



National Offender Management Service

By e-mail: no hardcopy to follow

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National Offender Management Service

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15th March 2017

Dear Ian, Ben and David

E3 – Approved Premises

Following our meeting on 7 March, I agreed to write confirming our position regarding staff in Approved Premises and various issues relating to the introduction of new rotas and pay protection issues.

We explained that while we were grateful for UNISON's suggestion that we issue a further addendum to existing E3 agreements, we felt this might add to staff confusion by adding yet more documentation to those documents already in existence.

That being taken into account, we agreed to write to you regarding AP issues to enable you to respond to queries from your members easily and promptly. **In respect of implementation of the rota:**

- The E3 Programme Board has signed off a model rota that each Approved Premises should work towards by consultation between management and trade unions.
- The process starts with 121 meetings with all staff affected by the rota change to discuss how they are impacted and to establish any individual circumstances which need to be considered (including staff's contractual position), the output of the output of the 121s would be aggregated and a decision taken on whether and how quickly an AP could move to the new rota. PSOs and POs (PIPE sites) are additional to the core rota which provides double cover provision for both day and night.
- The requirement to have one PSO on duty on both Saturday and Sunday between the hours of 3pm and 10.30pm, with enhancements paid, formed part of the E3 Blueprint and was therefore subject to national consultation. The implementation of this will be subject to local discussion and 121s with affected staff.
- New staff recruited to APs will be employed on terms that align with the model rota but allow for future flexibility in their shift pattern. The model rota will be kept under review. Any changes to the model rota will be communicated to all AP staff.

I attach a table showing how pay protection will/will not apply in various AP specific scenarios at **Annex A**.

In respect of the general issues raised regarding implementation:

As discussed many of the general issues raised regarding implementation are covered within additional documentation already published. Many of the issues raised regarding implementation and individuals based in AP's regarding pay protection is covered in **Annex A** and additional correspondence relating to each issue is contained within the E3 Implementation Agreement August 2016 and supplemented by the E3 People Implementation Approved Premises Additional Internal Guidance January 2017.

The policy and products which underpin E3 implementation are the Resourcing PI and supporting documents e.g. Restructuring Toolkit, available on the Intranet.

As discussed, we are content to provide additional Q&A updates to address re-occurring queries should the resources available require further clarification or signposting.

In respect of Double Waking Night Cover:

We clarified our position regarding the AP competition for DWNC. Additional information is available within the E3 People Implementation approved Premises Additional Internal Guidance January 2017. In response to specific queries raised during our meeting on the 7th March:

- The DWNC function in APs is currently subject to competition and the current timetable has contract award approx. late June, followed by a mobilisation period and provisional transfer date in autumn 2017.
- The AP Competition and the E3 Restructuring are happening in parallel, whilst they are separate processes.
- Activity has been completed to assess whether a member of staff is in-scope for the competition or not.
- Staff assessed as in-scope have received letters to confirm this outcome.
- The in-scope list of staff members is updated monthly by Divisions and reported to the E3 central HR team.
- Once identified as in-scope, staff would not be subject to any further processes of the E3 implementation pending transfer.
- Clarification regarding in-scope staff who subsequently choose to apply for AP Residential Worker vacancies is covered in **Annex A** in relation to pay protection.
- Civil Servants have specific protection under government policy (Cabinet Office Statement of Practice: Staff Transfers, COSOP) which protects existing pension arrangements if staff are subject to a compulsory transfer. This is set out in New Fair Deal arrangements.

Yours sincerely



Jude Gray
HR Deputy Director

Cc Jim Barton
Susanne Moore
Sharon Huckle
Nick Jones
Dean Rogers, Napo

Annex A

AP Specific Scenarios

Pay protection is for those staff who go through the E3 restructuring process.

Staff who are in-scope to transfer but who choose to apply for vacant AP Res Worker roles through the exceptional ring-fenced selection process previously agreed would not be eligible for pay protection (see 4.1 below).

	Scenario	Organisational position on pay protection
1	Employee goes through the E3 restructuring process and this results in being redeployed out of the AP into a community/court role to a role at a lower pay band or one which does not attract allowances previously held	Pay protection applies.
2	Employee goes through the E3 restructuring process and this results in being redeployed to a lower graded post in the AP instead of being surplus.	Pay protection applies.
3	The employee goes through the E3 restructuring process and this results in remaining in their AP/APs by choosing a lower banded post as an alternative to suitable alternative employment	If the individual chooses a lower pay band role, when suitable alternative employment exists, pay protection will not apply.
4.1	Under TUPE, the employee is identified as in-scope to transfer but applies for one of the vacant AP Res Worker roles via the exceptional ring-fenced selection process which has been put in place. They are successful, accept the role and move out of scope of transfer.	Pay protection will not apply
4.2	Under TUPE, the employee is identified as in-scope to transfer and transfers.	Will transfer under TUPE on current terms and conditions.
5	The employee goes through the E3 restructuring process and this results in them moving to the new E3 rota and they suffer a loss of regular income as a result	Pay protection will apply.