



Boosting Retention & Firm Effectiveness: the future of performance management

Thursday 14th April 2005

Attendees:

Christine Lynch – Baker & Mckenzie
Julie Leeper – Barlow Lyde & Gilbert
Claire Hounsom – Bevan Brittan
Katie Kirkhope – Boodle Hatfield
Karen Begg – Clyde & Co
Tony Wright – CMS Cameron Mckenna
Annabel Lawrence – Cripps Harries Hall
Owen Golding – Edwards Geldard
Geraldine Smith – Eversheds
Penny Newman – Farrer & Co
Anne Brück – Freshfields
Debora Edwards – Freshfields
Gerri McAughtry – Freshfields
Nicola Edwards – Herbert Smith
Claire Kendall – Ince & Co
Georgina Suleyman – Kennedys
Joy Iley – Kennedys
Clodagh Beaty – Lawrence Graham
Gill Whensley – LETG
Julie Clough – Lovells
Julia Perrin – Mayer Brown Rowe
Rosalind Jamieson – Mcgrigors
Sharon Armstrong – Nabarro Nathanson
Sophie Turner – Pinsent Masons
Joanna Parker – Pinsent Masons
Mark Matthews – Richards Butler
Judith Lee – Russell Jones Walker
Louise Crumpton – S J Berwin
Jackie Webster – Trethowans
Paul Ratcliffe – Taylor Vinters
William Bale – Turbervilles
Vicky Allitt – White & Case

Speakers:

Frances Cullen – DLA Piper Rudnick Gray Cary UK LLP
Rick Trask - Getfeedback
Peter Carrick – Clifford Chance



Presentations

Frances Cullen, DLA Piper Rudnick Gray Cary UK LLP

Frances spoke to the Network about using performance management to bring value and benefit to the business. By giving us valuable insights into the way that DLA Piper approaches performance management Frances impressed upon us that people are the main focus. People are a Firm's biggest asset and as such the organisation needs to maintain its focus on looking after people in order to retain them.

Frances raised the issue of clarity by asking us to consider "What are the key messages you want to give through performance management?" By remaining constant in your core messages and reiterating them through all processes within the organisation you can lay a solid and effective foundation. It's all too easy to use different messages in different process areas which can only ultimately lead to confusion. Frances urged the group to "decide what you are about as an organisation" and to link this into key themes within the overall Firm strategy, in doing this the key values of the Firm would be conveyed through the business plan.

Frances stressed that it is all about the people and reminded us that "systems facilitate performance management but people determine the success or failure." With this in mind it is important to remember that employees are hungry for feedback, it is vital that people know how they are doing. There is a danger of being overly cautious when it comes to giving less positive feedback however, Frances reminded us that in holding back from giving unwelcome news it would ultimately allow an employee to drift and could damage their career.

Frances shared some extremely interesting and positive insights into how DLA Piper tackles the performance management issue. In summary, Frances concluded that there are no easy solutions, however it is vital to maintain respect for all levels of the Firm, and to keep things simple.

Rick Trask, Getfeedback

Rick looked at performance management in the context of the talent lifecycle. He presented the findings of the 2004 Benchmark survey with a focus on what employees have to say about their Firm's attitude to performance, measurement and development. Rick also took the opportunity to tell the group a little about Getfeedback as we are so often asked at these events to explain a little more about what we do. Rick provided a definition for Performance Management that focused on two areas:

- Enhancing awareness, a common understanding as to what "good looks like" – both in terms of firm results and key behaviours. And, a clear sense of the performance with effective and supportive feedback.
- Taking next steps, where there is a clear process that is understood and supported by everyone.



Rick informed the group that the lowest scoring questions from the 2004 Benchmark survey centred on career development, measurement and individual development. The survey highlighted 3 key areas of performance management that employees felt needed addressing.

1. Clarity of Expectations
2. Transparency of Process
3. Following up the Process

Rick looked at each of these key areas in turn from both an individual and a Firm perspective. He then chose case studies from outside the legal sector to demonstrate best practice in other areas.

The survey showed that only 38% of respondents felt they had clearly defined goals and targets, and 70% felt that under-performance was tolerated by their Firm. The message was clear that it is essential to keep talent informed of where they are going and there must be clear communication of the competencies and skills necessary to progress.

Rick illustrated how Getfeedback has worked with ARM to help them capture and validate their behaviours against a framework specifically defined and tested for developing high performers. This work is important, as the company has grown to the size where it is vital to have a consistent clear approach to the selection and development of their talent. He also mentioned work done with the Law Society that enabled them to keep their team managers particularly focused on specific expectations for their role.

In terms of transparency of process the survey showed that participants felt there was a lack of communication and shared knowledge within their Firms. Over half had regular performance reviews but only a third found these challenging and stretching.

Rick believes the individual and the firm have a responsibility to ensure that they are engaged in a constructive dialogue. The Firm needs to provide a transparent process that is has an effective, easily used and well supported. The individual has a responsibility to ensure that they understand and own their performance and review process. The Individual needs to be aware of their own skills and behaviours and be motivated to progress. Rick illustrated this area by talking about the innovative work Getfeedback did with Vauxhall when placing a performance management process online.

Following up the Process centred on areas such as mentoring and coaching. The survey showed that only 3 out of 10 respondents felt there was an effective mentoring process in their Firm. There was also a call for more training opportunities outside legal skills, e.g. commercial awareness, client handling and marketing.

From a Firm perspective it is vital that they provide clear career maps and development opportunities focused on specific levels of the Firm. Rick used the case study of Mowlem to relate to the group the extensive development and training programmes put in place by Getfeedback to develop leadership and management capability across a complex multi-disciplinary organisation. This programme linked



their competency framework and skills requirements with specific needs of individuals as identified in the Performance Management process.

In conclusion Rick prompted us to be innovative in our approach to performance management, to make sure that we took a modular approach and to do a proper job.

Peter Carrick, Clifford Chance

Peter's aim was to raise several pertinent questions and to provoke a lively debate – and he certainly succeeded.

Peter started by posing the following questions:

1. Why identify talent?
2. How should potential be identified?
3. When to identify potential?
4. What is appropriate development?

This started everyone thinking about some of the fundamental issues around performance management. Peter talked about some of the common pitfalls – e.g. elitism, - should you focus the majority of the budget on those that appear to be top performers? And the problem with “ad hoc identification” – partners picking out certain associates and highlighting how they would improve from development, this proves to be an extremely inefficient, expensive and elitist way of doing things.

The majority of Peter's presentation centred on the appraisal process and how to encourage people to be open and frank. Peter referred back to Frances' point that it is vital not to be too cautious and shy away from telling people the truth, it is necessary to encourage transparency, openness and honesty - tell people if they are not going to make partner level. The lively debate that ensued raised several questions, here are just a few:

1. Does forced rating encourage elitism?
2. How does it affect diversity?
3. Does the distribution of work affect performance rating? If some are consistently given the better workload they will always appear as top performers.
4. How early on do you start rating talent?

Many people raised the fact that there was great demand for alternative career paths other than to partner level. The group discussed how to enable associates to progress and to be successful if ultimately the partner role was not for them.



Thank you to all those that attended for making it such an interesting seminar, we look forward to seeing you again. Our August seminar will be announced in due course, if you have any ideas or topics you would like to see addressed we are all ears! Please contact Elizabeth Kee at talentinlaw@getfeedback.net or 01491 845 535.