

JTU 08-18

21 March 2018

NAPO & UNISON

ADVICE FOR PSO/PO MEMBERS WORKING IN NPS 'RED SITES',

Notification of Formal Grievance

Stage 1 – SOP – GRV1

INTRODUCTION

Napo and UNISON advise Probation Services Officer and Probation Officer members working in NPS 'Red Sites' to lodge grievances in relation to the failure of NPS to honour an agreement to match market forces payments, which have been awarded to new PSO/PO starters, to existing NPS PSOs/POs at the same locations. This has resulted in more long-standing staff being leapfrogged in pay by their more recently arrived colleagues.

N.b. This advice relates only to those members who have been leapfrogged in pay by new starters.

BACKGROUND

The Handbook of the National Negotiating Council (NNC) for the Probation Service, which still forms the bed-rock of NPS terms and conditions, allows the NPS to propose that Market Forces Supplements (MFS) are awarded to posts that are difficult to recruit at particular locations, which NPS calls 'Red Sites'. A Market Forces Supplement is usually a specific cash sum which is added to base salary to encourage applications for jobs at 'Red Sites'. MFS do not have to be agreed with the Trade Unions, but the unions must be consulted and a business case made for each MFS proposed.

Over the last 3 ½ years the NPS has introduced the following MFS:

Area	Post(s)	Date	Level of MFS (£)
Coventry/Solihull/Warks	POs	Nov 2015	£2,000
Thurrock Delivery Unit	Unknown	Nov 2015	Unknown
London	PDOs	Mar 2016	Unknown
Kent LDU	POs	Oct 2016	£3,016
Kent LDU	SPOs	Oct 2016	£2,882
Kent LDU	PSOs	Oct 2016	£1,101
Bucks & Oxon LDU	POs	Oct 2016	£1,771
Bucks & Oxon LDU	PSOs	Oct 2016	£1,101
Berks LDU	POs	Oct 2016	£1,771
Berks LDU	PSOs	Oct 2016	£1,101
HMP North Sea Camp	POs	Oct 2016	£1,771
Hertfordshire LDU	PSOs	June 2017	£1,101
Hampshire LDU	PSOs	June 2017	£1,101

In October 2016, with the rapid expansion of the use of MFS in the South East and HMP North Sea Camp, the NPS quite rightly realised that it would be unfair for existing staff at these Red Sites to have new staff joining the organisation doing the same job as them on higher salaries, as a result of the award of MFS.

NNC Joint Circular 6/2016 was therefore issued on 10 October 2016, which confirmed the following commitment from NPS:

'By introducing a higher starting salary, the new Probation Officers would start above a significant number of current staff with significantly more experienced in the role. Therefore to remedy this situation all POs in post in that location currently paid beneath this pay point will have their salary moved to the new pay point from the implementation date.'

This commitment was reiterated in the advert for PQF Probation Officer Applications issued at the same time. All POs in the above areas were therefore raised (or should have been raised) to at least the same level of salary as the new starter POs who were given the MFS from October 2016 onwards.

It is not clear whether NPS retrospectively applied this policy to any eligible Probation Officers in Coventry/Solihull/Warks who may have been leapfrogged in 2015 by new POs coming in with the new £2,000 MFS. Napo and UNISON have asked the NPS to clarify this, as well as the unknown figures for the Thurrock Delivery Office, the London PDO MFS figure and whether other staff are entitled to the MFS in Hertfordshire and Hampshire LDUs.

THE CURRENT PROBLEM

NPS is currently recruiting over 800 Probation Services Officers (PSOs) and 600 Trainee Probation Officers (PQiPs) as well as Senior Probation Officers across England and Wales.

In Kent LDU, Bucks & Oxford LDU, Berkshire LDU and at HMP North Sea Camp, the NPS is offering all the above new starters the MFS payments set out above.

It is not clear whether the NPS is still offering MFS for new PQiPs, SPOs, or PSOs in Coventry/Solihull/Warks.

However, what is clear is that the NPS will no longer pay the MFS payments to existing staff, at any location. These staff will therefore end up being leapfrogged in pay by their new entrant colleagues who will get the MFS. The NPS confirmed this at the end of November 2017 as follows:

'To attract the right calibre of people to work ... we have started to offer higher starting pay in the form of a market forces supplement (MFS) to new entrants. This will mean that for some existing members of staff, new entrants with less service and potential experience will be earning more. We would ordinarily seek to address this by uplifting the pay of existing staff at the same time, however due to compliance reasons we have not been able to progress this as we would have wished, and we envisage addressing this as part of a wider set of pay reforms that currently form part of a business recently submitted to HMT for approval. We hope to implement these changes in 2018/19.'

The reference to 'compliance' here relates to the fact that the NPS overspent its salary budget in the last financial year, as a result of paying MFS to new starters, and therefore does not have Treasury approval to give MFS payments to existing staff, who will therefore end up being leapfrogged. This overspend is also one of the reasons for 2017 NPS pay award coming in well under 1% of pay bill, and why staff at the top of their pay bands did not get the usual non-consolidated payment in lieu of an increment.

As far as Napo and UNISON are concerned, NNC Joint Circular 6/2016 sets out a clear commitment from NPS to pay existing staff, who might be leapfrogged by new starters who get the MFS, a payment to ensure that such leapfrogging does not take place. NPS is now in breach of this agreement.

ADVICE TO MEMBERS IN RED SITES

Napo and UNISON therefore advise members, who fit the following criteria, to submit a grievance to their line manager seeking a salary adjustment to ensure that they are not leapfrogged by a new starter in their role who is getting the MFS. Members must fulfil the following criteria:

- Work in one of the Red Sites listed above
- Work in one of the roles which the NPS has agreed to pay MFS to new starters in the Red Sites
- Be on a pay point in their pay band where they will be leapfrogged by a new starter who gets the MFS (See table below)

The following table shows the normal starting salaries for PSOs, POs and SPOs with the MFS payments being made to new starters and the total salary for new starters with the award of MFS.

The final column shows how many years it will take an existing member of staff, at the bottom of their pay band, who does not have MFS, to catch up with the total salary of new colleagues who do have MFS. Napo and UNISON have assumed an incremental progression rate of one increment per year, which is the current government's policy for probation staff.

Role	Starting Salary	MFS	TOTAL	Catch Up Time
PSOs	£22,039	£1,101	£23,140	5
POs	£29,038	£3,016	£32,054	10
SPOs	£35,024	£2,882	£37,906	8

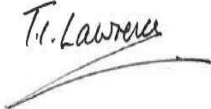
HOW TO SUBMIT YOUR GRIEVANCE

In order to lodge your grievance, obtain Stage 1 – SOP – GRV1 form from the NPS intranet, fill in your personal details at Section A and put the following text in the 'Details of Grievance' box:

I am aggrieved that I have been leapfrogged in salary by a new member of staff doing the same role as me at the same Red Site location (Insert Your Work Location here). This is a breach of NNC Joint Circular 6/2016 which sets out clearly an agreement that NPS will match existing staff salaries to those of new starters at Red Sites who are offered Market Forces Supplements to ensure that such salary leapfrogging will not occur.

In the 'Requested Outcome' box insert the following:

I request that I am awarded the relevant Market Forces Supplement for my work location to ensure that I am not unfairly leapfrogged in pay by a new member of staff doing the same job as me at the same location.



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General Secretary
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Ben Priestley
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