

Harmonisation Opt-In

Implementation guidance for line managers and staff

The opt-in exercise for staff impacted by harmonisation has now closed.

This means that there will be some staff who have opted-in to the pay and terms and conditions for the area of the business they work, and others who will have chosen not to opt-in.

- For staff who **have opted-in**, we now need implement the new pay, terms and conditions for these colleagues
- For those who **have not opted-in**, we will continue to manage you via your legacy contractual terms.

Line managers need to be clear if staff they manage have opted in or not and if not, which organisation they transferred in from so they can reference the correct legacy policies where applicable. Your HRBP can confirm the status of your staff from 30 Dec 2022. Please speak to your HRBP to access the relevant legacy policies if applicable.

The following guidance is designed to support line managers and staff through this process.

Staff who have opted in:

- [former Parent Organisation and Supply Chain staff](#)
- [former CRC staff](#)

Staff who have not opted in:

- [Staff who have not opted in: former Parent Organisation and Supply Chain staff](#)
- [Staff who have not opted in: former CRC staff \(working in HMPPS or MoJ only\)](#)

[Deferred opt-in](#)

[Further guidance for line managers](#)

Staff who have opted-in – former Parent Organisation and Supply Chain Organisation staff

Term	Staff who opt in	Effective date	Transition arrangements
Hours of Work	Transfer onto the standard Probation Service (PS) 37 hour working week.	01 January 2023.	N/A
Pay Assimilation	Will move onto PS or HMPPS or MOJ pay depending on where they work in the organisation.	Backdated to date of transfer.	From 26 June 2021 to 31 Dec 2022 will be based on legacy full time equivalent (FTE) working hours. From 01 Jan 2023 onwards will be based on a FTE 37 hour working week. If PS, HMPPS or MOJ pay is lower the difference pay will be protected*.
Pay Allowances – legacy	If a former legacy allowance is no longer payable within the PS, in most cases pay protection will be applied to protect the value of this allowance. This includes legacy bonus and car allowance payments. However, there is no ongoing entitlement to or pay protection for private medical or flexible benefits schemes.	Pay protection will be backdated to date of transfer - marked time erodible for max 3 years*.	N/A
Pay Allowances – probation	Transferred staff who opt in, regardless of where they work in the organisation, are eligible for PS allowances if they meet the qualifying criteria. Where a legacy allowance is payable within the PS, but the legacy value is higher than what is paid in the PS, pay protection will be applied to protect the difference in value between the former allowance and the PS allowance.	Backdated to the date of transfer.	To note there is some complexity around this, for example, where someone worked in a prison for part of the period from transfer to 31 December 2022 and so such cases may need to be flagged.
Pay Protection*	Pay protection will apply from 26 June 2021 on a mark time erodible basis for a	From the date of transfer in – 26 June 2021 or 01	N/A

	maximum of 3 years. Pay protection applies to total earnings, so an increase in basic pay, or allowances may erode pay protection.	February 2022 for former User Voice staff.	
Pay award	Staff will become eligible for the PS, HMPPS or MoJ pay award as applicable. Staff working within the Probation Service will be eligible for Competency Based Framework pay progression .	01 April 2022 for PS and HMPPS. 01 August 2022 for MOJ.	We will be running sessions specifically for staff eligible for CBF and impacted by harmonisation in January on the following dates: 10 Jan: For line managers of former CRC staff remaining on PS terms Click here to join the meeting 12 Jan: For former CRC staff remaining on PS terms Click here to join the meeting 17 Jan: For line managers of former PO/SC staff Click here to join the meeting 19 Jan: For former PO/SC staff Click here to join the meeting
Death in Service Benefits	Any legacy entitlements cease, and such benefits are only payable via the LGPS or CSPS.	01 January 2023.	N/A
Annual leave	All move onto PS entitlements.	Date of transfer.	If legacy leave entitlements exceed the PS entitlements can keep legacy leave until 28 February 2023. From 1 March 2023 the PS annual leave entitlements will apply without exception.
Notice periods	PS notice periods apply.	01 January 2023.	N/A
Mobility	PS mobility applies.	01 January 2023.	N/A
Family Leave	PS family leave policies apply.	Date of transfer.	Staff with an Expected Week of Childbirth (EWC) or matching date (for adoption) of 26 June 2021, (01 February 2022 for ex User Voice staff), or after will be subject to PS policies. There will be no back-dating of the PS terms prior to 26 June 2021, or 01 February 2022 as appropriate.

			Staff with an Expected Week of Childbirth (EWC) or matching date (for adoption) prior to 26 June 2021 (or 01 February 2022 as appropriate), will continue on their PO & SC policy entitlement.
Special leave	PS entitlements apply	01 January 2023.	Any such absence under a legacy policy at time of implementation will conclude under legacy policy, after which the PS policy will apply.
Career breaks	PS terms apply.	01 January 2023.	Any such absence under a legacy policy at time of implementation will conclude under legacy policy, after which the PS policy will apply.
Reward and Recognition Expenses	PS policy applies.	01 January 2023.	N/A
	PS policy applies.	01 January 2023.	<p>Buy Out – Mileage Allowances</p> <p>There are 3 elements whereby a one-off offer of compensation in full and final settlement will be paid:</p> <p>A. Employees currently eligible to claim mileage at the casual user rate of 65p per mile – a one off compensation payment of £410 <i>Criteria based on minimum 350 miles claimed in past 12 months</i></p> <p>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 <i>Criteria based on minimum 350 miles claimed in past 12 months</i></p> <p>C. Employees in posts currently designated as attracting essential car user status (no fixed end date) – a one off compensation payment of £1,000</p>
Sick leave	For those not already subject to PS sick pay terms, PS terms will apply.	01 January 2023.	Where an individual is sick on the date of harmonisation, the legacy sick pay rate will be honoured until the period of sickness ends.

Enhanced Voluntary Redundancy	Are eligible to apply for any schemes run but must meet specific eligibility criteria of the scheme.	01 January 2023 for 2 years.	N/A
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Staff who have opted-in – former CRC staff

Term	Staff who opt in	Effective date	Transition arrangements
Pay Assimilation	Will move onto HMPPS or MOJ pay depending on where they work in the organisation.	Backdated to date of transfer.	Where HMPPS or MOJ pay is lower than the legacy pay the difference will be pay protected*.
Pay Protection*	Pay protection will apply from 26 June 2021 on a mark time erodible basis for a maximum of 3 years. Pay protection applies to total earnings, so an increase in basic pay, or allowances may erode pay protection.	From the date of transfer in – 26 June 2021.	
Pay award	Staff will become eligible for the HMPPS or MOJ pay award as applicable.	01 April 2022 for HMPPS 01 August 2022 for MOJ.	The PS pay award already applied will be removed and replaced with the HMPPS / MOJ pay award as appropriate.
All other terms	PS terms apply as per the national agreement.		

Staff who have not opted in – former Parent Organisation and Supply Chain Organisation staff

Staff who did not opt-in retain their legacy contractual terms. This includes pay and legacy pay allowances and any such legacy allowances holding as pay protection will not be time bound. To understand which terms and conditions apply to an individual you will need to determine which organisation an individual member of staff transferred in from and refer to the relevant Measures Statement. Please speak to your HRBP to access these.

Term	Staff who do not opt in	Reference	Effective date
Hours of Work	Remain working their legacy contractual hours.	See measures	Ongoing until there is agreement to change. Will include any successful application for another role – including promotion, move to another role of same or lower grade.
Pay	Remain on their legacy pay.		
Pay Allowances – Legacy	Remain on their legacy pay allowances.		
Pay Allowances – PS	Are not entitled to PS pay allowances.		
Pay Award	Staff who do not opt in are not entitled to the PS multiyear pay award. However, where their previous employment contract stipulates a contractual right to a pay review, or their pay falls below the legal minimum, their pay will be reviewed annually. This may or may not result in an increase.		
Death in Service Benefits	Contractual legacy entitlements apply.		
Annual Leave	Contractual legacy entitlements apply.		
Notice Periods	Contractual legacy entitlements apply.		
Mobility	Contractual legacy terms apply.		
Family Leave	Contractual legacy entitlements apply.		
Special Leave	Contractual legacy entitlements apply.		
Career Breaks	Contractual legacy entitlements apply.		
Reward and Recognition	Contractual legacy terms apply.		
Expenses	Contractual legacy entitlements apply.		

Sick Leave	For those not already subject to PS sick pay terms contractual legacy entitlements apply.		
Enhanced Voluntary Redundancy	Are not eligible to apply for any schemes run. Legacy VR terms apply.		
Legacy Job titles	Staff who have not opted in need to retain their legacy job titles so they can be identified as being subject to on legacy terms. Requests should not be made to SSCL to change job titles on SOP and SSCL have been instructed to reject any such requests.	N/A	

Staff who have not opted-in – former CRC staff (working in HMPs or MOJ only)

Term	Staff who do not opt in	Effective date	Transition arrangements
Pay Assimilation	Will remain subject to their temporary PS pay assimilation.		N/A
Pay award	Staff will remain eligible for the PS pay award and be eligible for Competency Based Framework pay progression regardless of where they work in the organisation.	01 April 2022	<p>We will be running sessions specifically for staff eligible for CBF and impacted by harmonisation in January on the following dates:</p> <p>10 Jan: For line managers of former CRC staff remaining on PS terms Click here to join the meeting</p> <p>12 Jan: For former CRC staff remaining on PS terms Click here to join the meeting</p> <p>17 Jan: For line managers of former PO/SC staff Click here to join the meeting</p> <p>19 Jan: For former PO/SC staff Click here to join the meeting</p>
All other terms	PS terms apply as per the National Agreement.		N/A
Legacy Job titles	Staff who have not opted in need to retain their legacy job titles so they can be identified as being subject to on legacy terms. Requests should not be made to SSCL to change job titles on SOP and SSCL have been instructed to reject any such requests.		N/A

Deferred opt in

Some staff were offered a deferred opt-in. This was because it was not possible to provide these colleagues with a pay assimilation figure as they are not yet aligned to a pay band / grade. A further opt-in exercise for this group will be run in February 2023 by which time it is expected a pay band / grade will have been identified. Separate guidance will be issued in relation to this.

In the interim:

Former CRC staff working in MOJ or HMPPS	Remain on PS T&Cs including their temporary pay assimilation and are eligible for the PS pay award.
Former PO or SC staff	Measures determine which policies apply and they remain on their legacy contractual terms

Line managers will need to review the status of these individuals following the opt in exercise and they will then need to be managed as above.

Line manager guidance

What can managers do to support impacted staff following the exercise?

- Be clear which policies apply to which staff you line manage and flag to the new line manager if line management changes.
- If you are not familiar with PS policies take some time to locate them and familiarise yourselves with them – use the guidance on my hub [add link].
- Encourage those former parent and supply chain organisation staff to do the same.
- Remind staff to reference the [Probation Hub](#) for more information on the Harmonisation Agreement and Q&As.
- Refer to the relevant Measures Statements which can be requested via your HRBP team and they can also give you access to the relevant legacy policies.

37 hour working week

Staff will move to a **37-hour** standard working week from the **1 January 2023**. Where staff had a previous standard working week of less than 37 hours the business are asked to look favourably on any requests from staff to reduce their hours back down to legacy hours. Anybody working less than 37 hours per work who were deemed as part time by their previous employer, will continue on their part time hours.

Annual Leave

The PS entitlements will be backdated to the date of transfer unless the legacy leave is more generous. Where the legacy leave is more generous staff can retain this until 28 Feb 2023. From 01 March 2023 PS leave will apply without exception.

Backdating leave:

1. Work out the pro-rata legacy leave entitlement from the start of the legacy leave year up to and not including the date of transfer (so 25th June 2021 or 31st Jan 2022).
2. Deduct all legacy leave taken up to but not including the date of transfer (so 25th June 2021 or 31st Jan 2022). This figure captures what leave can be added to the pro-rata PS entitlement from date of transfer to 28th Feb 2022.
3. Work out the PS entitlement from date of transfer (26th June 2021 or 1st Feb 2022) to 28th Feb 2022 (end of PS leave year). See below.
4. Add these figures together.

5. Deduct all leave taken between the date of transfer (26th June 2021 or 1st Feb 2022) and 28th Feb 2022 (end of PS leave year).
6. Carry forward any remaining balance into the next leave year (1st March 2022 – 28th Feb 2023) and add this to the full year's PS entitlement.

PS leave – pro rata entitlements 2021 to 2022 leave year only

Employees whose continuous start date is before 31 August 2017	Annual Leave Entitlement	Service Days	Total excluding QB	Pro rata entitlement 26 June 2021 to 28 February 2022 rounded up	Pro rata entitlement 01 February 2022 to 28 February 2022 rounded up
More than 5 years	30 days	1	31	21.5	2.5
More than 7 years	30 days	2	32	22	2.5

Employees whose continuous service started on, or after, 1 September 2017	Annual Leave Entitlement	Service Days	Total excluding QB	Pro rata entitlement 26 June 2021 to 28 February 2022 rounded up	Pro rata entitlement 01 February 2022 to 28 February 2022 rounded up
On appointment	25 days	0	25	17.5	2
More than 1 year	26 days	0	26	18	2
More than 2 years	27 days	0	27	18.5	2.5
More than 3 years	28 days	0	28	19.5	2.5
More than 4 years	29 days	0	29	20	2.5
More than 5 years	30 days	0	30	20.5	2.5
More than 7 years	30 days	0	30	20.5	2.5

For more information on annual leave see:

Link to Hub doc

[Ministry of Justice | Annual leave \(sscl.com\)](#)

[Annual leave policy - Probation Service: PI 05/2017 \(sharepoint.com\)](#)

Expenses

Buy out for legacy mileage allowances (former Parent and Supply Chain organisation staff only).

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*

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*

C. Employees in p26osts currently designated as attracting essential car user status (no fixed end date) – a one off compensation payment of £1,000

If any colleagues believe they met any of these criteria, they should email HandSTenquiries@justice.gov.uk with supporting evidence.

Pay

Assimilated pay, backpay for any salary increases and pay allowances and any pay awards due will be paid in Jan 2023 pay. Where staff have changed roles / locations and hours since transfer, this will create additional processing work and may raise queries which we will look to resolve but may cause delay in processing payment. As a line manager if you are aware of any such changes you do not think have been escalated (some staff have done this already so please check) please can you contact HandSTenquiries@justice.gov.uk to advise – ensuring you include the employee's name / number.

For pay queries post pay roll please contact SSCL.

Any impact of pay being backdated on tax or benefits such as Universal Credit are the responsibility of the individual to resolve but SSCL will provide a detailed pay breakdown on request in such circumstances.

Enhanced voluntary redundancy

More information about any EVR scheme, including eligibility criteria, will be shared in early 2023.