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**PROBATION BRANCH UPDATE**

**Shadow Probation Pay Negotiations**

**Dean Rogers, Napo Assistant General Secretary (December 2016)**

Since late Spring, Napo has been engaged in Shadow Pay Negotiations with officials from the NPS on behalf of the National Negotiating Council (NNC). These have been with a view to jointly developing proposals for a new probation wide pay and grading system for implementation from April 2017 onwards (probably looking at a 2 year transition possibly taking us into 2019).

Progress has so far been genuinely positive and open with a commitment from all parties to reach a positive position. Although focused upon pay, the conversation has inevitably led into areas centered on professional development and organisational structure - so much so that professional input on all sides is likely to be needed to refine any emerging models as negotiations proceed.

The following is a summary of where things stand presently. It is hoped this helps prepare the ground for member consultations around any new model that emerges over the coming weeks, as well as helping to promote debate about possible solutions to the pay crisis in workplaces.

*Note: The reason these are officially “Shadow” talks is because NOMS officials are only technically allowed to negotiate on pay once HM Treasury has formally approved a remit. However, with significant pay reform on the agenda, HM Treasury will not approve any remit until they are confident it will be enough to resolve the issues identified – and to do this we need to negotiate what a solution could look like with employer representatives…*

**Starting Position:**

All sides have recognised that the current pay system isn't working and is unsustainable. There is agreement upon the principles of any new system needing to have maximum transparency; be fair and measurably equitable; be more competitive; and sustainable, requiring flexibilities. The potential equal pay risks are acknowledged but all sides equally recognise the political challenges (and enormous cost risks) associated with seeking legal solutions. This is driving the positive discussions. It is however, implicitly recognised that if we can't negotiate a new, better model then legal challenges could become unavoidable.

We have now done some basic mapping of current pay position. These show how the pay ranges hide a messy picture. Critically, this is the 1st public sector pay reform programme in many years where the majority of incumbent staff are not at (or even close to) the established rate for the job. This potentially increases the flexibility and scope for affordable reform as costs can be offset against future contractual costs that rise significantly over time.

This illustrates the scale of the 'shortfall' currently:

**Band Current Pay Ranges Weighted Average**

Weighted average salaries are the most representative form of “average” salary that reflect what staff are currently paid, despite their pay band saying they’ll progress to the Band maxima. This highlights how much pay progression is failing.

**2** £17417 - £21605 *£19328*

**3** £22039 - £27372*£24313*

**4** £29038 - £36084*£31735*

**5** £35024 - £39818*£38277*

**6** £39427 - £47117*£42643*

Whilst SPO's (Band 5’s) are closest to averaging at their max, an issue is emerging that requires particular thought - their sphere of control and numbers of direct line management reports (especially in a new framework which could be founded upon competencies and require more proactive line management) are very high (around 15 staff each) and the comparative salary in the civil service and/or prison service looks out of step. In short, I think there is a grade missing (equivalent to a civil service HEO or Team Manager role). This complicates numbers and costs but needs to be more fully tested.

**Emerging Ideas:**

Probation needs shorter ranges, more competitive pay and, for political reasons, NPS need to remove contractual pay progression.

We need to shorten ranges, make pay fairer and more competitive, whilst guaranteeing some form of progression to a sustainable rate for the job, preferably supported by more proactive, positive career development frameworks and career pathways.

We're currently exploring the following:

* Merging Bands 1 and Band 2 with a new range with a spot or 3 point scale.
* Bands 3 and 4 having a new model with an entry development point, a professional development point and a standard professional rate with people expected to move to standard professional rate in 4 to 5 years. Above this could be an advanced range with agreed structured professional assessment criteria that people could move into. This is similar to social work and teaching. In teaching, you apply for the advanced rate against agreed national criteria.
* Band 5 and 6 could mirror this model but with a strategic assessment of realistic responsibilities (e.g. Napo believe that 1st line managers having 10 or more staff to manage and support is unsustainable) and comparative salaries for colleagues in partner agencies (e.g. police, prisons, etc.) with similar responsibilities.

All sides understand a buy-out of contractual progression is required and that this could be used to close the gap on competitive pay levels and quickly boost pay at an assimilation point.

NPS have agreed to produce headings to begin 'detailed' discussions about pay comparisons and are looking at teaching, social work and a range of front line public sector professions for these, including the police. Detailed work on the structured professional assessments would continue whilst people transitioned to a new model and a new appraisal scheme was developed to support such a model.

**Next Steps:**

There is also a growing consensus by those of us who have been engaged in the talks, that April 2017 is a critical date. A number of "events" are likely to align around then (e.g. CRC financial reports; a number of inspection reports; publication of the Probation Services Review; a clearer sense of the impact on NPS staffing models from the Prison White Paper, etc.). The scope to find the space or additional monies for significant probation pay reform after this, by negotiation, will be increasingly difficult. Meanwhile, the additional political focus on NOMS and loosening of HM Treasury purse strings to address the current crisis present an opportunity. Therefore, if we are not able to present a proposed model and gain the support of members and HM Treasury before April 2017 we will probably have missed 'our window' and the strategy will need to be reviewed.

On this basis Napo are aiming to have formal proposals ready to go out for consultation in the early weeks of 2017 and are launching our 5 KEY PAY PRINCIPLES CAMPAIGN now, to help encourage discussion amongst members about the direction of travel.

**2016-17:**

The recognised unions are still discussing if we can submit a joint claim for 2016-17. Napo hopes that this will be possible and that we can submit something to employers before the end of December. Normally a claim would have been submitted early in 2016 but because of the Pay Review talks all parties agreed it was better to wait to assess the pace and scope of progress. However, it is now clear that the 2016-17 remit will not carry forward to 2017-18.

Any claim would need to reflect the aims of, and be consistent with, the 5 KEY PAY PRINCIPLES CAMPAIGN as it would be a mistake to submit a claim that undermined in any way these aspirations, especially given progress to date.

On the 13th December, the NNC Employers’ side formally notified us of their intention to pay the contractual incremental progression for those not at their current maxima ASAP. Napo has no principle objection to this, but are making sure that payments are accurate and made to all entitled to receive them – after issues across the NPS for members who retired or left the service mid-year in 2014 and 2015.

The Employers’ side also told us they intend to make a 1% non-consolidated payment to all staffs at their band maxima. This leaves no scope for serious negotiation in 2016-17 and is not formally accepted by Napo but does clear the pathway to conclude reform negotiations early in the new year.

**Leading with our 5 KEY PAY PRINCIPLES Campaign:**

Napo understands that whatever changes we see emerging will need to be carefully and honestly explained to an at best sceptical membership. We’re especially concerned by the split that’s emerging between staff wanting a fair comparative salary and longer serving staff still below their max who are defensive about being caught by newcomers. Given the promises people have previously been mis-sold this scepticism is understandable. Only radical reform that benefits everyone can square this circle. This is part of the reason why we are leading with our 5 KEY PAY PRINCIPLES Campaign.

***A pre-requisite will be an increase for everyone.*** That should be possible in this model especially if pay protection is then applied for staff at their max to give them time to demonstrate the advanced professional assessments as these are developed, in line with the E3 standard of 3 years.

A second key point will be ***more money for those below the current rate*** for the job to address the breakdown of progression. A no ‘leapfrogging rule’ would also have to apply to make sure no-one was overtaken by someone earning less than them currently.

The 5 KEY PAY PRINCIPLES Campaign also set out other requirements for a new pay structure to be fair (e.g. revised fair and competitive starting and maxima pay rates that recognise how pay has been devalued during the pay freeze).

***The other side of the 5 KEY PAY PRINCIPLES Campaign is to build momentum around the critical need for a pay review to be implemented. Good progress has been made in negotiations with the NNC representatives but even if we reach agreement as to what a new system should involve there will still be two big challenges.***

***Firstly, the NPS will need to obtain the monies from the Treasury / MoJ to introduce the reforms. We are hopeful on this point but it may require significant lobbying as it is not automatic.***

***Secondly, CRC’s may resist implementing any significant changes if they are not given the money to do so as part of their contract with NOMS. These contracts are currently being scrutinized via the probation Services Review. It is therefore important that the need for additional resources to CRC’s to meet pay reform is not missed out or lost in this review – so lobbying will be important.***

***It is important to stress to all members that our campaign applies to all parts of probation and to all grades equally.***

Additional campaign support materials are currently in production and will hopefully include:

* A model letter to send to local MP’s, with instructions on how to find the email of your MP.
* Posters and e-campaign materials to support the campaign

**ACTIONS**

* Branches are asked to maximise circulation of information to members about the 5 KEY PAY PRINCIPLES Campaign and to plan for local pay discussions early in the new year. Speakers from Napo HQ will be available to support such meetings. Contact your link Officers and Officials to arrange these.
* Branches are also asked to circulate the campaign publicity and material locally and to generate discussions with members and non-members. We believe that these issues will be critical to all staff and can be used to encourage more people to join Napo.
* Branches are especially asked to encourage members and non-members to contact their MP’s using the model letter to be issued and posted on the Napo website soon.

If you have any questions or concerns please email or call you link Officers and Officials.

**Dean Rogers**

**Assistant General Secretary**

**14th December 2016**