



March 2017

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 which will take account of the recently announced changes to the performance management approach from 2017-18 onwards.

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

Contents

1. ASSESSMENT

- [1.1 The Reporting Officer \(RO\) determines your box marking](#)
- [1.2 Distribution Guide to be abolished...Next Year](#)
- [1.3 Assessments must be fair and should not be driven by the distribution guide](#)
- [1.4 No Surprises](#)
- [1.5 Development Needed marking may lead to poor performance dismissal procedures](#)
- [1.6 Raising the bar](#)
- [1.7 Treat your proposed place in the Nine Box grid seriously](#)

2. END YEAR PROCESS

- [2.1 End Year Review](#)
- [2.2 Moderation Process](#)
- [2.3 The Moderating meeting](#)
- [2.4 Record of the moderating meeting](#)
- [2.5 The Reporting Officer determines the box mark](#)

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

- [3.1 Gather evidence for End Year Assessment](#)
- [3.2 Obtaining/keeping a record of discussions](#)
- [3.3 Challenging the marking](#)

4. NEW TRIAL DIVERSITY INITIATIVES

- [4.1 Diversity Initiatives](#)
- [4.2 Opt Out for Disabled Staff](#)
- [4.3 Opt in for BAME Staff](#)
- [4.4 Diversity Panel](#)
- [4.5 Way Forward](#)

1. ASSESSMENT

1.1 The Reporting Officer (RO) determines your box marking

On 19th June 2015, in a dialogue initiated by PCS, HR confirmed in writing to the Trade Union Side "...**that the LM is responsible for deciding the job holders rating**" (our emphasis). PC&C reaffirmed this statement in a meeting with the Trade Union Side on 9th February 2017.

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 Distribution Guide to be abolished...Next Year

The Executive Team admitted on 13th February, "your [staff] overwhelming feedback was that...guided distribution led to unfair outcomes and that you wanted to be assessed against your own objectives and not your peers. Line managers also shared that they wanted a system where they felt empowered and entrusted to make decisions."

PCS has been making such points, critical transparency and accountability, for a very long time and has led the way in campaigning for the removal of guided distribution and other aspects of a failed PMR system. While we welcome the ET's decision to abolish guided distribution for the PMR year 2017/18, there is no justification for continuing to apply it this PMR End Year.

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

PCS must therefore reiterate once again that there is no requirement that reporting officers must meet the unhelpfully named (and shortly to be abandoned) 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) are supposed to 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.

1.4 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: objective setting; performance & development discussion; quarterly reviews and the more formal mid year review'* and for this reason your end year rating should not come as a surprise.

If your end-year assessment has come as a surprise, then you should seek early advice from a PCS representative.

1.5 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. Wrongly management is conflating a Development Needed assessment, whether fair or not in any specific instance, 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 very quick process, from DN assessment to poor performance dismissal via a PIP. 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 urgently.

1.6 Raising the bar

"Raising of the bar" was unilaterally launched without any consultation with the Trade Union Side and without equality impact assessment, which is frankly astonishing given the appalling year on year inequalities in PMR box marks.

However it is not sufficient for managers to justify a Development Needed assessment with the fatuous statement that "the bar has been raised" 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).

1.7 Treat your proposed place in the Nine Box grid seriously

As with "guided distribution" the ET has belatedly announced that the Department will no longer be collecting Nine-Box grid marks from 2017-18. It will however do so this year, but again without justification and without regard to equality evidence and transparency issues.

So yet again you will need to 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. The nine box grid equates to the overall marking as follows:

Exceptional

Box 1 – Exceptional on the What and the How

Good

Box 2 - Exceptional on the What, Good on the How

Box 3 - Exceptional on the What, Development Needed on the How

Box 4 - Exceptional on the How, Good on the What

Box 5 - Good on the What and the How

Box 7 - Exceptional on the How, Development Needed on the What

Development Needed

Box 6 - Good on the What, Development Needed on the How

Box 8 - Good on the How, Development Needed on the What

Box 9 - Development Needed on the What and the How

The (shortly to be abandoned) 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. 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. This should include any material submitted by task managers you have worked without throughout the reporting period.

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 and/or task manager'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 19th June 2015 the HR PMR policy stated, in reply to correspondence from the Trade Union Side which was initiated by PCS, "... I can confirm that the LM [Line Manager] 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 your quarterly review discussions, mid-year review 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. You should also ensure that you gather evidence to support your contribution towards your 'corporate' objectives – this may include any contribution you have made to cross-departmental activities.

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 of this box marking before, please advise when my performance deteriorated and provide the evidence during this period? (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?

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.

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 of being notified of your 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.

4. 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. On the 6 January, the Department published its 2016-17 mid-year outcome figures, which despite its new diversity initiatives, followed a broadly similar pattern of discrimination to previous years.

For the 2016-17 mid-year, management's response to the continuing equality concerns was to trial a different approach to moderation for BAME and disabled staff at mid-year. Despite convincing very few BAME and not many disabled staff to take part, management have confirmed that this approach will continue for the end of year process and it is the case that some box marks were improved at mid-year as a result.

Management have yet to advise as to the date that BAME and disabled staff need to express their interest to Opt In or Out of moderation, so please look out for future updates of the PMR process on the intranet. BAME or disabled staff who decide not to opt in or out, will have their assessments reviewed in accordance with the procedures applying to the rest of the Department.

Despite management specifically mentioning older staff as being adversely affected in both the Development Needed and Exceeded markings at mid-year, PCS is not aware of any changes to the current process to include an additional review for this group of staff.

PCS will be engaging with management on the approach to this initiative.

4.1 Diversity Initiatives

The department's PMR diversity initiatives range from the moderation process aimed specifically at disabled and BAME job holders to a review of box markings by a Diversity Panel, which in theory has the remit to look at all protected groups within the scope of the Equality Act.

For all the new diversity initiatives however, the end 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.

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, may be better understood and managed in the line when assessing performance. Conversely, 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 take place during 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 a Diversity Panel that in theory can look at assessments across all protected groups as set out in the Equality Act. However, at the mid-year point, the Diversity Panel only managed to review Development Needed markings for Disabled and BAME employees, it did not look at other affected groups or borderline cases. The Department has so far not advised PCS on whether it will continue to review Development Needed cases only and whether it will examine markings from other disadvantaged groups.

The Departmental guidance is 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

From the 2017-18 reporting year onwards, the Department has advised that it will abandon the guided distribution of box markings, the nine box grid as well as immediately terminating its deeply flawed proposals to pay annual performance bonuses based on box markings. Whilst PCS welcomes this announcement, we believe there remains much more to do in ensuring objectivity, accountability and transparency; understanding and challenging the inequalities in the system; and moving away from a backward ranking system to one which is genuinely developmental. PCS will look to put out more guidance in future months.