

JOB EVALUATION GROUP

ADVICE ON RELEASE OF INFORMATION

The Job Evaluation Group has been asked to provide some advice about the handling and release of information, as follows:

- Information to postholders when notifying of their JE outcome
- Information to postholders relating to panel notes on CAJE
- Information to postholders relating to panel member names

Information to postholders when notifying of their JE outcome

Matched jobs

The JE Handbook makes it clear in chapter 8 that

“Only when consistency checking is complete and any apparent inconsistencies resolved should the matching form be issued to jobholders covered by the match, together with the relevant national profiles and a personal letter explaining the proposed pay banding and what to do in case of disagreement. It may be appropriate to issue matching forms in occupational groups, to be agreed locally.” Para 6.3

In order to make an informed decision as to whether the relevant information has been taken into account by the panel, individuals whose jobs have been **matched** will need to have copies of the following information at the outset of the three month’s notification period:

- A letter explaining the proposed pay banding
- The matched job report from CAJE , containing the rationales behind awarding the factor levels
- The profile to which their job has been matched
- Details of any consistency checking outcomes and procedures
- Details of how to set about requesting a review

Locally evaluated jobs

The JE Handbook states in chapter 10 that

“The computerised JAQ is the complete record of the process, to be made available to the jobholder in case of query.” Para 2.4.

Similarly to the matching procedure, in order to make an informed decision as to whether the relevant information has been taken into account by the panel conducting the evaluation, individuals whose jobs have been **evaluated** need to have copies of the following information:

- A letter explaining the proposed pay banding
- The CAJE evaluation summary report, giving the factor levels
- The CAJE job report, which gives the explanatory text for awarding the factor levels
- Details of any consistency checking outcomes and procedures
- Details of how to set about requesting a review

Information to postholders relating to panel notes on CAJE

When entering rationales onto CAJE, there is a field for “panel notes”, which can be used by the panel to remind them or to inform a review panel at a future date of why they have done something. This field is not usually given to postholders as part of the matched job report, as it is meant to be an aide memoire and should normally just contain technical notes.

If the notes contain any personal information about postholders, they may be entitled to see the information under section 7 of the Data Protection Act. In a recent judgement (Durant) it was decided that information only forms personal data when it focuses upon the individual as a person and does not automatically become so even if someone’s name or address appears in the data. The notes should record information about a post rather than about a person, so the DPA is unlikely to apply unless the panel have made personal statements about the postholder during the matching process and these statements have been recorded. If the notes contain non-personal data then the Freedom of Information Act will apply.

A representative of the postholder, who has the consent of and is authorised by the postholder to seek disclosure of the notes would also be entitled to receive them.

Information to postholders relating to panel member names

Organisations appreciate that a degree of confidentiality is essential in carrying out evaluations of people’s jobs. Personal details of postholders, such as name, gender, pay rate are not disclosed to panel members who are matching or evaluating the jobs. Similarly, names of panel members are not normally disclosed to postholders when they receive the outcome of the exercise, in order to protect panel members from any attempts to introduce factors into the process that could lead to bias.

The law is not straightforward in relation to disclosing panel members’ names and a postholder is entitled to request this information under the Freedom of Information Act. However, it can be argued that the names constitute personal data and consent would need to be sought from the individual panel members as to whether they would object to disclosure of their names to the postholder. If panel members did object, there could be a defence under the Data Protection Act that on balance it is in the public interest not to disclose the names.

The reason for requesting disclosure of panel names should be ascertained: if this stems from genuine concern that the panel’s constitution could have led to bias, the joint JE Leads should be able to reassure the appellant that the panel was properly constituted and acted correctly. If there were an allegation of personal bias on the part of one or more of the panel members, this would have led to a defective outcome, which would have been dealt with through either consistency checking or a review request.

Organisations should ensure that they agree in partnership the appropriate procedures in place to deal with queries of this sort, should they arise. This should include procedures for:

- How to deal with allegations of bias and to give robust reassurance to postholders
- How to deal with circumstances where some but not all of the panel members agree that their names can be disclosed and face pressure to release names of panel members who do not wish their names published