

DWP briefing

Department for Work & Pensions Group

To: All Members and GEC

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Public and
Commercial
Services Union

Dispute unfair 'Must improve' ratings

Performance ratings must not be changed or forced simply to fit the distribution guide

Balanced consideration of performance

Your end-of-year rating must always be based on a balanced consideration of your personal performance over the reporting period. DWP People Performance Procedure supports performance improvement but this cannot be achieved by misuse of 'Must improve' ratings.

The 'Achieved' rating encompasses the widest span of performance and may include performance that is *verging on needing improvement or exceeding in some areas or is generally satisfactory* (Procedure 9.6).

Ratings must meet equality standards

Newness to the role, Disability, Part-time Working are examples of circumstances which may legitimately influence the level at which objectives should be set and failure to do so may result in an unfair end-of-year rating. Where there has been a failure to make adjustments for such circumstances the end of year rating may need to be adjusted to ensure that the rating is *fair and reasonable*. DWP provides guidance in the guide for '*How to: Set Performance Expectations Consistently at the Start of the Year*'. PCS guidance is provided in PCS Briefing DWP/MB/005/15 *Managers must focus on equality not quotas*. A new People Performance Advice Q Q28 (*Can a work objective be agreed retrospectively?*) also confirms that *a manager cannot unilaterally set a retrospective work objective but it is possible to do so in agreement with the employee*.

Must improve ratings must be justified

The terms for the *Must Improve* rating under People Performance Procedure 9.7 are:

9.7 The Must Improve rating includes employees whose performance requires improvement and those employees who are being managed under formal unsatisfactory performance procedures. This rating may also be appropriate for others whose performance has required improvement during the reporting period, where this is a proportionate response. Mid-year and end-of-year ratings will always be based on a balanced consideration of the employee's personal performance over the entire period and decisions must be transparent, fair and reasonable.

Must improve ratings must be proportionate

The use of the *Must Improve* rating as a '*proportionate response*' means that the rating is not predetermined where improvement has been informally required during the reporting period. It should not be an unfair, disproportionate response to a relatively minor or isolated issue or given for petty/trivial issues.

Managers must not apply quotas

DWP People Performance has a procedural requirement that ratings must be consistent with *known performance expectations* (Procedure 12.1). DWP procedures for rating performance do not require managers to meet the guided distribution ranges but do insist that ***ratings will not be changed or forced simply to fit the distribution (Procedure 9.3)***. Managers must not co-operate with any local misuse of the *guided distribution* as 'box mark quotas'. Managers must comply with DWP policy not to do so.

Dispute unfair ratings

It is best practice to try to resolve disagreements informally but you have a right to raise a formal grievance and appeal under the normal Grievance and Appeal Procedures should you want to challenge any unacceptable decision. People Performance Procedure 13.2 confirms the grievance process:

13.2. Employees are expected wherever possible to progress their issue using Employee Action or Manager Action in the Grievance procedures. Managers are required to engage constructively with employees to ensure the Employee Action and Manager Action procedures are meaningful and effective. Should the issue remain unresolved and, upon further reflection, the employee believes it is reasonable to do so, employees may have their grievance dealt with under the Management Investigation procedure

Timescale for raising a formal grievance

A complaint for investigation under the formal process of *Management Investigation* should be raised within 30 working days of the disputed decision. Where informal action, using *Employee Action or Manager Action*, does not resolve the issue care should be taken to put a formal complaint within 30 working days of the date of the original decision.

PCS support and representation

You have a right to a grievance and appeal hearing and the right to be accompanied by a PCS Representative. Contact your local PCS Representative for advice, support and representation.

David Burke
Group Assistant Secretary

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