

ATTACHMENT 1

NATIONAL NEGOTIATING COUNCIL (NNC) FOR THE PROBATION SERVICE

NNC Pay and Conditions of Service Modernisation Agreement

Digest of Questions and Answers Relating to the New Pay Arrangements

This Digest of Questions and Answers relating to the New Pay Arrangements has been prepared as a result of further questions of a technical nature having been raised by Areas with NNC Joint Secretaries.

It is intended to publish additional Questions and Answers, to be numbered sequentially, as and when they arise.

Where Areas identify such issues they should initially refer to the following documents to ascertain whether particular guidance is already available:

- Circular No.4/2005
 NNC Pay and Conditions of Service Modernisation Proposals
- Circular No.5/2005
 NNC Pay and Conditions of Service Modernisation Proposals
- Circular No.1/2006
 2005/2006 NNC Salary Settlement
- Employers' side Secretary's Guidance
 Digest of Questions and Answers relating to the New Pay Arrangements including Implementation of 1% Bonus (31 January 2006).
- Employers' side Secretary's Guidance
 Interim Pay Arrangements – (1) National Negotiating Council (NNC)..... (24 March 2006).
- Circular No.4/2006
 Joint Guidance on (1) Harmonisation of Annual Leave and Leave Years and (2) Transitional Arrangements for Allowances paid through the Salary Spine.

- Circular No.6/2006
Allowances.
- Circular No.7/2006
Guidance on the Implementation of the New Pay and Grading Structure and Review of Salaries in 2006 and 2007.
- Circular No. 9/2006
Trainee Probation Officers – Changes to Pay and Terms and Conditions.
- Circular No. 2/2007
Market Forces Supplements (MFS) Scheme

Further Questions and Answers

Q1: Do staff who joined the Service after 1 April 2006 qualify for the £700 minimum underpinning payment?

A: No.

This answer also applies to staff who will join after 1 April 2007 in respect of the £700 minimum underpinning payment to be made in 2007/2008.

A new entrant who joins between 1 April 2006 and 31 March 2007 may qualify for the 2007/2008 minimum underpinning payment.

Q2: An individual on assimilation at 1 April 2006 is found to have a year on year increase of less than £700 and as a consequence qualifies for the minimum underpinning payment. Later in the year the individual receives a further pay increase as a consequence of promotion. Should the make-up payment continue to be paid?

A: Yes. The promotional increase is entirely separate from the minimum underpinning arrangements and therefore the two payments should not be considered together.

Q3: Can individuals entitled to pay protection under the new arrangements also qualify for the minimum underpinning payment?

A: Yes.

Q4: Can individuals with less than six months' service on a pay point on 1 April in any year who are not eligible for a progression increase until six months after commencement on that pay point qualify for the minimum underpinning payment.

A: Yes. However, in determining whether entitlement is due, the total pay increase for the full 2006/2007 pay year should be taken into account.

Q5: What pay and progression arrangements apply when an employee is newly appointed?

A: The appointee should be placed on the minimum pay point for their pay band (See Guidance on Market Forces Supplement).

Appointees with less than six months' service on a pay point on 1 April in any year will not be eligible for a progression increase until six months after commencement on that pay point. The salaries of such staff must not 'leapfrog' the salaries of colleagues who were on the minimum and qualified for progression on 1 April 2006 and 1 April 2007, respectively. Progression should be to a pay point that does not exceed the respective foregoing comparator.

Example:

Individual A (Pay Band 4) with more than six months' service on pay point on 1 April had basic salary of £24,248 (new pay point 70) on 31 March 2006. This individual's basic salary will progress by 4 pay points to £25,226 (pay point 74) which is increased to ££25,378 after revalorisation on 1 April 2006.

Individual B (Pay Band 4) with less than six months' service on pay point on 1 April has basic salary of £24,248 will not be eligible for a progression increase until six months after commencement on that pay point. Although the Pay Band 4 minimum after revalorisation as at 1 April 2006 increases from pay point 70 to 73 the basic salary of Individual B should not 'leapfrog' that of Individual A. Individual B's basic salary increases from £24,248 to £25,127 (pay point 73) after revalorisation on 1 April 2006 and then to £25,378 (pay point 74) as a consequence of progression six months after commencement on the pay point.

Alternatively, where Probation Areas have already implemented 4 progression points for appointees with less than six months' service on a pay point on 1 April 2006 this progression may stand. However, in such circumstances the progression on 1 April 2007 should be abated from 3 to 1 point. This will place the pay of such an individual in line with the foregoing comparator.

Q6: Do the provisions of the Pay Modernisation agreement apply to Trainee Probation Officers – including the Market Forces Supplement?

A: Yes.

Q7: Should the minimum underpinning payment in 2007/2008 be implemented for Trainee Probation Officers on a monthly basis?

A: No.

This is because implementation on a monthly basis would result in over-payment because of the phasing of the increases for 2007/2008.

Q8: Does the minimum underpinning payment apply during periods of maternity, paternity, adoption and sickness pay?

A: Yes. The minimum underpinning payment can continue to apply during periods of maternity, paternity, adoption and sickness pay. However, where these arrangements involve payment of part salary, the minimum underpinning payment is proportionately reduced. (e.g. Sickness Pay - when half pay is applicable the minimum underpinning payment for a full-time employee should be reduced proportionately)

Q9: What is the annual leave entitlement of a former Trainee Probation Officer upon appointment as a newly qualified Probation Officer?

A: Where the individual joined the organisation as a Trainee Probation Officer, length of continuous service for the purposes of determining annual leave entitlement is calculated from the date of appointment as a Trainee Probation Officer.

Where the individual has previous continuous service with the organisation prior to appointment as a Trainee Probation Officer this will also be taken into account for the purposes of determining annual leave entitlement.

Q10: Do areas have the flexibility to use the pay spine to accelerate progression beyond the points determined by the assimilation process?

A: No.

This would compromise the integrity of the pay spine and leave areas open to equal pay claims. Providing the laid down guidance is followed, Areas may determine to make payment of a Market Forces or Geographical Supplement.

Q11: What steps have been taken to equality proof the new pay structure?

A: The new job evaluation system has been equality proofed by an external national expert and a number of implementation equality checks are taking place prior to implementation of the new pay structure as part of the national consistency checking processes.

In addition, an Equal Pay Review will be undertaken in 2007.

Q12: Is there any intention of the negotiators to reduce the length of the salary ranges?

A: Yes. The negotiators are committed to review the position as a part of the next round of pay negotiations. The negotiators do, however, consider that the current position to be consistent with the relevant provisions of the ACAS Guide: Age and the Workplace.

Q13: Under Appendix A paragraph 4.2 of the NNC Pay and Conditions of Service Modernisation Agreement how are pay arrangements to be assessed in Approved Premises as being more or less advantageous to staff?

A: Pay arrangements are assessed by comparing for example the total annual earnings accrued by the individual employee from the new pay arrangements compared with those which would have been payable formerly from the roster worked.

Q14: Should we apply the new terms and conditions, including the new Unsocial Hours and Work in Excess of Contracted Working Hours payments within Approved Premises?

A: Yes. This is subject to the protection arrangements in Appendix A: Section 4.2 of the NNC Pay & Conditions of Service Modernisation Agreement within Circular 5/2005.

Q15: The new Unsocial Hours payments provide for weekend premium payments of 50% from 8.00am Saturday to 7.59am Sunday. What arrangements apply from 7.00pm Friday to 7.59am Saturday?

A: There are two weekend 24 hour periods that qualify for the higher premium payment of 50%, these are from 8.00am Saturday to 7.59am Sunday and from 8.00am Sunday to 7.59am Monday. The period from 7.00pm Friday to 7.59am Saturday qualifies for a premium payment of 30%.

Q16: What are the pay arrangements where, as a consequence of organisational change or reassignment by management, an individual is moved to a post in a lower pay band?

A: This matter is to be discussed by the Joint Secretaries and guidance will be issued in due course.

Q17: What pay arrangements apply when an employee is promoted to a post in a higher pay band?

A: The individual's basic salary should be increased to the minimum of the new higher pay band. Normally, this will result in a salary increase. In circumstances when this is not the case the individual should be placed on the next higher pay point providing this does not take the individual's new basic salary above the appropriate pay band maximum.

Such individuals with less than six months' service on a pay point on 1 April in any year will not be eligible for a progression increase until six months after commencement on that pay point. Because the minima of pay bands are increased on 1 April 2006 and 1 April 2007 such progression should not 'leapfrog' the salaries of colleagues who were on the minimum and qualified for progression on 1 April 2006 and 1 April 2007, respectively. Such progression should not place the employee on a pay point which exceeds that of the foregoing comparator.

Q18: Upon promotion is there a minimum pay increase applicable?

A: Yes. In the majority of cases an increase results from the individual being moved to the minimum salary of the new higher pay band. However in such circumstances, this increase should be a minimum of one pay point.

Q19: Do the former agreements covering the payments of Locally Awarded Recruitment and Retention Payments (LARRPS) and Locally Awarded Payments (LAPS) and Excess Rates apply to newly appointed staff?

A: No. These were all subsumed within the Pay Modernisation Agreement and the Assimilation Guidance makes explicit reference to this.

Q20: Do Casual and Relief Staff qualify for the improvements to terms and conditions of employment contained within the NNC Pay and Conditions of Service Modernisation Agreement?

A: Yes. This is provided they are already contractually party to the NNC Agreement.

Q21: An employee who carried out sessional work for a Probation Area prior to 1 April 2006 and had an annual leave entitlement of pro-rata 36 days is offered a permanent post after this date. Do the annual leave protection provisions apply in these circumstances?

A: Yes. The protection provisions detailed in Appendix A: Section 6.1 of the NNC Modernisation Agreement apply.

Q22: Further clarification of the following provision within the NNC Modernisation Agreement is as follows.

'Working Hours

7.1. The Working Hours detailed in the NNC Agreement on Pay and Conditions of Service – 2001 will continue to apply including any current locally agreed provisions.'

A: This provision solely relates to the Normal Working Hours as detailed in Section V part A paragraphs 1(a) & 1(b) plus any locally agreed alternative Normal Working Hours.