‘Fair and Sustainable’

PROTECTING THE LONG TERM FUTURE OF PUBLIC SECTOR PRISONS
Fair and Sustainable is the introduction of new working structures in HM Prison Service.

Don’t play games with your future.

Use your vote in the workplace ballot.

VOTE YES
The NEC agreed to the production of this Gatelodge extra following their endorsement as part of the provision of information to members.

NOMS have produced their literature and conducting roadshows to inform their workplace.

The National Chairman has also produced a video, which members will have access to locally, I am led to believe.

The introduction of these new working practices for the Prison Service by NOMS is probably the biggest change since Fresh Start. My advice is simple, consider your future, use your vote wisely and protect the long term future of the Public Sector Prison Service as we face up to competition.

Glyn
FAIR AND SUSTAINABLE
the introduction of new working structures
in HM Prison Service

THESE
CHANGES
AFFECT
YOU

CONSIDER YOUR OPTIONS

VOTE YES

POA
The POA has been engaged in meaningful consultation and negotiation with NOMS to ensure that the final offer in respect of the new working structures of the Prison Service, ‘Fair and Sustainable’ is the best that can be achieved.

We would like to thank the negotiating team and the support given to them by the National Executive Committee which has ensured the best offer available is now placed before our members. We can assure you that the final version bears little resemblance to the original proposals put forward by NOMS.

In the current economic climate, the POA cannot allow public sector prisons to be easy targets for the Coalition Government and its Competition Strategy for Offender Services, which was announced by the Secretary of State for Justice in July 2011. As a responsible Trade Union, we must give ourselves the best opportunity to protect and promote the interests of our members.

The lessons learned from the privatisation of HMP Birmingham must not be lost on this Union. We must have a public sector service which has the ability to compete with private sector companies. These proposals go a long way in achieving this aim, by providing a long term, sustainable workforce. Given this and the fact that the offer achieves a number of conference policies, protects existing terms and conditions, averts the need for compulsory redundancies and ensures no member suffers a detriment, the NEC endorses the offer.

A workplace ballot with a positive recommendation will be held to ensure those affected have the opportunity and right to determine their future. We encourage all members to consider the offer carefully ahead of the ballot.

All the very best

PJ McParlin, National Chairman
Steve Gillan, General Secretary
Overview of Consultation/Negotiations

The Fair and Sustainable offer is the result of nearly five months negotiations.

The team and I were given a brief by the NEC to achieve the best we could, ready for the implementation of JES, without members suffering a detriment, compulsory redundancies, and Pay Protection.

These goals were achieved along with many more which are set out in the Fair and Sustainable document and highlighted within this publication, Gatelodge Extra. One huge achievement is pay protection for existing staff, which includes, pay increments as appropriate, and pay awards recommended by the Prison Service Pay Review Body (PSPRB).

The protection of terms and conditions for existing staff is also an enormous achievement, coupled with the retention of Bulletin 8 and 42/97 OSG Agreement.

The return of a uniformed grade called Custodial Manager is significant; in essence we will say that the Principal Officer has returned under a new name and clearly re-opens the promotions prospects for Senior Officers.

I would like to thank the team for their hard work and determination on the project and the NEC for their guidance and support.

Steve Bostock
National Vice Chairman

The team was guided by Conference Policies during its negotiations with NOMS and achieved better than expected results.

The no compulsory redundancies and lifetime pay protection for current staff is a great achievement.

Further features include better pay for existing Officer 2 on assimilation to the single Officer grade and some better overtime rates for OSGs.

The reintroduction of a uniformed grade between Supervisory Officer and Grade F Manager is a massive bonus. The blockage at this level will now be eased and promotions can now recommence.

All in all, a vast improvement on the original starting point and one which the team is rightly proud of.

Mark Freeman
Deputy General Secretary
The ability of the POA negotiating team in securing several key objectives for the membership during the ‘Fair and Sustainable’ meetings has resulted in a way forward.

This has the ability to maintain current terms and conditions for those grades represented by the POA, as well as providing a competitive edge in the fight to retain our prisons within the state sector.

Lifetime pay protection, increased promotion opportunities and no imposition of new terms and conditions on existing staff are massive achievements. However, time may prove that the ability to bid on a more level playing field for our prisons against the private sector competition was the single most important component of the negotiation.

Whoever is to blame for the parlous financial conditions that beset our country at present and whoever decides the policy, which will hopefully lead us all into a brighter future, the reality is that the POA and NOMS are facing very real challenges in maintaining the size of the public sector prison service. We are every bit as susceptible to the pressures which are currently bearing down on all areas of state employment.

The negotiations have produced a blueprint for us by which means, we can meet the challenges of today and also the aspirations of tomorrow.

Duncan Keys
Assistant Secretary

This Fair and Sustainable Document is the culmination of five months intense negotiations between the Negotiation Team from the NEC and NOMS.

The first meeting failed to get off to a good start as both teams set out their position and both remained defiant. However it is not how you start, it’s how you finish and we believe we have finished with a document that is not only massively different to its original but far more beneficial to our members. We were tasked with two absolutes:

No compulsory redundancies
Life time pay protection

We achieved both and a great deal more through the months of negotiations. I was proud not only to be a part of this team but also to have been able to achieve the mandates set by you and also a great deal more.

Tony Merricks
NEC
Frequently asked

The following questions have been asked by members in a number of forums. All questions were forwarded to NOMS who have responded to each point raised, as the employer. The POA has not responded to any questions as we are not the employer.

**Question:**
Will the Summary of Principle Terms and Conditions remain in force, if I remain in my current role?

**Answer:**
All individuals will work in the roles within the new structure but they will have the choice as to whether they opt in to the pay changes. If they choose to remain on their existing Terms and Conditions then they will continue to receive any pay and allowances that they are currently in receipt of. There are no changes to other non-pay Terms and Conditions related to these changes (e.g. annual leave, sick pay etc).

**Question:**
If I go part time on or after 2012, once the Fair and Sustainable document is introduced, will I be required to enter the new pay scales or have a legal right to remain on my existing terms?

**Answer:**
Making a change to your working hours will not opt you in to the new pay and allowances. Your current pay will be adjusted to reflect your new working hours but if you take your pension and return part time then that will be on new terms and conditions.

**Question:**
Will my anniversary date change in respect of annual pay increments until such time as I reach the pay maxima on my exiting scale?

**Answer:**
The anniversary date only applied to Prison Officers for their first pay increment on the closed structure and for Prison Officer 2s on entry, thereafter, all increments follow on the common 1 April date. The introduction of new pay structures will not change the incremental dates on closed structures. There will, however, be a common 1 April date for all incremental progression on new structures and the first increment will no longer be linked to the first year of service for new Officers in Band 3.

**Question:**
Will a common incremental date for all staff be introduced as a result of the Fair and Sustainable offer?

**Answer:**
There will be a common 1 April date for all incremental progression on new structures.
questions & answers

Question: As an OSG, will all of my work be subject to the confines and agreement of PSI 42/92?

Answer: There have been no changes to the OSG agreement. However, all roles have been evaluated to produce a JES score which then places that role within the appropriate band.

Question: As Officers, Senior Officers, Principal Officers, Supervisory Officers or Custodial Managers, will Bulletin 8 apply if they remain on their existing Terms and Conditions or move across onto the new pay model?

Answer: There have been no changes to Bulletin 8 as part of the new reform.

Question: Will all of my pay be calculated for the purpose of pension if I remain on my existing Terms and Conditions and will this change if I move across onto the new pay model?

Answer: All pensionable elements of pay on old pay structures will continue to remain pensionable. Only the elements identified as pensionable on the new pay structures will be pensionable for staff opting in. This includes basic pay, the 17 percent unsocial working hours payment and the two Additional Committed Hours (ACHP) paid at pensionable rate for those who are currently on 39 hours pensionable pay structures choosing to opt in.

Question: I have heard, if I apply for promotion and am successful, but the pay maxima on the new scale is less than my exiting salary and/or allowances, I would be offered a one off lump sum of three times the annual benefit of the allowances combined, is this true?

Answer: There will only be compensation payments available for staff on promotion that are affected by the changes to location pay. There are no current plans to offer compensation payments for any other allowances that will cease on promotion.
Question:
I apply for promotion and am successful at the first available date for my establishment following the introduction of the Fair and Sustainable document, will I suffer any financial detriment, for example, loss of LPA and/allowances which result in the pay maxima for the new pay scale being less than my current salary including my allowances? If this is the case what are the options available to me?

Answer:
We assume that staff will only apply for a promotion if it is financially beneficial for them to do so. There will be compensation payments available for staff on promotion that are affected by the changes to location pay. The two Additional Committed Hours (ACHP) paid at pensionable rate for those who are currently on 39 hours pensionable pay structures is also available for moves on promotion. Individuals will retain this on moving to the higher role. The offer of two hours ACHP for moves on promotion will remain open up until 2014.

Question:
What is meant by Non-Consolidated pay as set out in paragraph 75 on page 27 and what will this be used for?

Answer:
Non-Consolidated pay refers to those elements of pay that are paid separately from the basic pay. This could be either through the payment of an allowance or a one-off payment. Paragraph 75 refers to the availability of market supplements and recruitment and retention payments where these may be required either in order to recruit professional / specialist groups (e.g. accountants, procurement) or where there are local recruitment difficulties in recruiting to a particular role. These payments would be limited and would only be available where there is clear evidence to support their need.

Question:
If any establishment fails to recruit or attract promotion candidates and this is due to the loss of salary and allowances; what options are available to NOMS to address this issue?

Answer:
Market supplements and recruitment and retention payments will be available where there is an identified need. (See above).

Question:
I currently live in a Prison Service Quarter; will I retain this right if I opt into the new Terms and Conditions?

Answer:
There are no changes to the current arrangements to staff that are living in a Prison Service Quarter. The proposed changes relate to new job roles and work structures and new pay arrangements. The choice of opting in is simply to the new pay and allowances.

Question:
Is it correct that as a Senior Officer; will I automatically be classified as a Supervisory Officer or will I retain my status and rank?

Answer:
You will map to a Supervising Officer Band 4 role and will retain current Terms and Conditions unless you opt in and you will have the opportunity to apply for Custodial Manager.
Question:
Is it correct that as a Principal Officer I will automatically be classified as a Custodial Manager or will I retain my status and rank?

Answer:
You will map to a Custodial Manager Band 5 role and will retain current Terms and Conditions unless you opt in.

Question:
Will the insignia for Senior Officers and Principal Officers be changed and if so when?

Answer:
This is open for discussion with the TUs.

Question:
As a DPSM, if I decide to return to the uniformed grade as a Custodial Manager which pay point do I assimilate to, in Band 5?

Answer:
DPSMs who choose to map across as a Custodial Manager will be treated on their substantive grade of Principal Officer. They will therefore choose if they wish to opt in to the new pay and allowances or remain on their Principal Officer pay.

Question:
As a DPSM in receipt of a LPA which has now been removed from my establishment under Fair and Sustainable, if I decide to return to the uniformed grade as a Custodial Manager which pay point do I assimilate to in Band 5 and what compensation or other payment would be offered should I incur a detriment?

Answer:
DPSMs who choose to map across as a Custodial Manager will be treated on their substantive grade of Principal Officer. They will therefore choose if they wish to opt in to the new pay and allowances or remain on their Principal Officer pay including any LPA that they are currently in receipt of.

Question:
As a Principal Officer in receipt of a LPA and/or allowances which have now been removed from my establishment under Fair and Sustainable, if I am classed as a Custodial Manager which pay point do I assimilate to, in Band 5 and what compensation or other payment would be offered should I incur a detriment?

Answer:
As above.

Question:
As a Senior Officer in receipt of a LPA and/or allowances which have now been removed from my establishment under Fair and Sustainable, if I am classed as a Supervisory Officer which pay point do I assimilate to, in Band 5 and what compensation or other payment would be offered should I incur a detriment?

Answer:
As a Senior Officer mapping to Supervisory Officer you will have the choice if you wish to opt in to new pay and allowances or whether you wish to retain your existing pay and allowances (including LPA) as a Senior Officer.
Question: As an Officer, can I apply for a Custodial Manager post if I have not passed a JSAC?

Answer: No, however, there is an opportunity to proceed to this level provided you pass the new Custodial Manager JSAC.

Question: As a Specialist Officer I am led to believe that I will become a Supervisory Officer, do I have to request to assimilate into Band 4 or is this automatic assimilation?

Answer: Individuals will be able to apply for Specialist Officer posts on open competition in some cases subject to holding the correct qualifications or training for the role.

Question: As a Specialist Officer I am led to believe that I will become a Supervisory Officer, can I choose not to assimilate into Band 4, should I suffer a financial detriment or will there be a compensatory payment offered to me?

Answer: You will take on the role of Supervisory Officer but have the option to choose whether you wish to opt in to new pay and allowances at Band 4 or retain your existing pay and allowances.

Question: The rumour is that the new structure is a short-term policy to do away with the Senior Officer rank and then abandon the Supervisory Officer, is this true?

Answer: No, these plans represent what needs to be done to maintain long term affordability, and therefore the, competitiveness of HM Prison Service. There are no plans to make any changes as outlined in the Fair and Sustainable document.

Question: Will I be given a copy of my existing Summary of Principle Terms and Conditions or new Terms and Conditions as part of the introduction on the Fair and Sustainable document?

Answer: Terms and Conditions in Fair and Sustainable relate only to your current pay arrangements - that is your salary, hours, pay point progression and allowances. It does not affect anything like leave entitlement, retirement date or pensions. You will of course know that public sector pension reform is being looked at by the Government but this is not something covered by Fair and Sustainable.

Question: As a specialist, if the specialist allowance is removed, do I automatically revert to discipline duties or am I expected to continue fulfilling this role without the specialist payment?

Answer: No, you will be mapped across into the structures and continue to fulfil this role but you will be able to choose if you wish to opt in to new pay arrangements or retain your existing pay and allowances.

Question: Will I remain on any existing Terms and Conditions if I am moved under a managed transfer or due to a prison closure?

Answer: You will not be opted in if you are subject to a managed move which includes transfers due to prison closures.
Question:
Is there any change to Tornado or Payment Plus Allowances/payments?

Answer:
No, these payments remain unchanged.

Question:
If I have to transfer due to compassionate grounds will I have to move onto the new pay model?

Answer:
You will not opt into new Terms and Conditions on transfer for genuine compassionate grounds.

Question:
If I am subject to disciplinary action under PSI 6/2010 can I be downgraded to an Officer on the new pay model, which will be a change to my Terms and Conditions without my agreement?

Answer:
Yes, if you are downgraded or re-graded as a result of unsatisfactory performance or disciplinary action in line with existing arrangements for your grade and where the alternative penalty would be dismissal, you will be opted in to new Terms and Conditions.

Question:
The existing Local Pay Allowance scheme identifies a variety of allowances for establishments; these were introduced by the Prison Service endorsed by Government NOMS and the Prison Service Pay Review Body annually. Why has NOMS decided to remove the allowances for many of these establishments under the Fair and Sustainable document considering the LPA scheme has been held up as an example of best practice?

Answer:
The existing LPA scheme has now been in operation for over 11 years and all parties involved in the process, including the Pay Review Body, recognise its shortcomings and that an overhaul has long been required. The current scheme is outdated and is no longer serving the purpose for which it was intended and needs revising to have a clearer focus on high cost areas, with a consistent approach to locations within those areas.

We have, therefore, pressed on with examining alternative options which are better targeted and more responsive to changing circumstances. The proposals in the Fair and sustainable document have therefore been included in our evidence this year to the Pay Review Body for their endorsement.

Question:
Does the ‘Fair and Sustainable’ document form part of NOMS submission to the Prison service Pay review Body and what happens if they reject it?

Answer:
This year’s evidence to the Prison Service Pay Review Body (PSPRB) sets out the proposals outlined in the Fair and Sustainable document. All interested parties are invited to submit evidence to support their proposals for an annual award and any changes to pay they wish to see. This includes NOMS and its trade union partners (the POA, PGA and PCS), who represent members covered by the Review Body.

The PSPRB will consider evidence presented to it by each of the parties involved in the process and will meet with each of them to question their evidence before making its recommendations to the Government.

Following the submission of the PSPRB recommendations, the Government will then decide whether to accept the recommendations. We anticipate that the PSPRB’s recommendations will be published in February or March 2011. In previous years, the announcement has been made in time for uniformed staff to receive payment in their April salaries.
As you are aware, the law protects employees from employers who unilaterally (without the employees consent) change their terms and conditions, including pay. Such employees may pursue claims for breach of contract in the County Court or resign and pursue a claim in the Employment Tribunal for constructive dismissal.

The Fair and Sustainable offer provides that current employees may remain on their existing terms and conditions. As such, the terms of the offer with regards to current staff do not give rise to a challenge in employment law. If staff choose to move to the new pay structure etc. as set out in the offer, any variation to their existing terms and conditions will be by consent and any such change will not therefore be actionable as a unilateral variation.

While changes will be made to the terms and conditions of existing staff on promotion, nobody is forced to seek promotion and those who do will have a choice, either to accept an offer of promotion on the terms set out in the Fair and Sustainable offer or refuse the promotion and remain on their existing terms and conditions. Likewise with new staff joining the Prison Service, they will be offered a job based on the terms set out in the Fair and Sustainable offer and it is a matter for that individual whether or not he or she accepts the job offer on those terms.

Making changes to the terms and conditions on promotion or for new starters does not amount to a unilateral variation to existing terms and conditions and does not, therefore, give rise to claim in employment law.

Terms and Conditions
Throughout this advice I have made reference to “Terms and Conditions” of employment, which for those employees of HM Prison Service (NOMS) are set out in a number of documents including the statement of principal terms and conditions, the staff handbook, prison service orders, prison service instructions and the civil service management code.

I am aware that members of the POA’s NEC are consistently asked if an employer is obliged to provide an employee with a single document, which includes all of their Terms and Conditions. While this would be extremely helpful, I am afraid that the answer to this question is no. The Section 1 of the Employment Rights Act 1996 (“the Act”) asserts that an employer has to provide an employee with the following:

1. The names of the employer and employee
2. The date when the employment began, and
3. The date on which the employee’s period of continuous employment began.

The statement shall also contain particulars, as at a specified date not more than seven days before the statement is given, of:

1. The scale or rate of remuneration or the method of calculating remuneration
2. The intervals at which remuneration is paid (that is, weekly, monthly or other specified intervals)
and Sustainable’ offer

I am instructed to provide the POA’s NEC with employment law advice regarding the changes proposed in the Fair and Sustainable offer. Specifically I am asked to advise whether or not the changes proposed by the offer amount to a breach of contract.

Any Terms and Conditions relating to hours of work
(including any terms and conditions relating to normal working hours)

Any Terms and Conditions relating to any of the following:

- Entitlement to holidays, including public holidays, and holiday pay (the particulars given being sufficient to enable the employee’s entitlement, including any entitlement to accrued holiday pay on the termination of employment, to be precisely calculated)
- Incapacity for work due to sickness or injury, including any provision for sick pay
- Pensions and pension schemes
- The length of notice which the employee is obliged to give and entitled to receive to terminate his contract of employment
- The title of the job which the employee is employed to do or a brief description of the work for which he is employed
- Where the employment is not intended to be permanent, the period for which it is expected to continue or, if it is for a fixed term, the date when it is to end
- Either the place of work or, where the employee is required or permitted to work at various places, an indication of that and of the address of the employer and
- Any collective agreements which directly affect the terms and conditions of the employment including, where the employer is not a party, the persons by whom they were made.

These particulars are normally set out or referred to in the Statement of Principal Terms and Conditions of Employment, hence why it is issued. Section 2 (2) of the Act provides that the s.1 statement may refer an employee for particulars of any of the matters set out above to the provisions of some other document, which is reasonably accessible to the employee. Therefore, the fact that the Statement of Principal Terms and Conditions refers to other documents, such as prison orders or instructions or the staff handbook, is in keeping with the provisions of the Act.

I trust that this clarifies the position in relation to both matters, however if you or a member of the NEC wish to discuss these issues further, please do not hesitate to telephone me.

Joanne Taylor
Thompsons
CONSIDER YOUR OPTIONS CAREFULLY AND USE YOUR VOTE IN THE WORKPLACE BALLOT IN RESPECT OF “FAIR AND SUSTAINABLE” CHANGES TO WORKING PRACTICES IN H.M. PRISON SERVICE

YES

NO
Key Points

No change to existing terms and conditions.
- It has been agreed that all staff who remain in their current grade will retain their existing terms and conditions until retirement.
- Those staff subject to a managed move will also retain their existing terms and conditions.
- Staff who request a compassionate transfer may retain their existing terms and conditions however this is at the receiving Governor’s discretion.

No detriment to existing terms and conditions.
- The summary of principal terms and conditions of existing staff remain in force.
- There will be no change to the annual leave entitlement for existing staff.
- Increments will remain in place.
- Bulletin 8 will remain in force.
- PSI 42/97 – OSG agreement remains.
- Payment Plus and Tornado payments remain in place.
- Overtime rates for OSGs will continue.

Lifetime pay protection.

Right for the PSPRB to make recommendations in relation to pay.
The POA will continue to make an annual submission to the Pay Review Body for all existing grades.

A leaner, flatter management structure.
The Prison Service has designed an establishment structure based on the complexity of a prison, which is prescriptive, and as such will reduce the upper management tier and save money.

A more competitive financial structure.
As a result of the new pay bands for new entrants and those who chose to transfer to the new pay model, the Prison Service will be able to compete financially with private sector companies who take part in the market test process.

Return to a two tier management structure.
The new structure sets out the managerial responsibility of a supervisory officer and custodial manager, both of which will be in uniform. As confirmed by Steve Bostock, this is essence reverts the management structure to that which was in place prior the introduction of the DPSM role.
Transition to the new structure

NOMS will begin to introduce the changes as set out in the offer from April 2012 and it is anticipated that all staff will be working in the new structure by April 2013.

Every establishment will complete their restructure work over 2012/13 and be required to make the necessary budget cuts as identified.

Annex A which NOMS has issued to the POA as part of the consultation process, states that there will be no reduction in the number of Officer and OSG grades. Therefore, if you currently have a complement of an SO and seven, then under the new structure you should have a Supervisory Officer and seven. NOMS also expect there will be a number of vacancies at Supervising Officer and Custodial Manager levels.

NOMS are currently evaluating the complexity of prisons to establish the management structure for each prison and we are aware that appeals on the management structure are currently taking place. If you believe that the management structure is top heavy you should challenge this as part of the local negotiations on budget cuts.

Once the establishment structure has been agreed a process of mapping and selecting staff to those structures will commence.

Selection of staff for a role will be completed by a local panel chaired by the Governor at each establishment and observed by a Trade Union Representative.

Members can voluntarily move to another role or establishment on a level transfer without affecting your current terms and conditions up to April 2014.

When the new structures are introduced, and as a transitional measure, staff moving on promotion (from the above grades) to new structures will also retain 39 hours pensionable pay (subject to working 39 hours). This will be paid as two Additional Committed Hours above the standard 37 hours a week, on a pensionable standard hourly rate (ACHP). This will remain protected until an individual moves to another role. This is a transitional measure for promotions and will last until April 2014.

Existing Principal Officers will map to a Custodial Manager and Developing Prison Service Managers (DPSMs) can revisit the decision they made at the time of the closure of the Principal Officer grade. There will be a final cut-off date, which has yet to be confirmed.

If you are Pre-Fresh Start opting into the new terms and conditions this does not affect your eligibility for reserved rights (doubling and right to retire at age 55). Provided no other circumstances happen to change at the same time, which would affect eligibility (for example, the individual also moved to a non-qualifying band or location).

It is clear that a significant amount of work will need to be done in each prison to ensure all grades of staff are correctly placed for the purposes of pay and responsibility.
The POA has put forward the following submission to the PSPRB in respect of all grades within the remit group and this will be considered in conjunction with other submissions.

Extracts from the POA’s submission to the PSPRB for 2012-2013 are set out below:

‘During negotiations, it has been accepted by NOMS on behalf of Government that the Union would be seeking a cost of living pay increase for those earning £21,000 or more (gross). The representatives of NOMS have made no indications that the pay model and proposed pay scales would not be sustainable should your recommendations be accepted’.

‘The National Executive Committee seek a consolidated increase on basic pay of £400 per annum, in addition to an incremental pay rise for all existing staff from within the remit group as of 1st April 2012. The POA ask the Prison Service Pay Review Body to put forward fair and impartial recommendations to Government, based on the submissions of all interested parties and not recommendations which have been predetermined by Treasury and the Coalition Government in respect of pay for 2012’.

Allowances

• A five percent increase in the payment plus hourly rate from £17 to £17.85
• A five percent increase in the Tornado rate from £20 to £21.

‘The POA seeks a five percent uplift in the Tornado rate. We also seek a five percent increase in all other remaining allowances following the abolition of a number of allowances, as part of the wider proposals on reform and pay’.

There is, of course, no guarantee that these recommendations will be accepted by the PSPRB. However we have included these extracts to reassure members that the Fair and Sustainable offer, does not prevent the POA from making submissions to the PSPRB. We remind you there is no legal obligation on any employer to offer or provide a cost of living pay increase.'
The following allowances will apply in the new pay structure:
- Unsocial working hours
- Required hours addition (RHA)
- Boot and shoe (specialist elements payable to Dog Handlers, PEIs, C&R Instructors and Sports & Games Officers)
- Care and maintenance of dogs.

The POA have raised concerns over the abolition of some local pay allowances and specialist allowances for new entrants and those seeking promotion in the future. Whilst there is no detriment to any existing staff we believe this change may create problems in the long term with recruitment, staff seeking promotion and the retention of staff. We have set our concerns to the PSPRB and NOMS and whilst they have introduced a fall-back position in the form of a market/recruitment/retention payment, we believe this will need to be revisited in the future. However, whilst this has no impact on the offer, individuals may feel it affects their future in terms of promotions. Individuals who apply for promotion will be made an offer and it will be their choice whether or not to accept the new Terms and Conditions that came with the offer. This point is made in the frequently asked questions, see pages 8 to 9.

The following payments will also apply in the new structure:
- Dirty protest/Extraneous duty payment
- Tornado
- Additional Committed Hours (ACH) (only at Prison Officer Band 3)
- Payment Plus
- Cover payments
- Overtime (OSG)
- On call payments
- Market supplement/recruitment and retention.

No other allowances will apply for those staff opting to move to the new pay structure.
## Pay Structure

The 2012/13 Proposed minima and maxima rates as set out at page 34 of the Fair and Sustainable document which you can read on the Prison Service Intranet.

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<td>£23,499</td>
<td>£26,587</td>
<td>£28,192</td>
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<td>3</td>
<td>37</td>
<td>£18,520</td>
<td>£24,290</td>
<td>£26,790</td>
<td>£28,090</td>
<td>£21,415</td>
<td>£24,705</td>
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<tr>
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<td>37 inc 17% Unsocial</td>
<td>£21,668</td>
<td>£28,419</td>
<td>£32,076</td>
<td>£35,255</td>
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<td>39 inc ACHP x 2 &amp; 17% unsocial</td>
<td>£22,669</td>
<td>£29,732</td>
<td>£32,792</td>
<td>£36,383</td>
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<td>37 inc 17% Unsocial</td>
<td>£28,737</td>
<td>£34,037</td>
<td>£38,500</td>
<td>£42,038</td>
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<td></td>
<td>39 inc ACHP x 2 &amp; 17% unsocial</td>
<td>£29,684</td>
<td>£35,358</td>
<td>£40,618</td>
<td>£44,209</td>
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<td>5</td>
<td>37</td>
<td>£32,015</td>
<td>£50,940</td>
<td>£51,400</td>
<td>£55,240</td>
<td>£37,370</td>
<td>£42,105</td>
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<td>37 inc 15% RHA</td>
<td>£38,335</td>
<td>£53,015</td>
<td>£55,890</td>
<td>£61,785</td>
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<td>6</td>
<td>37</td>
<td>£44,545</td>
<td>£76,885</td>
<td>£60,385</td>
<td>£61,685</td>
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<td>37 inc 15% RHA</td>
<td>£51,227</td>
<td>£66,568</td>
<td>£69,443</td>
<td>£70,938</td>
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<td>7</td>
<td>37</td>
<td>£49,495</td>
<td>£75,000</td>
<td>£71,500</td>
<td>£81,300</td>
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<td>37 inc 15% RHA</td>
<td>£56,919</td>
<td>£84,750</td>
<td>£87,625</td>
<td>£97,120</td>
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<td>8</td>
<td>37</td>
<td>£57,930</td>
<td>£83,045</td>
<td>£75,545</td>
<td>£86,845</td>
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<tr>
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<td>37 inc 15% RHA</td>
<td>£66,620</td>
<td>£94,002</td>
<td>£86,877</td>
<td>£98,372</td>
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**Notes:**
- 37 shows the base pay for the standard 37 hour week.
- 37 incl. 17% unsocial shows total pay for those in receipt of unsocial hours working.
- 39 incl ACHP x 2 & 17% unsocial shows total pay for those working the protected 39 hour week and in receipt of unsocial hours working.
- 37 incl. 15% RHA shows total pay for those in receipt of Required Hours Addition.
NOMS is committed to ensuring that as an Agency they have a fair, transparent and effective pay and reward systems that reflect the demands of NOMS headquarters and public sector prisons. The POA has never agreed with the model used by NOMS or the current factor plan, however this is their scheme and there is no legal redress to prevent the introduction of it.

NOMS believes the Job Evaluation Scheme (JES) will give them a fair and objective way to assess the relative size and weight of different jobs so that they can ensure that pay across the Service is fair, consistent and transparent. The equal pay claims brought by the PCS has in the POA’s opinion, been pivotal in the drive by NOMS to introduce Job Evaluation Scheme. The POA has never objected to the principals of Job Evaluation Scheme but rather, to the manner in which NOMS has tried to introduce the scheme to date.

JES will apply to every directly employed role within HM Prison Service. NOMS claims the scheme has undergone rigorous testing and has been independently assessed by the Institute for Employment Studies to be fair and fit for purpose.
“Fair and Sustainable” affects you, your working conditions and your future. You decide. Vote YES.
At Aviva, we’re committed to making a difference in our communities. **Aviva Street to School** is our international community investment programme, which will provide support for street children projects in the UK and in our 27 other markets around the world.

Our customers buy insurance, savings and investments to look after themselves and their families. But sadly, many street children have no-one to protect and care for them.

Every year in the UK, it is estimated that 100,000 children run away* because they’re unwanted, unloved or abused. Many are never even reported missing. That’s why we’ve chosen to support **Railway Children**, one of the key charities working across the UK with these uniquely vulnerable children.

**Aviva’s Street to School** programme believes these children should have the opportunity to fulfil their potential and together with **Railway Children**, is working to get them back into everyday life.

If you’d like to help too, you can by:

- donating directly via: [www.railwaychildren.org.uk](http://www.railwaychildren.org.uk)
- texting the word ‘AVIVA’ to 70099 to donate £2 to Railway Children**
- signing our online petition at: [www.aviva-street-to-school.co.uk](http://www.aviva-street-to-school.co.uk) to help influence long-term policy change.

*Still Running, Children’s Society, 2005.

**Texts cost £2 plus one message at your standard rate. A minimum of £1.48 will go to Railway Children. Railway Children Registered Charity No. 1058991.