

# Investigator performance assessment and pay scheme – guidance note

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## Introduction

All the Commission's pay schemes require approval from our funding body, the Government. The revised scheme for Investigator pay was approved in 2002. The scheme is based on a framework of behavioural competencies with a four level assessment of individual performance. Pay advancement for investigators is based on the outcome of their personal assessment.

Following approval of these principles, the detailed competencies and the working of the scheme was developed in 2002/03 with the help of the personnel consultancy HAY and a working group of Assistant Ombudsmen and Investigators, including a Staff-side representative.

The scheme was reviewed by the Working Group after the end of appraisals in 2004 and again in 2005. The Commission approved a number of modifications to the scheme based on the Working Group's advice.

This note should be read in conjunction with the Guidance Note on the Staff Appraisal Scheme (set out in the documentation scheme).

## Timing of appraisals

For **2004/2005**: appraisals in March 2005 were based on an assessment period of 1 March 2004 – 28 February 2005.

For **2005/2006**: appraisals in February 2006 based on an assessment period of 1 February 2005 – 31 January 2006. All completed appraisal forms and personal development plans should be with Human Resources **by Tuesday 28 February 2006** in preparation for calibration meetings.

For **2006/2007** (and onwards): appraisals will take place in January based on the previous calendar year.

## Gathering evidence for the purposes of assessment

The AO will assess the investigator's performance against the 'typical behaviours' in each of the six competencies. S/he will assess the performance level and also arrive at an overall assessment.

The assessment will be based around evidence collected by the AO and the investigator during the course of the year, and discussion during the interview. The competencies framework includes 'example behaviours' which help to guide judgement on whether typical behaviours exist but these are not intended to be comprehensive. The example behaviours will be updated to reflect current best practice.

## Sources of evidence

Throughout the year the AO will gather evidence about the performance of the investigator as it arises from the following sources:

- Performance indicators
- Files referred to AO for advice
- Personal observation in the office and during field work
- One to one meetings
- Monthly reviews
- At meetings of the team
- Through contributions to training and Commission wide activities
- Course evaluation sheets
- Mid-year reviews
- The quality monitoring form (each AO will use the form to review two cases each month selected at random)

Note: this list is not exhaustive

## Criteria for good evidence

AOs will ensure that they gather and take account of evidence that is reliable, unambiguous, and relevant to the six competencies. Individual pieces of evidence may be relevant to more than one competency.

Good evidence will be:

- Relevant
- Transparent
- Cross checked
- Recorded
- Shared with the investigator at the time if possible

Poor evidence will be:

- Irrelevant
- Collected at the last minute
- Biased
- From unreliable sources
- Ambiguous
- Unrelated to performance

- Unsubstantiated

## **Guidelines for interpreting evidence for performance against competencies**

AOs will be looking for:

- Consistency of behaviour throughout the year.
- Frequency of behaviour.
- Evidence to distinguish the consistent and normal behaviour from the occasional performance in all the levels from basically effective upward event ranked particularly high or low.

The AO will assess the evidence for each competency and where the consistent or typical level of performance lies. Some evidence may reflect a higher or lower level but if it is exceptional rather than the norm it will be discounted. Where there is variation in performance, in particular in the second half of the year, it is important to be sure that the direction of travel is towards outstanding performance. If the evidence for ranking at a particular level is not robust, the AO must rate down, not up. So if there are only glimmers of fully effective performance, the overall rating will be basically effective. The AO will be open to all information but will filter information to ensure that it is particular to and relevant to performance of a competency. The AO will avoid comparison with others and will use the competency framework as a benchmark of what constitutes performance at different levels. An assessment of outstanding performance must be based on the typical behaviours supported by evidence from a number of sources.

## **Management processes – mid-year review**

Each AO will hold a meeting mid way through the year as a mini appraisal. This will be supported by normal supervision meetings which normally take place monthly. Before the annual mid year review and the appraisal, AOs should ensure they receive the views of Ombudsmen on their experience of work on which the investigator is being appraised. This will ensure the LGO is not distanced from the AO's decisions. These views should be backed up with evidence/examples. Evidence may also be collected from the Deputy.

## **The record of evidence**

The Commission recognises that both investigators and AOs want to minimise the amount of paper in the process. There is a particular need for a body of evidence if the assessment of a competency is likely to be below or above 'fully effective'; this is needed for calibration or to shape an action plan. If both parties come to the view during the course of a year that the end of year outcome will be an assessment of 'fully effective' sufficient evidence of this can be derived from file monitoring forms and file reviews.

But if either party considers that an ‘overall outstanding’ assessment is possible, it is very important that the AO builds up a body of evidence during the year to support his/her assessment. This is to enable colleagues at the calibration meeting to appreciate the basis of the conclusion and decide whether to endorse the assessment.

In this case it remains the AO’s responsibility to collect evidence, but investigators are encouraged to contribute and submit examples routinely throughout the year. The evidence will be in the form of written material (e.g. decision letters with a covering note explaining any special circumstances) but it could also include the AO’s contemporaneous notes of good practice which (s)he has observed. As much can be shown by the evidence of struggles with a difficult case, as from one that was very successful, but easy. Investigators are reminded that evidence need not always to be based on case work; it could include corporate and office activity. It is good practice to provide overall performance data drawn from Comtrac to support particular examples of good practice, but such data should be viewed with caution as one or two cases significantly outside normal parameters can unduly distort averages and totals.

The AO will also need a body of evidence to support an assessment of ‘basically effective’.

## **Productivity – targets and benchmarks**

As well as assessing the behaviours displayed by an investigator when performing his or her work, output is also considered. This is a combination of complaint decisions and corporate activity (which is also converted into ‘decisions’ under the [Casework Credit scheme](#)).

There are two productivity benchmarks. The higher benchmark is the minimum number of decisions for an investigator to achieve if he/she is assessed to be **overall outstanding**. The lower benchmark is the minimum number of decisions for an investigator to be assessed as **overall basically effective**. Investigators who achieve less than the lower benchmark by the end of the year will normally already be in the incapacity procedure.

**The higher benchmark is currently 140 cases (excluding 26(5)s). The lower bench is currently 100 cases.** These benchmarks are kept under review by the Commission but have remained at the same level since 2003. The upper benchmark was based on the productivity level of the upper third of investigators. Both benchmarks are applied on a pro-rata basis for part-time staff.

Where an investigator would be proposed as ‘overall outstanding’ but has not achieved the upper benchmark, an AO can make a case to the calibration meeting for an exceptional circumstances; (eg: absences from the office, dealing with a number of particularly complex and time consuming social services cases etc)

Investigators may be set a personal target for the number of decisions which the AO considers to be reasonable (ie: fair and challenging). This is based on the overall office target agreed by the Commission. The achievement of the personal target for the number of decisions does not form part of the overall competency assessment.

The **time targets (average times to process cases)** also form part of the Competencies framework, (Workload Management). The same time targets are set by the Commission for all investigative staff in the three offices.

## **Reaching a conclusion on overall performance**

The overall performance assessment is arrived at in the following way:

### ***Overall outstanding***

- outstanding on at least three competencies and fully effective in the rest.
- achieves upper benchmark for the number of decisions.

### ***Overall fully effective***

- at least fully effective in five competences and basically effective in the other.
- is above the lower benchmark for the number of decisions

### ***Overall basically effective***

- at least basically effective in four competencies
- is above the lower benchmark for the number of decisions

### ***Overall ineffective***

- assessed below basically effective in three competencies
- is below the lower benchmark for the number of decisions
- already in the incapacity procedure/or about to be

A summary sheet is used to record the markings.

## **Consistency and decisions on outstanding performance**

It is important that performance is assessed in a consistent way, especially the assessment of **outstanding** Performance. Consistency is pursued through training and guidance notes, and collective decision taking at calibration meetings.

When all the appraisals have taken place, the AOs in each office will meet to consider cases where overall performance is rated outstanding, or borderline. Borderline means where the AO finds is hard to differentiate between overall basically effective or fully effective, or fully effective and outstanding. It is not anticipated that cases of borderline ineffective will come to the meeting, as the AO will already have reached a view about the need for using the Incapacity Procedure. AOs will have told investigators their provisional assessment before the calibration meeting

The calibration meeting will be chaired by the Deputy Ombudsman. An Assistant Ombudsman from one of the other offices will be present to observe and advise to aid

cross-Commission consistency. A representative of Human Resources will take a record of the meeting. The name of the investigator will be known to the meeting as AOs consider it is impracticable to discuss cases anonymously.

Each AO will circulate a proposal for each investigator based on part B of the appraisal form, supplemented, where necessary, to form a persuasive proposal. The file of evidence including any examples of effective communication, will be available at, and in advance of, the meeting in support of the proposal.

The proposal should be circulated a week in advance of the meeting so that other AOs can raise any concerns about the quality or amount of the evidence in advance of the meeting. AOs who wish to submit any contrary evidence should also make this available in advance.

At the meeting the competencies will be discussed in the following order:

- Effective Communication
- Problem Solving
- Cooperative Working
- Gathering Information
- Workload Management
- Stakeholder Focus

Once an investigator is confirmed as achieving overall outstanding in three competencies he/she will be deemed to be overall outstanding unless there is another proposal that could lead to an assessment of basically effective in the remaining competencies.

At the meeting the AO will make a presentation about each case and the evidence for his or her decision. The AO may be questioned on this. Consensus will be reached where possible. If there is not consensus, there will be a majority vote and the Deputy will have a casting vote in the event of a tie. It will be the responsibility of the Deputy to ensure that decisions are based on sound evidence and not just opinions.

The relevant AO will notify investigators the final appraisal result. Any investigator who considers the outcome is unfair or unreasonable can exercise a right of appeal provided the circumstances are as outlined below.

All assessments of performance are monitored by Human Resources, especially with regard to requirements of equalities legislation. An annual report will be made to the E&D Group.

## **The appeals process**

A Deputy Ombudsman from another office will consider and determine appeals on the following grounds:

- the AO's recommendation for overall outstanding is not accepted by the calibration meeting;

- the AO rates the investigator outstanding in two competencies and fully effective in the rest (ie they need a third outstanding rating to be overall outstanding);
- the investigator is assessed as basically effective or ineffective in any competency; or
- the AO's refusal to exercise discretion where the investigator is rated as outstanding in three competencies but has not achieved the higher benchmark.

This means that not all the decisions appealed against will have been reviewed at the AOs' calibration meeting, but until the meetings take place all assessments remains provisional. AOs are asked to confirm the final assessments to their investigators within two days of the calibration meetings. Anyone who wishes to appeal will then be given 10 days to do so. The closing dates for appeals will be notified each year.

If an investigator is on leave or is sick between the calibration meeting and the closing date for appeals, the time may be extended by the Deputy Ombudsman exercising discretion on a case by case basis. The investigator should submit grounds for the appeal and the portfolio shared with the AO, but no new evidence.

The Deputy Ombudsman will have the following papers:

- the completed appraisal
- the proposal the AO puts to the calibration meeting
- the decision of the calibration meeting
- the record of evidence
- grounds for appeal

The Deputy Ombudsman will consider the papers. If he or she wishes to clarify any point, he or she may interview the AO or the investigator. If the appeal is about a third rating of outstanding, the Deputy Ombudsman will review the other two outstanding ratings so as not to give an advantage to investigators whose appraisals have not been to the calibration meeting. The Deputy Ombudsman will give his or her decision in writing as soon as possible, subject to availability.

Appeals about decisions which affect pay will not be possible using the grievance procedure.

## Addressing performance below fully effective

The aim is for all investigators to be **fully effective (or outstanding)** in every competency.

An investigator whose performance is assessed as **basically effective** in **any** competency should discuss with their Assistant Ombudsman how to improve that performance in that area and their '**personal objectives**' should be based on this discussion.

An investigator whose performance is assessed as **ineffective** in **any** competency should agree an **improvement plan** in relation to that area. Progress in the improvement plan will be monitored at regular intervals by the AO and the Deputy kept informed. Priority will be given

in the allocation of training resources related to such plans. Staff assessed **overall ineffective** will be subject to an action plan under the **incapacity procedure**

## Pay

The following arrangements apply in respect of pay progression under the scheme:

### ***Incremental progress – Basic Pay Scale (SCP 38 – SCP 45)***

- Persons moving between SCP 38 and SCP 45 will do so by annual increments.
- Staff rated IE (ineffective performance) will not qualify for an increment (unless this is due to sickness or disability).
- Persons assessed OP (outstanding performance) will be awarded an extra increment payable from 1 April following the year for which performance is assessed.

### ***Examples of incremental progression***

OP – Outstanding Performance, FE – Fully Effective, BE – Basically Effective,  
IE – Ineffective

#### **Investigator One**

Investigator One is on SCP 38 and is rated FE or BE. On 1 April Investigator One will move to SCP 39.

#### **Investigator Two**

Investigator Two is on SCP 38 and is rated IE. On 1 April Investigator Two will remain on SCP 38.

#### **Investigator Three**

Investigator Three is on SCP 38 and is rated OP. On 1 April Investigator Three will move to SCP 40.

#### **Investigator Four**

Investigator Four is on SCP 44 and is rated OP (the top of the scale for annual incremental progression stops at SCP 45). On 1 April, Investigator Four will move to SCP 45 and receive a sum equivalent to an extra increment as a non consolidated bonus.

### ***Incremental progress – SCP 45 – SCP 47***

- Staff on SCP 45 who are assessed OP (outstanding performance) will be paid a sum equivalent to the next increment as a non-consolidated non-pensionable bonus.
- Staff on SCP 45 who are assessed as OP (outstanding performance) for two years in succession will receive a consolidated pensionable increment (SCP 46) instead of an equivalent non-consolidated and non-pensionable bonus.

- This pattern of bonus followed by consolidated increment can continue until SCP 47 is reached.

### ***Examples of incremental progression***

OP – Outstanding Performance, FE – Fully Effective, BE – Basically Effective, IE – Ineffective

#### **Investigator One**

Investigator One is on SCP 45 and is rated OP. On 1 April Investigator One will remain on SCP 45 and will receive a non-consolidated bonus equivalent to an increment to SCP 46.

#### **Investigator Two**

Investigator Two is on SCP 45 and is rated OP for two years in succession. On 1 April Investigator Two will receive an increment to SCP 46 but not a non-consolidated bonus.

#### **Investigator Three**

Investigator Three is on SCP 46 and is rated OP. (S)he either only moved to SCP last April or did not receive an OP assessment the previous year. On 1 April Investigator Three will receive a non-consolidated bonus equivalent to an increment to SCP 47.

## **Training**

The discussion and identification of training needs will still form part of the appraisal interview.

However training needs will tend to fall into one of three categories:

- **knowledge training** (improving knowledge in a particular area eg housing/planning/HB);
- **training in a competency area** (an identified area arrived at through discussion at the appraisal interview); and
- **career development.**

All training needs will be recorded on a Personal Development Plan which will be agreed by the Deputy Ombudsman.

**Appendix 1: Summary of the appraisal process for investigators**



