

**Amy Rees,
Director General Probation**

**Sonia Flynn,
Chief Probation Officer**

By E-Mail

24 June 2020

Dear Amy and Sonia,

Re: Special Payments Scheme and Annual Leave Buy Back

We have raised concerns with you and colleagues over the recent months about the special payments scheme. We have now been consulted further with regards to the guidance on the annual leave buy back elements of the scheme. We write to highlight some of the most significant concerns that members have shared with us about both issues. At last week's meeting of our National Executive Committee a motion was passed in relation to the special payments scheme which made clear the anger, upset and division it has caused.

Special Payments Scheme

We welcome the desire to reward the hard work involved in facing the additional challenges that the Covid-19 pandemic has brought. From the start however we have raised concerns about the design of the scheme and some inherent flaws which we detail here.

The special payments scheme introduces a bonus (special circumstances payment) for those working in "offender facing roles" "in recognition of the unprecedented circumstances" and reflecting "that some aspects of the role will be temporarily more challenging".

It is hugely problematic that the NPS has chosen to define "offender facing" as being physically present in the room with a client or undertaking doorstep visits only. Those staff who are working at home but supervising clients, interviewing clients and undertaking assessments, carrying out victim liaison work, or maintaining contact with clients in the absence of an accredited programme by phone or video calls, are all working in a client facing role in very challenging circumstances.

These members of staff are bringing their work and their clients into their home (albeit virtually) and are processing difficult and distressing information about the offences their clients have committed or been victim of. They are often having difficult and challenging

conversations with clients all in their own home, often with other family members including children within sight or sound.

For Probation staff one of the key ways to maintain emotional wellbeing and manage the impact of the work is to build a support network in the workplace and ensure that they keep work at work, leaving their home and family life separate. Bringing work into their home, which is their refuge from the pressure of work, is a special circumstance that is more challenging than usual.

The design of the special payments scheme means that staff who are shielding due to underlying health issues (who are likely to be disabled) or who are caring for someone who is shielding and those who face additional vulnerabilities due to age or those from BAME backgrounds are not entitled to the special circumstances payment despite working in an offender facing role in circumstances more challenging than usual. This is manifestly unfair and is not covered in the equality analysis which was only shared with us today.

Earlier in our discussions on this we asked you to consider defining “offender facing” to include those staff working at home but having a direct interface with clients

The scheme also introduces bonuses for those in bands 1- 6 who commit to working overtime with a distinction made between committing to 4 weeks worth of overtime (£500 bonus paid) and committing to 12 weeks (£1750 paid). In one division we are aware that managers have sought to save money by redefining 12 weeks as 3 x 4 weeks and paying only £1500. This bonus in any case pales into insignificance when compared to the bonus for senior managers which is £1500 per month. While we accept that those senior managers are not eligible for paid overtime, the discrepancy is stark and creates further unnecessary division.

We have only today had sight of the equality analysis completed on the scheme but the analysis is sadly lacking in that document. The fact that the scheme is designed in a way that prevents some staff from accessing the special circumstances payment solely due to their disability, age or BAME background making them more vulnerable to a virus is direct discrimination against staff on those grounds and this should have been highlighted during the development process. The fact that those with caring responsibilities are more likely to be excluded is likely to be indirect discrimination because women are more likely to have caring responsibilities. The fact that Napo’s representations on this, and our proposed solution (defining the term “offender facing” as detailed above) have not been captured anywhere in the analysis is deeply disappointing and evidences that this has not been treated as a live document.

Those staff who are shielding or additionally vulnerable now face the prospect of returning to the workplace on 1 August despite the risk to their health in doing so as the virus has not been eradicated and no vaccine is available. They will not be entitled to the special circumstances payment because that part of the scheme has ended. They will face higher

risks than their colleagues but will have been excluded from any benefits because of their disability, age, caring responsibilities or BAME background.

Annual Leave Buy Back

We discussed today in the weekly meeting the issues that the guidance on this has raised. We are very grateful to our colleagues from Unison in raising the concerns relating to statutory leave entitlement and that this has now been addressed.

We are in agreement that annual leave is important, especially at times of high workloads and work pressure, but we appreciate efforts being made to compensate members for giving up some of their entitlement where this benefits the employer by creating additional resource.

That said, we have concerns relating to the conditions being attached to the buy-back of annual leave. Many members have faced unacceptably high workloads, well in excess of their capacity for some time (some for years). With the current crisis and exceptional delivery models those members are facing unprecedented challenges in maintaining service delivery. At a time when many are stretched beyond their limits, suggesting that any annual leave sold back to the employer will bring an expectation that the staff member will contribute yet more additional work, is unthinkable.

If annual leave is sold back to the employer by members who are working over their capacity or already absorbing additional work, it is our expectation that the additional resource this offers to the employer will be used to spread the burden fairly and not for it to simply land back on the individual.

Morale and Wellbeing

We cannot stress enough the impact that the implementation of this scheme is having on members who report low morale and division between colleagues as a result. Our aim in raising these issues is to avoid a situation where members need to individually and collectively take action, but all of our attempts to find resolution have so far failed.

We remain committed to working with you to resolve the issues on behalf of members, however we are approaching the point where, unless we are able to make progress, we will have no choice but to escalate the matter.

Yours sincerely

Ian Lawrence
General Secretary

Katie Lomas
National Chair