



PCS DCLG END YEAR PMR PROCESS AND ADVICE

This advice is intended to provide members with guidance as you prepare for your End 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 for the forthcoming PMR year in due course.

If you have any questions about this advice then please email the PCS mailbox.

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 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 'the end of year assessment 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 end of year rating should not come as a surprise.

If your 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 and yet you were not told in good time during the reporting year that your performance had significant weaknesses, then you should seek early advice from a PCS representative.

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 or received such a mark at Mid-Year Review point.

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 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. Mid-Year and End 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 end of the reporting year).

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 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.

2. END YEAR PROCESS

2.1 End Year Review

The JH should complete the End 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 moderation.

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

The 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 the 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 END YEAR REVIEW PROCESS AS A JOB HOLDER

3.1 Gather evidence for End Year Review

Gather together all evidence of your achievements during the year, including notes of quarterly 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 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 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) As I have not been advised of this box marking before, please advise when my performance deteriorated and provide the evidence during this period?
- e) When did the moderation meeting take place?
- f) Please provide a list of all the evidence that was presented at my moderation?
- g) Who presented my evidence at moderation?
- h) Who chaired the moderation meeting?
- i) How many people were discussed by grade?
- j) Was my assessment discussed at the moderation meeting?

k) What critical comments were made about my performance and by whom?

l) 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?

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. Any delay might mean that a formal challenge might be ruled out of time.

3.4 Raising a Grievance

If after negotiating with managers, the dispute is not resolved, each employee has the option of raising a grievance. There is a deadline for registering your grievance which is within 3 months less 1 day of being notified of your box marking. If at any point during this time, it becomes clear that a grievance may be required do not wait before getting advice, as any delay might mean that **the submission** of your grievance may not be accepted by management and even if it is, PCS representatives may not be able to guide job holders through the grievance at short notice.