

## The Pay Offer

Ian Lawrence, NAPO General Secretary  
Ben Priestley, UNISON National Officer  
George Georgiou, GMB Scoop National Officer

Ian Barrow Executive Director  
Probation Workforce  
Programme  
HM Prison and Probation Service

22 July 2021

*Letter sent by e mail – no hard copy to follow*

Dear Ian, Ben and George

### **TRADE UNION PAY CLAIM 2021/22 – FORMAL RESPONSE**

Having received your pay claim for 2021/22 and subsequently meeting with you on 10<sup>th</sup> and 25<sup>th</sup> June, I am writing to formally respond and present our position.

As we have discussed, there is currently a temporary pause on pay rises for most public sector workforces in 2021/22, including the Civil Service. This restriction comes at a challenging time for Probation Service and other public sector workers, for whom a pay award will be equally restrictive. It is with that in mind that I am compelled to respond.

Your pay claim included proposals for a multi-year pay deal with above inflation pay rises and structural pay reform. Whilst we acknowledge that the pay structures require reform and remain committed to doing this, we outlined to you the challenges of presenting a pay flexibility case this year: Not only would this process be protracted and delay even a basic award for staff, a pay flexibility case for structural reform would be unlikely to be well received presently and risks hindering future chances of introducing reform, which we are currently working towards in collaboration with you.

In light of this, we consider that the best way to get a fair outcome for staff is to agree a pay pause compliant pay award this year. This includes honouring contractual pay progression for eligible staff, and in addition awarding a consolidated and pensionable £250 increase to those staff earning a full-time equivalent salary of less than £24k per annum, by increasing the relevant spine points below this £24k threshold.

We will continue focusing our collective efforts on putting together a robust and transformative business case for a multi-year pay deal including reform to pay from 2022 onwards.

We are still obliged to follow the remit process and engage HM Treasury (HMT) and Cabinet Office (CO) before we move to implement this proposed award, but we are hopeful that this approach will be welcomed by the centre and allow us to pay this award as soon as possible and stand us in the best position possible to proceed with vital reforms next year.

### **Detailed response to your proposals:**

#### **1. A three-year award to cover the 2021, 2022 and 2023 pay years**

HMT and CO approvals only permit us to make proposals for the remit year of 2021 – 2022: Pay flexibility cases, either for the 21/22 year or over a multi-year period, will only be considered where there are exceptional reasons and associated cashable savings. Any pay flexibility case would need to pay for itself. We are not able to present such a case to HMT and CO this year, which will take time to build, would be difficult to justify at present and risks our ability to undertake comprehensive, long term reform to pay.

We remain committed to and will continue to engage with you on building a case for reform to present to HMT and CO as part of a multi-year pay deal from 2022 onwards.

#### **2. An increase in the value of all pay points above the Retail Prices Index (RPI) of inflation on 1 April 2021, 1 April 2022 and 1 April 2023**

The HMT and CO remit guidance places a temporary pause on pay rises. However, to protect the lower paid staff those on full-time equivalent base pay of under £24k per annum, excluding overtime and allowances, will receive a consolidated and pensionable increase of £250. For those who will be receiving an increase to the new National Living Wage rate of £8.91 an hour, they will receive the National Living Wage increase or £250, whichever is greater.

Pay progression where it is still in place will continue and we acknowledge the contractual entitlement that exists for eligible Probation Service staff to receive pay progression in this remit year. We welcome the significant progress that has been made in collaboration with you to introduce a Competency Based pay progression Framework for use without reference to pay for 12 months for existing and unifying staff, and your continued engagement to ensure that robust communication and engagement continues to place us in the best position to ensure it is effectively implemented.

It is important to note however, that pay remit guidance is clear that pay progression forms part of any departmental pay award, and therefore must be considered within the remit envelope and, where necessary, permissions sought. We are therefore unable to pay progress eligible staff until the totality of the pay award is agreed. We recognise that it is frustrating for staff and that pay resulting from progression has been delayed in past years and has not been paid promptly this year. We consider that the quickest way to get this paid is to agree a pay pause compliant (or near compliant) award as soon as possible.

We recognise that staff will be entitled to progression payments where eligible from 1 April 2021 when the pay award is processed.

We would note that although real term increases to pay scales have been modest in recent years, the fact that contractual pay progression has been in place means that many staff have still seen an increase in their base pay, often significantly more than

other civil servants due to the considerable structural reforms to the spine points as part of the 2018/2019 modernisation reforms with the associated 3% underpin in both years.

### **3. An increase in the value of all NPS allowances above the Retail Prices Index (RPI) of inflation on 1 April 2021, 1 April 2022 and 1 April 2023 payal year**

There is no provision for increases to Probation Service allowances as part of the 2021 – 2022 remit year, in line with the pay pause across Public Sector organisations. A review of Probation Service allowances will form part of the pay reform work and subsequent business case, currently under development and in discussion with you, for submission later in the year.

### **4. & 5. Shorter Pay Bands to allow staff to reach the top of the Pay Band in a shorter time and the Removal of Pay Band Overlaps**

Following the 2018/2019 Modernisation Agreement the average number of pay points within each band, decreased from an average of 23 to 6 over 2 years. This meant that employees received a larger increase each time they progressed and that it now takes less time to reach the top of a pay band. Furthermore, when promoted (on a temporary or permanent basis) staff now receive a 5% increase and will then be placed on the next pay point in the new Band.

As part of the 20/21 pay award, we undertook further steps to remove pay band overlaps by removing the minima of all pay points and removing the second pay point of bands A & B. In addition, pay band 1 moved to a spot rate and was increased beyond the forecast National Living Wage estimates for 2022.

We remain committed to eliminating remaining overlaps between pay bands and our shared ambition to carry out further structural changes to pay has informed talks with you since the beginning of the year.

### **Conclusion**

As a public sector organisation, the Probation Service is dependent on the approval of HMT and CO for setting its pay and as a Civil Service organisation it must follow the Pay Remit process. The remit guidance for 21/22 placed a temporary pause on increases to pay for most public sector workforces in 2021/22.

You will also be aware that pay awards were announced yesterday (21st July) by other vital public sector workforces who have accepted their pay review body recommendations with pay pause compliant awards for their workforces, including comparable workforces such as the Police, Teachers and the National Crime Agency. NHS staff were the only exception as indicated by the Chancellor in November 2020 given the unique impact of Covid-19 on the health service. Like most public sector organisations, the Probation Service is operating within a single year financial envelope for 2021/22 because of the economic uncertainties of the wider impact of Covid-19. We consider that this means a multi-year award is best presented from 2022/23 onwards and that the pay award this year should be pay pause compliant as detailed above.

The Probation Service recognises that further aspirational pay reform needs to occur and talks with you on this basis commenced in January 2021. Though there can be no substantive reform this year, we are optimistic about, and committed to, further reforms in the next and subsequent pay years. We still believe that we can present a transformational case for pay reform to CO and HMT and secure the necessary

agreement needed to carry out these aspirational reforms as part of a multi-year pay deal.

Whilst this outcome may not be a desirable one for you and your members, we will continue to work with you, as we have always done, to ensure that the message around this year's pay award is clear and demonstrates our commitment to future reform. We continue to respect and acknowledge the vital role you play in the running and improvement of the service and trust that this collaborative effort will continue.

Yours Sincerely

Ian Barrow

Executive Director Probation Workforce Programme

CC Amy Rees, Sonia Flynn, Jim Barton, Francis Stuart, Mark Adam, Dave Mann, Lynne Last, Mary Strong, Chris Macera