

Staff Transfer and Protections Agreement: CRC to NPS Transfer Terms

1. Introduction

- 1.1. This agreement sets out the terms and conditions for CRC staff who are in scope of the transfer of CRC services into HMPPS (NPS).
- 1.2. CRC staff who transfer via a Staff Transfer Scheme into HMPPS (NPS) will be harmonised onto NPS terms and conditions from the date of transfer and will no longer be entitled to their ex-CRC pay and conditions.
- 1.3. Upon transfer employees will align to NPS job titles, job descriptions and will transition to the NPS operating model.
- 1.4. Staff transferring into HMPPS (NPS) will move onto NPS job titles and job descriptions and the NPS pay bands to which these job descriptions have been assigned. The job descriptions are based on the current NPS operating model pre Unified Model.
- 1.5. Staff who do not readily map/match into NPS job titles and job descriptions will be offered the opportunity to redeploy into suitable NPS roles with the provision of appropriate training and development before considering redeployment into the wider HMPPS, MoJ or Civil Service.
- 1.6. HMPPS (NPS) will review the NPS operating model, including roles and job descriptions within three years of the date of transfer. HMPPS (NPS) will consult with the recognised Trade Unions regarding the review.

2. Synopsis

The key elements of the NPS pay and conditions package set out in this document are as follows:

- Continuous service
- Pay
- Allowances
- Pay Protection
- Pensions
- Hours of Work
- Annual Leave
- Sick Pay
- Mobility
- Travel & Subsistence
- Redundancy
- Additional Policy Alignment
- Annexes
 - Annex 1 Pay Scales
 - Annex 2 Change in working hours assimilation
 - Annex 3 Pay Protection

- Annex 4 NPS Allowances
- Annex 5 Key Policy Changes, Summary and Transitional Arrangements

3. Continuity of Service

- 3.1. Continuous service with a CRC, including continuous service with a former Probation Trust and predecessor/s will count as a period of continuous service with the NPS post transfer and the change of employer does not break continuity of employment.
- 3.2. For former Probation Trust employees who were employed on 31st May 2014 and transferred under the 2014 Staff Transfer Scheme, continuous previous service with employer(s) covered at the time by the Redundancy Payments Modifications Order will also count towards the calculation of redundancy benefits.
- 3.3. Former CRC staff transferred to the NPS under this agreement will benefit from access to the Civil Service Compensation Scheme (CSCS), Civil Service Medical Inefficiency payments and the Civil Service Injury Benefit Scheme, subject to the scheme regulations in force at the time of the claim. Entitlement is based on civil service qualifying service from the date of the transfer. This provision is separate to the 2-year Voluntary Redundancy / Voluntary Severance Scheme that supports this agreement.

4. Pay

- 4.1. Under the terms of this agreement CRC staff will transfer onto NPS Modernised pay scales. (Please see **Annex 1** for NPS pay scales).
- 4.2. Former CRC staff, subject to this transfer agreement only, will be entitled to any outstanding pay award, including any pay progression, due in their CRC in respect of the 2021 pay year, if it has not been paid at the date of transfer. Following the date of transfer staff will be entitled to the future NPS pay awards and progression from April 2022 and any increase in NPS pay points due in the 2021 pay year.
- 4.3. CRC staff will have their basic annual CRC salary immediately prior to transfer assimilated to the equivalent, or the next highest, NPS pay point¹ in the NPS pay band they are placed. Staff with a basic annual CRC salary above the top of the NPS pay band into which they are placed will receive pay protection for three years from the date of transfer (see detail below on Pay Protection).
- 4.4. The basic annual CRC salary which will be used for assimilation purposes will relate to basic pay only and will exclude:
 - any local pay allowances
 - salary sacrifice reduction
 - geographical or market supplements etc
 - honoraria

¹ Pay points refer to the fixed incremental steps that comprise the NPS pay structures. These are detailed in Annex 1

- 4.5. Where CRC staff have contractual weekly hours which differ from the 37 hours/week which applies in NPS their basic annual CRC salary immediately prior to transfer will be adjusted as necessary to reflect a 37 hour week before assimilation to the equivalent, or next highest, NPS pay point (please see **Annex 2** for details of how this adjustment process works).
- 4.6. CRC staff will become subject to the NPS pay progression arrangements which apply at the time of transfer
- 4.7. Those former CRC staff that transfer in will be eligible for pay progression on the effective date of the next annual NPS pay award regardless of the month in which they transfer to the NPS.
- 4.8. The NPS proposes to introduce a Competency Based Framework for pay progression (CBF). This will require a process of collating evidence of competence throughout the year leading to a decision on pay progression. It has been agreed for existing NPS staff that pay progression will not be based on the CBF unless and until the individual has been able to work with the CBF scheme in place for at least 12 months and that until this requirement has been met progression will happen without reference to the CBF. This will apply to staff transferring into NPS so that pay progression will happen without reference to the CBF until the transferees have been able to work with the scheme for at least 12 months.
- 4.9. For further information on the Competency Based Framework (CBF) please see **Annex 5** below.
- 4.10. Upon transfer staff will surrender their future right to previous CRC contractual pay progression.
- 4.11. Pay will be assimilated from the date of transfer.
- 4.12. On transfer the effective date of the NPS annual pay award including pay progression will be 1 April each year regardless of any settlement date agreed with the previous employer. (please see para 4.7 re payment of pay awards).
- 4.13. Staff who are promoted into a higher band post-transfer will do so in accordance with the new promotion policy introduced as part of pay modernisation (see **Annex 3**)

5. Allowances and Employer Benefits

- 5.1. On transfer ex-CRC staff will be eligible for appropriate NPS allowances (please see **Annex 4**).
- 5.2. There will be no ongoing entitlement to CRC allowances, unless the NPS pays the same allowance and the employee meets the NPS eligibility criteria for the allowance.
- 5.3. There will be no ongoing entitlement to CRC benefits unless these are available to existing NPS staff. For example, HMPPS will NOT continue to provide the following (this list is not exhaustive):
 - Housing (employer-provided or employer-paid) furnished or not, with or without free utilities (unless a formal relocation commitment was made by the former employer);
 - Group or individual insurance (health, dental, life etc.);

- Private medical care;
- Disability income protection;
- Lease cars;
- Day care;
- Tuition reimbursement;
- Profit sharing;
- Employer student loan contributions;
- Conveyancing.
- Reimbursement for car parking charges at normal place of work.

6. Pay Protection

- 6.1. CRC staff who transfer in on a basic annual CRC salary (base pay)^[1] that is in excess of the maximum rate for the NPS pay band on which they are placed will have their CRC salary protected on erodible mark time^[2] for three years from the date of transfer or until the NPS pay band maximum, for the NPS pay band on which they are placed, reaches or exceeds their basic annual CRC salary, whichever comes soonest (further information on application of erodible Mark Time including a worked example can be found in **Annex 2**).
- 6.2. The NPS will look to support all staff in scope for pay protection as a result of assimilation to a lower graded post to maximise their opportunities to progress to a substantive role at their protected pay band as soon as possible within that three-year period (further information can be found in **Annex 3**)
- 6.3. CRC staff who suffer any other financial pay related detriment for example, but not limited to, the loss of an allowance that is not recognised or payable by NPS, as a result of the transfer will receive pay protection to the value of the reduction in total pay which is as a result of losing that allowance (please see **Annex 2** for further information). Pay protection will be on an erodible mark time basis for a period of three years following the transfer. If after three years the mark-time payment has not been fully eroded it will be removed.
- 6.4. Pay protection will apply to the following allowances: market forces payment, geographical supplements, London Allowance, Prison Supplement, regular non-contractual overtime, contractual overtime, unsocial hours, standby and sleeping-in allowance and all other contractual payments if these are payable on a regular basis, with the exception of those listed at 5.3 above.
- 6.5. Pay protection for allowances will be calculated over the previous 12 month period and will be protected for a period of three years. (Please see the Pay Protection for CRC Allowances in **Annex 2** below).
- 6.6. Where the CRC employee was new to their most recent CRC post, which attracts pay protection in respect of the allowances set out at 6.4, and has not accrued twelve months service, pay protection will be calculated by reference to either a period of at least three months service in post, or if service is less than three months,

^[1] Basic Annual salary is defined as the amount paid to an employee before any extras are added or taken off, such as reductions because of salary sacrifice schemes or an increase due to allowances, overtime or bonus.

^[2] Erodible Mark Time is explained in Annex 2

the average earnings of the previous employee in the post over the last 12 month period that they were in post.

6.7 Pay protection will not apply for any non-pay related financial detriment for example reduced travel and subsistence rates. There is a separate buy-out for ex-CRC mileage allowances which exceed the NPS mileage rates – see 6.8 following for details.

6.8 Buy Out – Mileage Allowances

There are 3 elements whereby a one-off offer of compensation in full and final settlement will be paid:

- A. Employees currently eligible to claim mileage at the casual user rate of 65p per mile – a one off compensation payment of £410
Criteria based on minimum 350 miles claimed in past 12 months (65p)
- B. Employees currently eligible to claim mileage at a casual user rate of 52p per mile up to and including 64p per mile – a one off compensation payment of £150
Criteria based on minimum 350 miles claimed in past 12 months (65p)
- C. Employees in posts currently designated as attracting essential car user status (no fixed end date) – a one off compensation payment of £1,000

Appeal Process

Grounds for Appeal

The following are the only grounds for appeal against a decision to not award a mileage allowance buy-out:

- The wrong CRC mileage allowance was used in the calculation of the buy-out
- The employee was unable to achieve the 350 miles claimed in the last 12 months threshold on account of covid19 work/travel restrictions and / or long-term absence from the workplace
- The employee can evidence that he/she was contractually entitled to an essential car user allowance if this is disputed

Appeals can be submitted on an appeals form and should be signed and endorsed by the Head of LDU before submission along with appropriate supporting evidence (Supporting evidence can include claim history, example claims highlighting the rate, travel plan, work schedule showing journeys with line manager endorsement, P11D benefits in kind return, expenses report, CRC pay slips, contract of employment, formal statement by line manager endorsed by Head of LDU).

Appeals will be heard by a Panel which will consist of Senior National Probation Service Representative and an HR Business Partner.

The appeals process will represent the final opportunity for staff to claim for the compensation payments based on the decision of the panel and should an appeal be rejected by the panel then there is no other course of action.

7. Pensions

- 7.1. CRC staff who were participating in, or eligible to be in, the Local Government Pension Scheme (LGPS) or the Civil Service Pension Scheme (“**CSPS**”) immediately prior to transfer, will be automatically enrolled into LGPS/CSPS following transfer.
- 7.2. CRC staff who were participating in other pension arrangements, whether an occupational pension scheme or contractual arrangements, should note that these will cease and will no longer apply once they transfer into NPS/HMPPS. Unless there are exceptional circumstances these staff will be automatically be enrolled into the Local Government Pension Scheme (LGPS) upon transfer, see **Annex 5**.
- 7.3. **Annex 5** outlines pensions provisions upon transfer from CRC to NPS in more detail.

8. Hours of Work

- 8.1. CRC staff will transfer onto the standard NPS 37-hour working week.
- 8.2. Moving to the standard NPS 37-hour week will not impact the contractual working hours for part time/job share staff, which will remain the same as their CRC contractual working hours. However, the hourly rate may be adjusted to reflect any alternative full time standard working week prior to transfer (please see **Annex 2** for worked examples of pay assimilation for part time staff).
- 8.3. Staff who were previously contracted at a full time equivalent of less than a 37 hours week will move to a 37-hour week equivalent (the NPS standard working week). Salaries for these staff will be up-rated to reflect these additional working hours.
- 8.4. Former CRC staff who were working a longer contractual full time equivalent week than the standard NPS 37-hour week will no longer be required to work more than a 37-hour working week. Salaries for these staff will be reduced to reflect the reduced working hours but will also qualify for pay protection against the difference - see 9.5 below. It is not a requirement that you maintain the longer working week to receive any pay protection (Further details are provided in **Annex 2**).
- 8.5. On transfer NPS base pay will be calculated on the basis of a 37-hour working week but we will protect for three years from the date of transfer, on an erodible mark time basis, the difference between your old base pay and your new NPS base pay, if your NPS base pay is lower.
- 8.6. Where NPS propose to alter individual working patterns post transfer this will be discussed and agreed locally by the employee/line manager

9. Annual Leave

9.1. The NPS leave year will run from 1 March to end of February.

9.2. Annual leave entitlement will take into consideration continuous service (further detail on annual leave entitlement by years of service can be found at **Annex 5**).

| Staff Group | Entitlement | Total Leave Package |
|--|--|---|
| Employees whose continuous service started with their CRC on, or after, 1 September 2017 | 25 days rising to 30 days over 5 years, plus 1 privilege day (Queen's Birthday)* (pro rata for part time staff) | 26 days rising to 31 days over 5 years. |
| Employees (in post as at 31 August 2017) | 25 days rising to 30 days over 5 years (pro-rata for part time staff) 1 privilege day (Queen's Birthday) 1 service day on appointment 1 additional service day after 7 years' service | 27 days rising to 32 days over 5 years and rising to 33 days after 7 years. |

*staff must be in post on or before the Queen's birthday to qualify for the privilege day in that leave year.

9.3. Annual leave which has been authorised by the CRC prior to the transfer will be honoured by the NPS, including entitlement to any days which exceed the NPS leave entitlements

10. Sick Pay

Sick pay entitlements are detailed below. Further details are included in **Annex 5**.

| |
|--|
| During 1st year of service 1 month's full pay (after completing 4 months' service: 2 months' half pay) During 2nd year of service 2 months' full pay and 2 months' half pay During 3rd year of service 4 months' full pay and 4 months' half pay During 4th and 5th year of service 5 months' full pay and 5 months' half pay After 5 years' service 6 months' full pay and 6 months' half pay |
| The rate of allowance and the period for which it shall be paid in respect of any period of absence due to illness shall be ascertained by deducting from the period of benefit appropriate to her or his service on the first day of her or his absence the aggregate of the periods of absence due to illness during the 12 months immediately preceding the first day of absence. In aggregating the periods of absence, no account shall be taken of any unpaid absence on sick leave. |

11. Mobility

Civil Service Mobility

All grades and all working patterns can be compulsory permanently transferred to any civil service post within the UK and abroad - if deemed reasonable taking into account individual circumstances. Staff displaced will normally be redeployed to suitable alternative employment within 60 minutes travelling distance of their home taking into account of individual circumstances and responsibilities. This is consistent with the policy for matching surplus staff to vacancies. Redeployment over 60 minutes travelling distance from home will only be considered where reasonable and represents value for money (See **Annex 5** for further detail).

Volunteers to fill vacancies in a temporary capacity may be sought using the Detached Duty and First Deployment Schemes (See **Annex 5**). The Detached Duty scheme will be available to volunteers in the first instance however HMPPS reserve the right, in exceptional circumstances, to instruct staff to take up a detached duty posting when there are overriding business needs and all alternative avenues have been exhausted.

12. Travel & Subsistence

Policies in relation to Travel & Subsistence can be found in **Annex 5**. Key entitlements include;

- Overnight subsistence £25 – flat rate
- Day subsistence -
 - over 5 hours £4.25 – flat rate
 - over 10 hours - £9.30 – flat rate
 - over 12 hours - £13.55 – flat rate
- Mileage rate up - to 10,000 miles
 - 26p public transport rate
 - 45p standard rate
- Over 10,000 miles – 25p public transport rate

Public Transport rate is normally payable to employees, who choose to use their own private car or motor cycle when standard rate is not justified.

For example:

- if using the car for official business, but HMPPS does not recognise the journey as appropriate for travel by private car because it could have been undertaken more effectively by public transport, taxi or pool/hire car.
- if the journey could be made as a passenger in the vehicle of another officer covering substantially the same route.

13. Redundancy

A voluntary redundancy/voluntary severance scheme will operate for 2 years from the date of the transfer to support the transition to the new model. The details of the scheme can be found in the separate supporting document. Key elements:

- Redundancy compensation will be paid, subject to a maximum of 67.5 weeks' pay and reckonable service of 15 complete years, as follows:
 - Four and a half weeks' pay for each year of completed service
 - Any statutory redundancy payment is included in the compensation payable.
- Payments will be based on the employee's actual weekly pay and not the statutory maximum

14. Additional Policy Alignment

The information below reflects policy changes which have taken place in the NPS since 1 June 2014 and further harmonisation in June 2017, which will apply on transfer. **Annex 5** outlines key policy elements and transitional arrangements to support alignment. A complete suite of policies is available.

Civil Service Specific Entitlement

- Civil Service Injury Benefit Scheme
- Civil Service Compensation Scheme (CSCS) currently in force.

NB; Entitlement calculations based on civil service employment only from the date of transfer into NPS.

Summary of Policies Harmonised 2014 - 2017

- Performance Management (including appraisal form)
- Attendance Management
- Grievance
- Conduct and Discipline
- Performance Recognition
- Equality of Treatment
- Reporting Wrongdoing
- Outside Activities
- Alcohol Policy
- Work Life Balance Flexible Working
- Attendance Management (revised)
- Expenses (Travel, Subsistence and Permanent Transfer)
- Family Leave
 - Maternity Leave / Adoption Leave / Shared Parental Leave / Parental Leave / Paternity/Maternity Support Leave
- Annual Leave
- Special Leave
- Career Break

- Volunteer Reservists
- Poor Performance (Capability)
- Employee Induction - Probationary Periods
- Performance Recognition - Long Service Award
- Conduct & Discipline - Professional Standards Statement
- Flexible Working Hours

Annex 1 - NPS pay scales (2019/20)

| | 1 (Min.) | 2 | 3 | 4 | 5 | 6 (Max.) |
|---------------|----------|---------|---------|---------|---------|----------|
| Band 1 | £16,958 | £17,764 | | | | |
| Band 2 | £17,932 | £18,463 | £18,833 | £19,977 | £20,772 | £22,257 |
| Band 3 | £22,261 | £22,924 | £23,841 | £24,801 | £26,313 | £28,200 |
| Band 4 | £29,038 | £30,208 | £31,421 | £32,688 | £34,342 | £37,174 |
| Band 5 | £36,084 | £37,166 | £38,277 | £39,427 | £41,020 | |
| Band 6 | £39,427 | £41,020 | £42,643 | £44,371 | £46,183 | £49,016 |
| Band A | £42,859 | £44,609 | £46,427 | £48,320 | £50,278 | £54,442 |
| Band B | £49,787 | £52,319 | £54,982 | £57,798 | £60,746 | £65,123 |
| Band C | £56,657 | £59,553 | £62,589 | £65,774 | £69,135 | £74,112 |
| Band D | £67,091 | £71,228 | £77,900 | £81,059 | £84,356 | £90,434 |

Annex 2 – Change in working hours assimilation

Alignment to 37 hours working week –

Current salary / current hours x 37

Worked Examples:

- a. If your contracted working hours in your CRC are 37 hours each week (pro-rata for part-time staff), then your existing annual basic CRC salary figure will be used for your assimilation onto the NPS pay bands.**
- b. If your contracted weekly working hours in your CRC are more than the standard NPS 37 hour working week (pro-rata for part time staff).**

If your contracted full time hours in your CRC are more than the standard 37 hour working week in the NPS, your basic annual CRC salary will be reduced for assimilation purposes to take account of the fact that your CRC hourly rate is less than the equivalent hourly rate for the same basic salary in the NPS.

Example:

- Current CRC basic salary £25,000
- Divided by your current 40 hour/week = £625
- Multiplied by NPS 37 hour/week = £23,125
- Your basic annual salary for assimilation is £23,125

To assimilate £23,125 into the NPS pay scales where there is no exact equivalent, assuming this is a NPS Band 3 equivalent role, they will be uplifted to the next highest NPS pay point at £23,841

The shortfall between £25,000 and £23,841 is £1,159 which will be protected for a period of three years from the date of transfer or until your NPS salary overtakes £25,000, whichever is the sooner. See section above for Pay Protection arrangements.

- c. If your contracted weekly working hours in your CRC are less than the NPS 37 hour working week (pro-rata for part time staff).**

If your contracted full-time hours in your CRC are less than the standard 37 hour working week in the NPS, your basic annual salary will be increased for assimilation purposes to take account of the fact that your CRC hourly rate is higher than the equivalent hourly rate for the same basic salary in the NPS

Example

- Current CRC basic salary £25,000
- Divided by your current 35 hour /week = £714
- Multiplied by NPS 37 hour/week = £26,429
- Your basic annual salary for assimilation is £26,429

To assimilate £26,429 into the NPS pay scales where there is no exact equivalent, assuming this is a NPS Band 3 equivalent role, they will be uplifted to the next highest point at £28,200

Pay Assimilation for Part Time Staff

Upon assimilation to NPS you will first be placed on the equivalent, or nearest higher, NPS pay point^[1] in the NPS pay band that you are placed in, based on your full time equivalent (FTE) annual salary (see paragraph 4.2).

If you work part time the pay calculation is based on the full time annual salary divided by the NPS standard full-time hours and multiplied by the agreed number of part time hours to be worked each week.

New part time salaries will then be calculated as follows:

$$\text{NPS FTE Annual salary} \div 37 \text{ hours} \times \text{part time hours} = \text{part time salary}$$

- a. If your CRC standard working week was 37 hours, and your NPS FTE annual salary is within the pay range that you map to, then your existing part time salary will either remain unchanged or will increase as a result of a higher FTE salary.
- b. If your CRC standard working week was 37 hours, and your NPS FTE annual salary is higher than the maximum pay point of the NPS pay band that you are placed in, then your existing part time salary will reduce as a result of a lower FTE salary. You will receive three years pay protection of any deficit.
- c. If your CRC standard working week was more, or less than 37 hours, your new part time salary may also change as a result of your NPS FTE annual salary being adjusted to reflect a 37 hour week (as per Annex 2). You will receive three years pay protection of any resulting reduction in your part-time salary.

^[1] Pay points refer to the fixed incremental steps that comprise the NPS pay structures. These are detailed in Annex 1

Worked examples for a, b and c above are given below. The examples given are for a CRC employee who is placed in NPS pay band 3.

| | | Current Annual Salary | CRC Standard Working Week | Part Time Hours | Part Time Salary before transfer | NPS FTE Annual Salary | NPS Standard Working Week | Part Time Hours | New Part Time Salary | Pay Protection | Total NPS Salary and Pay Protection |
|----------|--------------|---------------------------------------|---------------------------|-----------------|----------------------------------|--|---------------------------|-----------------|----------------------|--|-------------------------------------|
| a | 37 hours | £25,000 (within NPS Band 3 pay range) | 37 | 20 | £13,514 | £26,313 (nearest higher NPS Band 3 pay point) | 37 | 20 | £14,223 | Not applicable | £14,223 |
| b | 37 hours | £30,000 (above NPS Band 3 pay range) | 37 | 20 | £16,216 | £28,200 (NPS Band 3 maximum) | 37 | 20 | £15,243 | £973 | £16,216 |
| c | More than 37 | £25,000 | 39 | 20 | £12,821 | £23,841 (nearest higher NPS Band 3 pay point based on 37 hour week) ² | 37 | 20 | £12,887 | Not needed as pay is higher for working less hours so nothing to protect | £12,887 |
| c | Less than 37 | £25,000 | 35 | 20 | £14,286 | £28,200 (nearest higher NPS Band 4 pay point based on 37 hour week) ³ | 37 | 20 | £15,243 | Not needed | £15,243 |

² Existing salary / 39 current annual FTE hours x 37 NPS annual FTE hours and uplift to nearest NPS Band 3 pay point

³ Existing salary / 35 current annual FTE hours x 37 NPS annual FTE hours and uplift to nearest NPS Band 3 pay point

Annex 3 Pay Protection

Erodible Mark Time

Pay protection will be operated on an **erodible mark time basis** regardless of how the pay protection is acquired.

a. Protection for CRC Basic Pay

CRC staff who transfer in on a basic annual CRC salary that is in excess of the maximum rate for the NPS pay band on which they are placed will also have that salary protected on an erodible mark time basis for a period of three years from the date of transfer or until the maximum pay point of the NPS pay band into which they are placed reaches or exceeds that figure, whichever comes soonest.

This means that in the example of a Band 3 NPS staff member transferring in from the CRC with a £25k salary NPS salary will be correctly recorded as £23,841 and we will add a 'Mark Time Allowance' of £1,159 to preserve or protect the total annual income at £25,000.

| | | | | | | |
|--|------------------------------|---------|---------|--|---------------------|---------------------------|
| | CRC Salary on Transfer | £25,000 | NPS Pay | £23,841 (nearest higher NPS Band 3 pay point based on 37 hour week) ⁴ | £1,159 Mark Time | Erodes over 3 years |
|--|------------------------------|---------|---------|--|---------------------|---------------------------|

Continuing with the same example above, at the date of the next annual NPS pay award the next spine point for progression purposes is currently £24,801 and this will then become the revised NPS base pay and the Mark Time Allowance will drop to £199 (to maintain protection at £25,000). In the following year if they qualify for progression the NPS Band 3 pay point increases again to £26,313 and this takes their NPS salary above the original pay protection rate removes the need for any mark time allowance to 'top them up'.

As your entitlement to the NPS salary element increases (e.g. through progression, revaluation or promotion) your Mark Time Allowance will reduce by the same amount (i.e. it erodes away) until either the Mark Time Allowance has been entirely eaten away or the three year time limit for pay protection ends, whichever comes first.

To be clear. Pay Protection is time limited and if it is not fully eroded (i.e. you are still in receipt of a Mark Time Allowance) you will experience a drop in income when the Mark Time Allowance is removed at the end of the three year pay protection period.

b. Pay Protection for CRC Allowances

⁴ Existing salary / 39 current annual FTE hours x 37 NPS annual FTE hours and uplift to nearest NPS Band 3 pay point

Where a CRC monetary allowance is in payment and this is not available within the NPS then the total annual value of the CRC allowance on the date of transfer will be protected in full for a three year period.

Pay protection will apply to the following: market forces payments, geographical supplements, London Allowance, Prison Supplement, contractual overtime, regular non-contractual overtime, unsocial hours, standby and sleeping-in allowance and all other contractual payments if these are payable on a regular basis, with the exception of those listed at 5.3 above.

Where the same or a similar allowance is available for NPS staff then CRC staff who qualify will be paid that NPS allowance, instead of being given pay protection. Where the replacement NPS allowance is the same or a greater monetary value than the CRC allowance that it is replacing there is no need for any pay protection as it will have been replaced in full by the NPS allowance.

Where the former CRC allowance is a greater value and there is the same or similar NPS allowance, then it is the value of the reduction only that will be protected. For example if a former CRC paid a geographical location allowance at a higher rate than the NPS, then the CRC staff who qualify for the NPS allowance will be given that and only the reduction in value will require pay protection. For example if a CRC paid London Weighting at £4000 p.a. and these staff qualify for the NPS London Weighting at £3,889 then they will receive the NPS allowance in full and only the difference of £111 will be maintained through pay protection.

c. Pay Protection for Total Pay

Pay protection applies on an erodible mark time basis to both basic pay and allowances in sum total. In other words an increase in basic pay in NPS may cancel out both pay protection for CRC basic pay and pay protection for CRC allowances.

Support During Pay Protection

Probation Reform Programme – National Agreement - Pay Protection due to roles being mapped or matched to a different (lower) pay band, or the ex-CRC salary being higher than the maximum pay point of the mapped/matched NPS role - Support and Training

To provide clarity on what support and training will be provided to affected staff during the three-year period of pay protection.

1. Support

The Role of Regional Workforce Planning

Regional Workforce Planning Forums review, discuss and project regional workforce needs and solutions on a regular basis.

It would be appropriate for them to be aware of and consider when they meet, a group of staff in their Region who have previously worked at a higher pay band and have the commensurate skills, knowledge and experience of doing that.

The WFP Meeting will have a standing agenda item to review the list of staff on pay protection due to their role being evaluated at a lower pay band and to consider their deployment accordingly. The WFP Meeting may notify the line managers of these staff about future vacancies where they consider there to be a potentially good match. This will also extend to temporary promotions if active and available opportunities exist.

Staff on Pay Protection will not be treated as 'priority movers' in the same way that staff 'at risk' or declared 'surplus' are.

For Approved Premises (APs) there is a national approach to staffing under the current model. For any affected staff in APs we will ensure that information about vacancies is provided to the regions to consider these staff in the same way as outlined to above.

The Role of the Line Manager

Line managers of affected staff will be expected to engage with them as they would with all their staff. To be showing an interest in them, discussing their development needs and opportunities, their career progression aspirations and their performance. As part of the ongoing manager and employee dialogue, managers will provide support by:

- When they have a new member of staff, checking with the WFP meeting or the Regional HRBP Team, or by talking to the employee, whether they are affected by re-banding and pay protection and if so, where in the three-year window they are and what support / development has been provided already;
- Organise structured and repeat touch point conversations with their staff that cover amongst other things career plans / aspirations, development needs and goals etc;
- Engage with staff about any information / opportunities that the WFP Meeting feed through for consideration;
- Actively encourage the member of staff to pro-actively seek out, consider and pursue opportunities that would support them securing a role at the former pay band;

Managers should document their engagement with staff. This should be maintained to enable a manager to demonstrate, as needed, the support and encouragement provided to staff and also the corresponding level of engagement from the member of staff. This will be particularly important when staff change line manager so the current manager can appropriately handover to the new manager.

The Role of the Employee

Staff who find themselves on pay protection due to their CRC role being mapped or matched to a different (lower) NPS pay band, or whose ex-CRC salary is higher than the maximum pay point of the NPS pay band into which they are mapped or matched should make any new line manager aware that they are affected.

Staff should consider for themselves what support and / or development may put them in a strong position to apply for other roles and engage in discussions with their line manager about development plans and opportunities that may arise.

2. Training

The table below outlines a range of development activity which may be appropriate depending on the individual context. It is not intended that affected staff do everything listed, nor is it an exhaustive list, rather that it is for the employee and line manager to discuss what the individuals' needs are and then agree an appropriate development plan, subject to local business L&D budgets and approval processes. Line managers are encouraged to allow time and space for staff to undertake any agreed development activity.

The Probation Workforce Programme (PWP) is looking at developing new internal progression routes and ways of supporting internal staff to become probation qualified. When available line managers and employees will also be able to consider whether appropriate for the individual.

All elements in the table below can be accessed via the links embedded in the following document:

[https://cdn.learn.civilservice.gov.uk/packages/v1dVAT0qQcmtiinA3KD9-A/_o8boFk5TvCrm9si-BXiXQ/CRT118781_CSL_LPG_Topic_Index_v4_WEB%20\(1\).pdf](https://cdn.learn.civilservice.gov.uk/packages/v1dVAT0qQcmtiinA3KD9-A/_o8boFk5TvCrm9si-BXiXQ/CRT118781_CSL_LPG_Topic_Index_v4_WEB%20(1).pdf)

| Training Package | Applicable to | Aim | Delivery Method |
|---|--|---|---|
| Success Profiles general | All staff on Pay Protection | Assist staff in application and interviewing | Local HRBP briefing sessions |
| Success Profiles: applying for jobs (online) | All staff on Pay Protection | Assist staff with writing a job application | CS Learning |
| Success Profiles: interviewee skills (online) | All staff on Pay Protection | Assist staff with interviewee skills | CS Learning |
| First Line Manager Training | Staff with pay Protection at band 5 and above | Refresh managerial skills, demonstrate recent competence, gain qualification | Various CS Learning modules |
| Experienced Line Manager Programme | Staff with pay Protection at band 5 and above with more than 2 years in a management role. | Enhance manage skills | Blended approach including face to face elements, access via application from the leadership & management team^ |
| Communication Skills | All staff on Pay Protection | Various course including, written skills, customer service skills, verbal communication, managing difficult | Accessed Via the CSL catalogue on MyLearning |

| | | | |
|------------------------|---|--|--|
| | | conversations | |
| Digital skills | All staff on Pay Protection | Various courses including, basic digital skills, introduction to social media, excel training (foundation) | Accessed Via the CSL catalogue on MyLearning |
| Managing people | All staff with line management responsibility | Various courses including; managing teams, managing remotely, attendance management, developing people | Accessed Via the CSL catalogue on MyLearning |
| Personal Effectiveness | All staff | Various courses including; Assertiveness, influencing skills, resilience and well-being | |

Annex 4 - NPS allowances

Current NPS Allowances:

- **London Allowance (£3,889)**
 - paid to all staff working in NPS London Division
- **Prison Supplement (£675 per year)**
 - paid to staff where their main place of work is a prison
- **Standby (£42.16 per shift)**
 - paid to staff on a rota who may be required to respond to work duties out of hours (either from their home or travelling to their place of work).
- **Sleeping In Duty (£39.63 per shift)**
 - paid to staff required to stay overnight on site. This is being phased out with the new E3 rota.
- **Acting Allowance (Temporary Promotion)**
 - for staff temporarily undertaking work in a higher band, they will be paid on a temporary promotion basis with a 5% increase as a minimum and then placed onto the next highest pay point in the higher Band.
- **Market Forces Supplement**
 - paid to certain staff in a select number of LDUs which are experiencing difficulties with recruitment and retention of staff.

Travel allowances are now covered by the NPS Travel and Subsistence Policy. Relocation allowances are now covered by the NPS Public Interest Transfer Policy

Unsocial Hours:

Unsocial Hours are claimed when, as part of normal working hours, work is required for operational reasons to be carried out during the time identified below:

- Monday to Friday 7pm to 8am
- Any time worked on Saturday, Sunday or Bank and Public Holidays.

Pay enhancements are as follows:

- Monday to Friday 7pm to 8am – Premium payment of 30%
- Weekend 8am Saturday – 8am Monday – premium payment of 50%
- Public/Bank Holidays – Premium payment of 50% as well as TOIL taken at plain time.

Excess Hours Payments (Overtime)

Full time employees up to and including Band 3 who work in excess of contracted hours will be compensated with TOIL (paid at plain time) or, where this is not possible, excess hours payments:

- Excess hours Monday to Saturday – premium payment of 50%
- Excess hours Sunday and Bank/Public holidays – premium payment of 100%

Hourly rates are based on basic salary excluding any other payments and allowances.

Staff in Band 4-6 working excess hours will be compensated with TOIL at plain time.

Annex 5 - Key Policy Changes, Summary and Transitional Arrangements

Probationary Periods

Key Points:

- 6 month probationary period
- In exceptional circumstances, probationary periods can extend a maximum of an additional 6 months
- Attendance Management, Poor Performance policy stages can be shortened such as one stage versus three.
- Warning/Penalty letters as part of the Conduct and Discipline policy can contain additional consequences in situations of further misconduct.

Implementation/Transition:

Staff on CRC legacy policies at point of transfer will continue with that specific legacy policy for the duration of the agreement. New cases from the point of transfer will use the new policy.

Volunteer Reservists

Key Points:

- Upon transfer, you be entitled to special leave with pay for periods of mandatory reserve training for up to 10 days in a training year. This may be taken in one period of 10 days or in a number of shorter periods during the training year.
- Additional days leave may be possible following discussions and agreement with manager
- Mobilisation and demobilisation support available by managers

Implementation/Transition:

Staff on CRC legacy policies at point of transfer will continue with that specific legacy policy for the duration of the agreement. New cases from the point of transfer will use the new policy.

Special Leave

Key Points:

- Staff will benefit from access to 19 special leave entitlements.

Implementation/Transition:

Staff on CRC legacy policies at point of transfer will continue with that specific legacy policy for the duration of the agreement. New cases from the point of transfer will use the new policy.

Career Break

Key Points:

- Duration of break - **three months to five years.**
- Staff eligible to apply for a career break after their probationary period.
- The requirements to have a satisfactory/good attendance, conduct and performance record before applying for a career break continue to apply
- Paid work during a career break may only be undertaken if the work will benefit HMPPS and the employee, and has been formally approved.
- Staff on a career break will be employed on new terms and conditions if these have changed during the break. Where a job is not available at the same pay and terms and conditions, marked time pay/conditions will not apply as they currently do.

Implementation/Transition:

- Staff on CRC legacy policies at point of transfer will continue with that specific legacy policy for the duration of the agreement. New cases from the point of transfer will use the new policy.

Grievance

Key Points:

- Two formal stages stage 1 & appeal stage.

Implementation/Transition:

- Staff will adopt the existing HMPPS grievance processes and subject to transitional arrangements
- Where possible, all grievances to be closed by existing employer prior to date of transfer
- Staff will remain on current policy until the conclusion of the grievance;
- HR Case Managers will support all live cases
- New grievance cases will be raised against the HMPPS policy and using HMPPS processes and forms

Annual Leave

Key Points:

- Annual leave year runs 1 March - 28 February
- Annual leave entitlements, public holidays, service days and privilege days are pro-rata for part-time staff Annual leave entitlement will take into consideration continuous service as detailed below;

Employees in post as at 31 August 2017

| Length of continuous Service | Annual Leave Entitlement | Service Days | Queen's Birthday Privilege Day | Public Holidays | Total |
|------------------------------|--------------------------|--------------|--------------------------------|-----------------|-------|
| On appointment | 25 days | 1 | 1 | 8 | 35 |
| More than 1 year | 26 days | 1 | 1 | 8 | 36 |
| More than 2 years | 27 days | 1 | 1 | 8 | 37 |
| More than 3 years | 28 days | 1 | 1 | 8 | 38 |
| More than 4 years | 29 days | 1 | 1 | 8 | 39 |
| More than 5 years | 30 days | 1 | 1 | 8 | 40 |
| More than 7 years | 30 days | 2 | 1 | 8 | 41 |

Employees with continuous service date after 1 September 2017

| Length of continuous Service | Annual Leave Entitlement | Queen's Birthday Privilege Day | Public Holidays | Total |
|------------------------------|--------------------------|--------------------------------|-----------------|-------|
| On appointment | 25 days | 1 | 8 | 34 |
| More than 1 year | 26 days | 1 | 8 | 35 |
| More than 2 years | 27 days | 1 | 8 | 36 |
| More than 3 years | 28 days | 1 | 8 | 37 |
| More than 4 years | 29 days | 1 | 8 | 38 |
| More than 5 years | 30 days | 1 | 8 | 39 |

Implementation/Transition:

- Guidance will be provided to line managers to assist in calculating annual leave allowance.

Working example:

Scenario – Employee has a continuous service date of 15 April 2015. Employee is full time, therefore leave allowance is in days. This scenario is based on transfer date of 1 December 2019.

Calculation - Based on this scenario the transition period will be:

- 15/04/2019 (Assumed CRC annual leave start date, based on day and month of employee's continuous service) to 29/02/2020 (end of NPS leave year).

The following principles and calculations apply;

- Number of months in transition period x pro-rata monthly leave entitlement = transitional annual leave
- (15/04/2019 to 29/02/2020 = 10.5 months) x 2.6 (29 days A/L + one service day + queen's birthday /12 =) = 27.3 (rounded up to 27.5)
- **The Annual Leave for the transition period will be 27.5 days leave.**

From 1 March 2020 – 28 February 2021 the employee will be entitled to 30 days A/L plus one service day plus queen's birthday = 32 days

Travel and Subsistence Policy

Policy outlines arrangements covering the following –

| |
|--|
| <u>Advances</u> |
| <u>Regularity and propriety in the management of expenses</u> |
| <u>Travel on Official Business</u> |
| <u>Travel by Public Transport</u> |
| <u>Travel by Private Vehicle</u> |
| <u>Concessionary Travel</u> |
| <u>Advances of Salary for purchase of Season Tickets/Bicycle Loans</u> |
| <u>Subsistence</u> |
| <u>Other Travel and Subsistence Matters</u> |
| <u>Official/Shared Use Cars</u> |
| <u>Visits Overseas on Official Business</u> |
| <u>Expenses Posting Arrangements</u> |
| <u>Detached Duty, including Short Term Detached Duty</u> |
| <u>Long Term Detached Duty</u> |
| <u>Dual Workplace and Area Based Postings</u> |

In determining entitlements, The Permanent Transfer Policy (PI 24-2015) and Travel & Subsistence Policy PI 15-2017 will be used.

Implementation/Transition:

Excess Fares Allowance (EFA).

- Any existing cases of EFA will transfer to HMPPS (NPS) policy upon transfer and any remaining period of time left to run will be honoured e.g. an EFA agreement is in place from 1 June 2020 to 31 May 2022 – upon transfer it will move to HMPPS policy but will continue to be paid from 26 June 2021 to 31 May 2022.
- Any new claims following transfer will be dealt with under HMPPS policy

Pensions

- Any transferring in-scope CRC employee who is either actively participating or eligible to participate in the Local Government Pension Scheme (LGPS) immediately prior to transfer, will be automatically enrolled in the LGPS following transfer.
- Any transferring in-scope CRC employee who is eligible to participate in the Civil Service Pension Scheme (CSPS) immediately prior to transfer, will be automatically enrolled in the CSPS following transfer.
- Any transferring in-scope CRC employee who is not eligible to join either the LGPS or the CSPS immediately prior to transfer will join the LGPS unless there are exceptional circumstances which either:
 - make the CSPS the appropriate pension scheme; or
 - result in the NPS Senior Leadership Team[SLT] in consultation with Cabinet Office deciding to substantially replicate the pension provisions which applied prior to transfer, but not provide the enhancement which would arise from joining the LGPS/CSPS.
- Those not eligible will be given equivalent pension protection to that which applied prior to transfer as appropriate

Note any pension terms, membership of an occupational pension scheme or entitlement to contractual benefits, will cease on transfer and will be replaced with the above provisions.

Attendance Management

Triggers

- Trigger will be set at 8 days or 4 spells (pro-rata for part time, shift working)

Warning Stages

- First written improvement warning
- Final written improvement warning
- Consideration of dismissal/ re-grade

After the issue of a warning the employee will enter an **Improvement Period (IP)** – this will last 3 months, with the option to extend to 6 months. During a 3 month IP, individuals are expected to be within 25% of their Trigger Point.

Where employees meet the attendance standard expected of them they will move into a 12 month **Sustained Improvement period (SIP)**. The trigger point will revert back to the standard trigger (i.e. 8 days or 4 spells) The total duration of the Improvement Period followed by the Sustained Improvement Period will be between 15-18 months

Implementation/Transition:

- Staff will adopt the existing HMPPS attendance management processes and subject to transitional arrangements;
 - Live half pay and nil pay cases to be migrated as part of a payroll solution;
 - Where possible, all absence cases to be closed by date of transfer ;
 - Open Unsatisfactory Attendance stages should be completed before transfer where possible;
 - Staff will remain on current policy until the conclusion of the (UA) absence stage they are at;
 - MoJ case managers will support all live cases (UA and long-term cases);
- staff on an attendance warning prior to transfer may need to repeat a stage (dependant on number of stages in current policy (Stage 1-3 under the HMPPS policy) if their attendance does not meet the required standard.

Performance Recognition - Long Service Award

- Staff to be awarded with the HMPPS Long Service Medallion on completion of 20 years' service which will be in line with the majority of HMPPS staff.
- The medallion is produced by the Royal Mint and comes in a presentation box.
- Calculation of the 20 years will start from the date of first appointment to a post within the Civil Service/National Probation Service. The 20 years includes any time taken on a career break or secondment outside the Department
- NPS staff with previous continuous service with a Probation Trust were able to count this towards their long service award in NPS.
- HMPPS Long Service awards will not be awarded retrospectively for 20 years service completed pre transfer.

Implementation/Transition:

N/A

Flexible Working Hours

- In most cases, between 1000 hours and 1530 hours everyone must be present in the workplace, unless at lunch, on leave or absent for some other acceptable reason. This period is known as "Core Time".
- Full time staff may carry over time to the next accounting period as follows:
 - a credit of up to a maximum of 3 days i.e. 22 hours 12 minutes; or
 - a debit not exceeding 2 days i.e. 14 hours 48 minutes.
- Staff should only work additional hours if there is an operational need to do so.
- Time off is subject to the approval of the line manager, who will take the needs of the office into account. Staff may take the equivalent of 3 days off in any one Accounting Period without it being counted against annual leave entitlements.
- For some roles within the NPS operational constraints will mean it is not practical for the flexible working hours scheme to be applied.

Implementation/Transition:

Transferring staff will be encouraged to use their flexi time before transfer. 'Reasonable' carry over will be considered where CRC employees have such credit at the point of transfer.

Conduct & Discipline - Professional Standards Statement

- Introduction of a Professional Standards Statement (PSS) into the Conduct and Discipline policy
- Adds clarity and details certain circumstances relevant to HMPPS and the NPS in which staff are expected to behave in a certain way, i.e. relationships with offenders.
- Works hand in hand with the Civil Service Code.

Implementation/Transition: Existing C&D cases –

- Staff will adopt the existing HMPPS Conduct & Discipline processes and subject to transitional arrangements;
- Current employer should attempt to conclude live disciplinary cases prior to transfer date and will be required to confirm exceptionally where this is not possible;
- Live cases will be migrated along with case history and loaded onto the Shared Services CMA Database
- HR Case managers will provide support to outstanding existing cases and future HMPPS cases;

Where transferring staff are subject to a conduct / discipline warning prior to transfer, the warning will transfer with the individual.

HMPPS will review those cases and:

- *In cases where the number of stages in the current employers Conduct & Discipline policy differs from the number of stages in the HMPPS Conduct & Discipline policy it may be necessary to repeat a stage if the employee triggers further action in regard to conduct / discipline.*
- *In cases where the number of stages in the current employers and the HMPPS policy are the same and mirror each other repeating a stage would not be necessary*

Family Leave

| Policy | Entitlement |
|---|---|
| Maternity, Adoption and Shared Parental Leave | 26 weeks occupational pay (full pay) |
| Maternity/Paternity Support Leave | 1 or 2 weeks full contractual pay |
| Parental Leave | 18 weeks unpaid leave up to the child's 18 th birthday (no change) |

Implementation/Transition:

- Staff with an Expected Week of Childbirth (EWC) date or matching date (for adoption) on day 1 of transfer or after will be subject to HMPPS policies,
- Staff with an Expected Week of Childbirth (EWC) date or matching date (for adoption) prior to transfer will continue on their CRC policy entitlement.

Resourcing Bundle

Resourcing bundle/policy introduced to support the following processes;

- Redeployment Toolkit
- Restructuring Toolkit
- Restructuring – Support for Managers and Staff
- Management of Change Toolkit

Implementation/Transition:

N/A

NPS First Deployment Scheme

- On a voluntary basis the NPS First deployment Scheme (FDS) will be a national scheme that deploys new Band 3 probation service officers or Band 4 probation officers to probation business units with the most acute recruitment challenges.
- Those eligible will be invited from existing merit lists, outside of our existing hard to recruit areas.
- This scheme will offer these candidates the opportunity to join the National Probation Service immediately and take up their first deployment at a probation site (receiving sites to be determined).

The scheme will contain appropriate financial support (see Annex F) aligned with that offered in similar schemes for Public Sector Prisons, including help towards accommodation. It will also include a guaranteed return to a probation office within reasonable travelling distance of the candidate's permanent home at the end of the 12/24 month deployment.

NPS Detached Duty Scheme

HMPPS will work with NPS Unions to introduce a national detached duty scheme to fill vacancies in a temporary capacity while recruitment activity is ongoing:

- The scheme will be business needs driven and HMPPS expect it to be predominantly aimed at Band 4 Probation Officers and Band 5 Senior Probation Officers.
- This scheme will attract reward incentives. HMPPS will work with business units to introduce such a scheme only where there is a justified business need.
- The scheme will be available to volunteers in the first instance however HMPPS reserve the right, in exceptional circumstances, to instruct staff to take up a detached duty posting when there are overriding business needs and all alternative avenues have been exhausted.
- When considering these exceptional circumstances full and due regard will be given to staff members' personal circumstances, including matters of health and equality.
- Staff will only be instructed in exceptional circumstances. The reward incentives will also apply under these circumstances.

Competency Based Framework

- HMPPS is working in partnership with NPS Unions to introduce a competency based pay framework (CBF) which will support staff in progressing through their pay band.
- The development of the CBPPF will be closely aligned to discussion around the creation of national professional standards and informed by the development of a Probation Professional Register and Civil Service Success Profiles.
- An agreement in principle on how we plan to transition to the new NPS Competency Based Pay progression framework (CBPPF) model including the design principles can be found in Annex C of the 'NPS Pay Modernisation Collective Agreement 2018'.