



PCS DCLG MID YEAR PMR PROCESS AND ADVICE

This advice is intended to provide members with guidance as you prepare for your mid-year PMR interview and assessment. It is not intended to be a guide to the entire PMR system as it is supposed to operate throughout the year. We will issue further advice throughout the year.

If you have any questions about this advice then please email the [PCS DCLG mailbox](#).

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1. ASSESSMENT

1.1 The Reporting Officer (RO) determines your box marking

On 19th June 2015 HR confirmed in writing to the Trade Union Side “...***that the LM is responsible for deciding the job holders rating***” (our emphasis).

If your reporting officer claims that s/he wanted to give you a higher box marking but was over-ruled by the Moderating Meeting you should point out that s/he, and not the moderating meeting, is responsible for ***deciding*** the box marking and remains accountable for the marking and cannot place or derogate responsibility and accountability to the moderating meeting. See Process, 2.5, below for further information.

This does not mean that you cannot have grounds for complaint against a moderating meeting or particular participants.

1.2 Assessments must be fair and should not be driven by the distribution guide

There is no requirement that reporting officers must meet the unhelpfully named guided distribution ranges at the end of the year. Nor should they give in to any local misuse or pressure to place staff in the Development Needed box mark. Similarly, markings should not be based on some notion of how you compare to your colleagues – poorly designed as it is the DCLG PMR system is not a relative appraisal system and Job Holders (JH) should be assessed against their delivery of objectives and their display of competencies.

Reporting officers must remain objective and fairly assess performance with relevant and appropriately weighed evidence. The Department’s guidance on 'How to undertake a mid or end year assessment' states, “***performance ratings are awarded on fact not opinion, with each decision supported by objective examples of performance contained in the Performance Management Report***”.

PCS has seen examples of reporting against the “How” which underline our long held concern that it is not a rigorous and transparent measurement. If you are concerned as to your rating against this criterion you are advised to press for a clear statement of the evidence that your RO is relying upon.

1.3 No Surprises

The Department's guidance on 'How to undertake a mid or end year assessment' states that *'at both mid and end-year, performance reviews should refer back to evidence supplied by the line manager, any task/project managers and the job holder's draft self-assessment. It should build on all elements of the performance cycle during the year including objective setting, job chats, quarterly review and the more formal mid year review'* and for this reason your mid year rating should not come as a surprise.

If your mid-year assessment has come as a surprise then you should seek early advice from a PCS representative. If you are told that your performance is rated as Development Needed you need to get in writing what or how you failed and a clear criterion of what you need to do in order to move out of Development Needed into the Good category by the end of the year.

1.4 Development Needed marking may lead to poor performance dismissal procedures

In the summer of 2015 management placed guidance relating to Development Needed assessment (including those at Mid-Year Review) (<https://intranet.communities.gov.uk/documents/2015/06/performance-improvement-plan-guidance.pdf>).

You are strongly advised to read this guidance if you receive a Development Needed mark.

You will see that the guidance draws a clear process link between the Development Needed box mark, the Performance Improvement Plan (PIP) which in our experience is really no such thing, and the inefficiency dismissal procedures for poor performance (in our view a Development Needed assessment, whether fair or not in any specific instance, is being wrongly conflated with inefficiency).

All members who receive a Development Needed Assessment at mid or end year are at risk of being placed on PIP and thereafter on the inefficiency procedures which may lead to dismissal. It is potentially a quick process, e.g. End-Year and Mid-Year Development Needed assessments (a six month duration which may already be up if you receive a second Development Needed assessment now) plus four-twelve weeks on a PIP, plus poor performance procedures. If you have received 2 consecutive Development Needed markings, or if you are already on or about to be placed on a PIP, contact PCS.

1.5 Raising the bar

"Raising of the bar" was unilaterally launched without any consultation with the Trade Union Side and without equality impact assessment.

PCS has previously received reports of members querying why they have been assessed as Development Needed for a level of performance that has not changed from previous years and being told, "the bar has been raised." However that is not a sufficient justification for a Development Needed assessment because the standards required by the competency framework have not been changed and job holders are not expected to work to the standard of a higher grade.

What might be asked of a **specific** job holder, and the ways and areas in which **all** job holders might be asked to demonstrate the standard for their grade, may have changed (and may change again in the future) but the standard required of a JH remains as set out in the competency framework.

If you are told that your performance assessment is ranked as Development Needed because the "bar has been raised" you should press for the exact area(s) of perceived deficiency in performance, the evidence for the claimed deficiency **against the requirements of the grade**, and the dates when your RO took prompt action to address the deficiency (assuming you were unaware of the RO's view in good time before the Development Needed marking).

1.6 Treat your proposed place in the Nine Box grid seriously

You should consider your proposed position in the nine-box grid very carefully, insisting on a thorough discussion and challenging the proposed position if you think it is unfair.

PCS was advised by HR in 2012 that our advice to members that the nine-box grid could be used in a compulsory redundancy selection exercise was "**spurious and inflammatory**." However management **now** refuse to rule out the use of the grid in a compulsory redundancy selection process, despite repeated recent PCS requests, stating that **if** the Department is ever in such a situation (and of course it is an **if**), it will consult the TUS on the criteria at that time. However PCS struggles to understand why something upon which our advice was described as spurious and inflammatory cannot be ruled out for selection purposes.

The Nine Box grid is supposed to be a developmental tool (although management does not monitor its use and effectiveness in this regard). You should therefore seek your reporting officer's view as to the developmental conclusions s/he draws from the application of the grid i.e. what coaching and training is your RO recommending, how does it fit with the position on the nine-box grid, and how will the RO help you obtain the necessary coaching and training.

Your place in the Nine Box grid might also affect how you are dealt with for career development purposes including where you are placed on the so-called Talent Grid.

2. MID YEAR PROCESS

2.1 Mid Year Review

The JH should complete the Mid-Year self-assessment and forward it to the RO with additional evidence e.g. feedback.

The JH and RO should formally meet to discuss evidence and performance.

The JH should finalise the self-assessment following these discussions and send it to the RO.

The RO should write up the formal assessment based on the self-assessment and other evidence produced at the formal discussion and send it to the JH.

The JH should agree the RO's assessment or ask for amendments.

2.2. Moderation Process

The RO **MUST** send agreed assessment to JH before any moderation.

The RO (or other nominated officer) should attend any Moderation meeting with all the agreed evidence: JH self-assessment, RO write-up, and other agreed evidence with a provisional box marking.

Any Moderation meeting should discuss the evidence and advise the RO of its view of the proposed marking but the final say on the box marking remains with the latter, who determines and takes responsibility for the marking and should also advise the JH of his or her position on the nine box grid.

2.3 The Moderating meeting

Moderation meetings should only discuss objective evidence supplied by line managers and **seen by employees**. This should include the RO's assessment, employee's self-assessment and any additional evidence either side have provided.

All evidence **MUST** have been seen by the JH who should have had an opportunity to comment on it. Any discussion on 'evidence' not seen, or discussion on hearsay or personal traits is not allowed and will be a breach of the moderation rules.

2.4 Record of the moderating meeting

A note should be taken of any meeting, including details of performance of any employee who was discussed and sufficient details to support all decisions. Job holders are entitled to see a copy of the note relating to

themselves only. We recommend that you ask to see this note as it should set out what was discussed in relation to your performance.

2.5. The Reporting Officer determines the box mark

On the 18th June 2015 DCLG Trade Union Side emailed the HR PMR policy lead with the following request: "Would you therefore please confirm that the advice in your email...means...**that the final decision regarding the overall box mark rests with the RO**".

On 19th June 2015 the HR policy lead replied, "...On your query re role of the Line Manager (LM), **I can confirm that the LM is responsible for deciding the job holders rating**. Clearly moderation meetings can and do provide **feedback** on standards and performance assessments and **in some instances** specific **advice** and **recommendations** on individual ratings. The nature of the advice and recommendations may vary from, at one end, posing some issues or questions for the LM to consider further to, at the other end of the scale, highlighting strongly held views on an appropriate rating for the JH. If a LM has concerns about the feedback or views expressed they should seek to discuss and resolve this at the time and/or discuss and resolve subsequently with their countersigning officer" (our emphasis).

HR's advice leaves no room for doubt that the decision regarding the box marking rests with the RO and not the moderating meeting, which at most issues advice and recommendations (however strongly expressed).

3. TAKING PART IN THE MID YEAR REVIEW PROCESS AS A JOB HOLDER

3.1 Gather evidence for Mid Year Review

Gather together all evidence of your achievements during the six months, including notes of your quarter 1 review discussions and any contemporaneous feedback of performance from your reporting officer and other colleagues. Seek feedback from colleagues you have worked well with and consider in advance of the review what criticism might be made of your performance and whether you would accept or if not, have evidence that would contradict it.

3.2 Obtaining/keeping a record of discussions

You are advised to keep a record of your performance discussions with your reporting officer. Check whether your reporting officer will write up the discussion and if not, produce a written account yourself and send it to your manager for agreement. The note does not need to be long, but should cover the main points including how well you are performing.

If your RO writes a note that you do not believe properly reflects the discussion or if issues are raised in the discussion and/or note that are not evidenced or you believe to be unfair you should challenge these comments in writing, presenting relevant information where applicable. **NEVER LEAVE ANY UNEVIDENCED OR UNFAIR STATEMENT MADE IN A REVIEW NOTE UNCHALLENGED.**

3.3 Challenging the marking

Should you receive a PMR marking which you believe to be unfair or which you were not expecting, it is important that you engage with your manager as early as possible to understand the justification and collect as much information to enable you to challenge your box marking.

The following questions are intended to be a helpful guide on lines of enquiries in order to better understand how your PMR process has been followed. The answers to all the questions are a basic entitlement for all job holders under the various HR guidance pages and should be readily available from line managers.

- a) Please provide a copy of all the evidence that supports my box marking
- b) How has the evidence been weighted to produce my box marking? (*for example positive evidence against criticism*)
- c) Please advise my marking on the nine box grid with evidence on the 'What' and the 'How'.
- d) Why was I not advised at my quarter 1 review or at any other time that you considered my performance was below the standard? (providing of course that you were not advised)
- e) As I have not been advised of this box marking before, please advise when my performance deteriorated and provide the evidence during this period?
- f) When did the moderation take place and who presented my evidence?
- g) Please provide a list of all the evidence that was presented at my moderation?
- h) Were there any critical comments of me made at moderation? If so, what comments were made and by whom?
- i) In line with section 2.9 of the moderation guidance, please provide the section of the minutes of the meeting that relates to my review and marking?
- j) What do I need to do now to ensure that I move out of the Development Needed marking at year end?

It is imperative that any challenges to box markings are timely. Reporting officers might delay providing the requested information, so job holders

need to ensure that requests are sent promptly and followed up where necessary. Follow this guide to negotiate with your line manager and contact your local PCS representative for advice, support and representation, if required.

4. NEW TRIAL DIVERSITY INITIATIVES

Despite the Department previously introducing mandatory unconscious bias for Chairpersons of moderating meetings and line managers and disability awareness training for all staff, the PMR outcomes for 2015-16 were once again awful.

Management's response is to trial a different approach to moderation for BAME and disabled staff for the 2016/17 mid-year.

The trial is hoped by management to help mitigate some of the disadvantage clearly built into the current PMR process for certain staff. Any BAME and disabled employees who wanted to participate in this needed to have notified their line management by 9th September 2016. Any BAME or disabled staff who have not opted in or out, will have their assessments reviewed in accordance with the procedures applying to the rest of the Department.

Management have not brought forward proposals to address the inequalities of box mark outcome suffered by AOs and EOs and older staff.

4.1 Diversity Initiatives

The new diversity initiatives range from the moderation process aimed specifically at disabled and BAME job holders to a new Diversity Panel looking in theory at least, at all protected groups set out within the Equality Act.

For all the new diversity initiatives however, the mid year assessment process up to moderation as set out in this guidance document remains the same, as does feeding back box markings from line managers to job holders. The only difference to the current process will apply at moderation, with an additional diversity panel looking at any borderline cases after that.

4.2 Opt Out for Disabled Staff

Disabled employees have the opportunity to opt **out** of moderation and to have their mid year assessment agreed in the line without any other form of moderation. This means your line manager in agreement with your countersigning officer will decide your box marking, without your assessment being discussed at moderation.

The stated management rationale behind this approach is that disability, including any reasonable adjustments, maybe better understood and managed in the line when assessing performance. Therefore, a moderation board may be judging an individual without being in full knowledge of the facts, which could exacerbate the disadvantage already faced by disabled employees.

4.3 Opt in for BAME Staff

BAME staff have the opportunity to opt **in** to moderation. This means that any participating staff will definitely have their assessment discussed at moderation. The assessment will be in a distinct part of the moderation meeting, probably after other staff have been moderated to ensure consistency. The Moderation Board will then be notified that they are moderating an assessment for a BAME employee. The Department's rationale behind this is *'testing whether making the moderation meeting explicitly aware that they are discussing a BAME member of staff has a beneficial impact on how the evidence is considered and if it prompts greater consideration of whether outcomes are consistent with other members of staff'*.

4.4 Diversity Panel

In addition to the opt in and out initiatives above, the Department has also initiated a Diversity Panel that in theory can look at assessments across all protected groups as set out in the Equality Act. Although it is not immediately clear how this will work, the Department's guidance states *'Line managers should highlight to DDs and moderation chairs any provisional assessments they consider to be borderline but which, on balance, they have placed in DN rather than GOOD or GOOD rather than Exceptional'*.

Without further clarity, we would therefore recommend that line managers (or nominees) consider their assessment for all of the 9 protected groups as set out below (not just disabled and BAME) and draw any borderline cases to the attention of both the DD and moderation chair as stated in the Department's guidance.

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and Maternity
- Race
- Religion and belief
- Sexual orientation

The role of the Panel in reviewing individual assessments is to test and challenge that diversity and inclusion is properly and appropriately reflected in the performance management system. It has authority to amend individual ratings upwards only, where justified, and to highlight how assessments can be improved and to prompt wider consideration and action.

It is not yet clear how many times it will meet and how many assessments it will ultimately review. The Departmental guidance has however been very clear that this is **not** an appeals panel and individual staff who are not happy with their marking cannot simply appeal to the diversity panel or even provide evidence. It is therefore imperative that staff who are unhappy with their line manager's assessment, challenge at the time before the moderation meeting and seek early advice from PCS. Do not rely on the moderation meeting or the diversity panel.

4.5 Way Forward

Although PCS welcomes any initiative that looks at improving equality and diversity outcomes, we believe that the various year on year equality initiatives miss the bigger picture in that the current PMR system of ranking staff is non-transparent, divisive, out dated, discriminatory and enormously expensive (£1m+) and fails to deliver its business objectives. It should be abandoned for a better way of managing staff. PCS favours a forward looking approach based on development rather than backward focussed ranking.

PCS will look to put out further guidance once the trial has concluded and the Department has shared its data.