increment has been withheld be upgraded at a later stage as a result of the rebuttal process as described in Administrative Instruction ICC/AI/2010/002, and should the new rating justify the award of the salary increment, that increment shall be awarded and made effective as from the date on which it would have otherwise been paid.

## Section 11

### Performance Appraisal System E-forms

11.1 The performance appraisal form, the mid-term progress monitoring form and definitions of the core competencies of the Court are available to all staff on the Court's Intranet.

## Section 12

### Final Provisions

12.1 This Administrative Instruction shall enter into force on 6 March 2013.

12.2 Administrative Instruction ICC/AI/2012/001 is abolished effective 5 March 2013. However, performance appraisal anterior to the performance appraisal cycle commencing 1 March 2013 shall be conducted and completed in accordance with the procedures described in ICC/AI/2012/001.



Silvana Arbia  
Registrar