

**To: The Chair of the Probation Board/Trust  
The Chief Officer of the Probation Board  
The Chief Executive of the Probation Trust  
(Copy enclosed for the Head of Human Resources)  
The Secretary of the Probation Board/Trust  
Members of the NNC**

1 July 2008

**NNC CIRCULAR NO.13/2008**

Dear Madam/Sir

**PAY PROTECTION**

Questions have been raised with the Joint Secretaries about arrangements for pay protection following local restructuring or reorganisation where, as a consequence of restructuring or reorganisation, established posts are subject to significant changes which require reassessment under the job evaluation scheme.

Where such a reassessment results in a job being down-banded, it is the Joint Secretaries view that mark time pay protection arrangements should apply.

'Mark time' means that pay is frozen i.e. progression and annual pay awards due will not be paid until the pay attached to the individual's, in this case rebanded downwards, post is equal to or greater than the individual is receiving in actual pay on a protected basis.

Such individuals will not qualify for a pay increase until such time as their salary becomes lower than the maximum of the pay band to which the post has been allocated.

When an individual's salary, covered by the mark time arrangements, subsequently falls below an improved or revalorised pay band maximum, her/his basic salary should be aligned to the nearest higher pay point on the NNC salary spine. In the absence of an existing formal local collective agreement, salary protection should be maintained for 3 years from the date of the change. It is important that, before the cessation date, every reasonable effort should be made to redeploy such an individual into a suitable alternative post commensurate with their salary. Alternatively, consideration may be given to job redesign, such that the post may be reclassified within job evaluation to a pay band commensurate with the salary.

Pay protection ceases if the employee applies voluntarily and successfully for another post at the lower pay band.

We trust that this guidance clarifies the situation.

Yours faithfully

**Christine Lawrie**  
**Jonathan Ledger**

**Joint Secretaries**