

Civil Service Conciliation and Arbitration Scheme

General Council Report 1340

(Meeting/s of 25 November 1998)

PCW agreement in relation to the Prison Governor grades represented by the AHCPS

General Council Report No 1340

Agreement under the provisions of Clause 2 (iii) A of the Programme for Competitiveness and Work as applied to the Public Service in relation to the Prison Governor grades represented by the Association of Higher Civil and Public Servants (AHCPS)

Meeting of 25 November 1998.

1. Discussions took place in the context of the local bargaining provisions of the pay agreement associated with the PCW which provides that it is open to parties who had not processed claims under Clause 3 of the PESB to process their claims on the basis set out in Clause 2 (iii) A of the PCW pay agreement.
2. The Official Side said that their approach to the discussions was on the basis that additions to payroll costs would have to be compatible with the cost parameters of the PCW. They would also have requirements in relation to flexibilities and changes in work practices. The Staff Side said that Prison Governors exercised a crucial role and responsibility in the management of change and efficiency in the prison service and, accordingly, the remuneration aspects of their restructuring agreement should be addressed within an overall prison service, rather than general civil service, context.
3. Following discussion between the sides, agreement was reached on proposals which involve increases in pay, the introduction of a new Governor III grade and flexibility and change measures, as set out in the Annex to this report. Implementation of these measures will ensure compliance with the cost parameters of the PCW agreement.
4. At a meeting on 25 November 1998 the Council agreed to recommend for acceptance the overall package contained in the Annex.

5. This report accordingly records such agreement.
6. This report was adopted on 25 November 1998.

Annex to General Council Report No.

Agreement under the provisions of Clause 2 (iii) A of the Programme for Competitiveness and Work as applied to the Public Service in relation to the Prison Governor grades represented by the Association of Higher Civil and Public Servants (AHCPS)

1 Pay Scales and Allowances

- 1.1 Revised pay scales, including a long service increment payable after three years satisfactory service on the maximum of the scale, will apply to Governors I and II.
- 1.2 The revised scales, including the long service increment, will be introduced in phases as follows:
 - 50% of the increase involved with effect from 1 July 1996;
 - the balance of the increase with effect from 1 April 1997.
- 1.3 The relevant scales, with effect from 1 July 1996 and including subsequent general round increases to 1 July 1998, are attached at Appendix 1.
- 1.4 Assimilation to the revised scales will be on the basis of corresponding points.
- 1.5 Governors serving at the time of this agreement who retire on reaching age 60 while serving on the maximum of the scale will receive the long service increment immediately prior to retirement without the requirement that three years be served on the maximum.
- 1.6 A new grade of Governor III is being introduced (paragraph 13.1 of Appendix 3 refers). The pay scale is attached at Appendix 2.
- 1.7 In line with the existing arrangements for revision, the allowance currently paid to serving Governors will be increased by 9%. This increase will be phased on the same basis as provided for in paragraph 1.2 above.

2 Payment on Account

- 2.1 A payment on account of 1% has been made to the grades concerned with

effect from 1 April 1994 under Clause 2 (iv). The payments made on this basis from 1 April 1994 to 30 June 1996 inclusive shall be deducted from any payments due on implementation of this agreement. The 1% has been incorporated into the revised salary scales provided for in paragraph 1.1 above.

3 Rent Allowance

3.1 Rent allowance will be pensionable for Governors serving on or after 1 January 1994. Rent allowances will be reckonable for the purpose of calculating lump sum or death gratuity in the case of members who retired or died in service in the period 1 January 1993 to 31 December 1993. In such cases pensions will only be adjusted to take account of rent allowance with effect from 1 January 1994.

3.2 The amount in respect of rent allowance which will be included in pensionable remuneration will be one-third of the actual amounts received in the three years immediately preceding retirement or death-in-service.

3.3 Contributions under the Spouses' and Children's Scheme will be payable in the following manner:

(a) Periodic contributions of 1½% of the actual amounts received will be payable in respect of periods on or after 1 January 1994.

(b) Deductions from the lump sum or death gratuity of 1% in respect of the addition to pensionable remuneration arising from the inclusion of rent allowance will be made in respect of each year of reckonable service for which periodic contributions have not been made.

4 Superannuation Issues

4.1 Governors assimilated to the new pay scales, including the long-service increment, and who retire while on those scales, will be pensionable on the basis of those scales.

4.2 Governors who retire after 1 July 1996 but before 1 April 1997 will have their pensions revised, in the normal way, by reference to the pay scales applicable to serving staff on 1 April 1997.

4.3 The lump sums of Governors who retire between 1 July 1996 and 31 March 1997 (both dates inclusive) will be calculated by reference to the first phase of the revised scales. The lump sums of staff who retire on and after 1 April 1997 will be calculated by reference to the fully revised scales. (Death gratuities will be treated similarly).

5 Flexibility

5.1 The foregoing is subject to acceptance by the AHCPS of measures in relation to flexibility of working and change as outlined in Appendix 3.

Restructuring Agreement for Prison Governor Grades

Note of Understanding

Starting Pay on promotion

1 Promotion of Officers in receipt of a Long Service Increment (LSI).

An officer in receipt of the long service increment on the date of promotion will receive the most favourable of :-

- (1) the minimum of the scale for the higher grade, or
- (2) existing pay plus two increments on the scale for the higher grade

2 Promotion of Officers on the maximum of the scale

An officer on the maximum of the scale on the date of promotion will receive the most favourable of :-

- (1) the minimum of the scale for the higher grade, or
- (2) existing pay plus an accrued increment (calculated over a three year period because this is how long it takes an officer to "earn" the long service increment) plus one increment on the scale for the higher grade

3 Promotion of Officers on a point below the maximum of the scale

An officer on a point below the maximum of the scale on the date of promotion will receive the most favourable of :-

- (1) the minimum of the scale for the higher grade, or
- (2) existing pay plus an accrued increment (if any) plus one increment on the scale for the higher grade

4 Promotion of Officers with more than two but less than three years service on the maximum of the scale

On the date of promotion, 2 above applies. On the date that the officer would have received the long service increment in the lower grade had s/he not been promoted, starting pay on promotion should be recalculated (if more favourable), in accordance with option 1 (2) above (LSI plus two increments on the higher scale).

5 General

Where any of the foregoing options result in an officer being placed on a point above the maximum of the higher scale, but below the long service increment, the officer will remain on the point above the maximum for three years before going onto the long service increment.

6 Anomalies

As in the past, anomalies arising from the implementation of the agreement will be addressed.

Appendix 3

AGREEMENT WITH THE ASSOCIATION OF HIGHER CIVIL AND PUBLIC SERVANTS UNDER CLAUSE 2(iii) OF THE PROGRAMME FOR COMPETITIVENESS AND WORK

FLEXIBILITY MEASURES

1. General

1.1 This Agreement is made under the terms of Clause 2(iii)A of the pay agreement in Annex 1 to the Programme for Competitiveness and Work [PCW]. The negotiations under the Clause have taken into account the need for efficiency, flexibility and change and the contribution to be made by employees to such change. The Agreement applies in respect of the grades of Governor including the proposed Governor III.

2. Consultation - General

2.1 Both sides recognise the importance of meaningful consultations in the context of potential change in the Prison Service and there are specific requirements for consultation with the Association of Higher Civil and Public Servants (AHCPS) in this Agreement.

2.2 It is agreed by both sides that the Association will be consulted in sufficient time in advance of any proposed change of a significant nature to enable its views to be considered prior to the implementation of such change.

2.3 When such changes have implications for career opportunities or other conditions of staff they may be raised by the Association at the Conciliation, Facilitation or Adjudication stages, as appropriate, of the Civil Service Conciliation and Arbitration Scheme and will be dealt with in accordance with the provisions of that Scheme and any prevailing Association\management agreements on pay, conditions or related matters.

3. Development of Prison Service

3.1 The Prison Governor grades are key management grades which have a crucial role in the necessary change and development of the Prison Service.

3.2 The Official Side acknowledges that co-operation and flexibility have already been forthcoming from the Association and from the Prison Governor grades in relation to change and development in the Prison Service. It would be expected that this position will generally continue to obtain and that the Association and its members would co-operate, where necessary, with the implementation of agreements entered into with other unions in the Prison Service.

3.3 The Association, in this context, agrees to the Prison Governors managing and co-operating with current developments in the Prison Service. These developments, which represent substantial changes in the operation of the Prison Service and in the range of responsibilities and duties of Prison Governors, include the following measures provided for in the PCW Restructuring Agreement with the Prison Officers Association:

- The extension and completion of an electronic Time Recording System in all prisons and places of detention;
- The introduction of a Nursing Service in the Prison Service to discharge professional health care duties;
- The filling of 75 per cent of new clerical posts and 50% of existing vacancies by Civil Service clerical grades within overall authorised numbers;
- The acceptance of the right of the Department to recruit staff on the basis of a 39 hour, 5 day a week liability;
- The expansion of the industrial structure to all prisons as resources permit i.e. in workshop and offender kitchen areas;
- The discontinuation of the involvement of prison officers in work in staff canteens and staff quarters and the facilitation of arrangements for the operation of staff canteens;
- The rostering of new staff for an average of 39 hours per week rather than 40 and the designing of rosters for all new prisons on the basis of an average 39 rostered hours per week;
- The introduction of Paypath and Fortnightly Pay systems for prison officers;
- The standardisation across the Prison Service of the rollover method of allocating overtime;
- The extension of the period of training for recruits to the Prison Service; and

- The introduction of a qualifying written examination for promotion of officers from an entry level grade.

4. Performance Management

4.1 The efficiency and effectiveness of the prison service can be enhanced by the introduction of a structured system of performance management. A fair system of performance related pay can be a beneficial feature in this regard.

4.2 The Association is agreeable in principle to the introduction of a performance related pay dimension of remuneration as part of a properly structured system of performance management and gives a commitment to co-operate constructively in the discussions and development of proposals which might be put forward on this issue. Both sides recognise that, for performance related pay arrangements to work effectively, they must be perceived to be fair and objective by both staff and management.

4.3 In the context of a performance management system both sides are in agreement on the necessity for:

(i) a positive approach by the Department and the prison service to management development, and

(ii) developing arrangements for identifying inadequacies in performance and for remedying those inadequacies. In this regard management and staff have an interest in ensuring that there are adequate and fair procedures in place.

Discussions will take place with the Association in relation to the development of arrangements regarding the foregoing.

5. Team or Group Working

5.1 Certain finite management objectives may, most effectively, be met by forming multi-disciplinary project teams drawn from one or more of the general service, departmental, professional or technical streams. Staff from more than one organisation could be convened to form such teams should the need arise. The team leader might not, necessarily, be the most senior member of the group and could be from any one of the aforementioned streams. Prison Governors will continue to chair/lead important meetings in individual prisons and places of detention.

6. Flexible Work/Reporting Relationships Between Grades and Streams

6.1 Both sides recognise the contribution which greater flexibility as between general service, departmental, professional and technical streams can make to the development of greater efficiency in the Prison Service. In this context, the following measures may be adopted, taking into account the distinct nature of the necessary reporting relationship of prison staff to Prison Governors:

- development of team work, cross-stream reporting on a bilateral basis, liaison and co-ordination arrangements which draw more closely together the staff in different streams, who share responsibility for the delivery of a particular service, to provide a more cohesive workforce focused on the task in hand, where such is indicated by considerations of efficiency and effectiveness,
- mechanisms will be developed to facilitate the speedy resolution, through cross-stream contact, of any problems or difficulties which might arise in the operation of the services provided,
- the use of temporary exchanges, on an agreed basis, of staff between grades/streams, and
- the opening up of promotion posts. In this context the Association will enter into discussions with the official side with a view to reaching agreement on a scheme which would incorporate the principle of bilateral cross-stream mobility.

7. Internal Promotions

7.1 It is agreed that, following the commencement of this Agreement, appointments to all grades of Governor will be made on the basis of competitive selection procedures, including as a general rule competitive interviews, which will involve senior Governors in the Prison Service. Discussions on the format of the competition will commence on the coming into effect of this Agreement.

8. Open and Atypical Recruitment

8.1 Without prejudice to any further review of recruitment arrangements and subject to the items agreed in paragraphs 6 and 7 of this Agreement, the normal method of filling posts at Governor level through internal prison service promotion will continue. Very exceptionally, however, a case may arise where it may not be

considered possible to meet satisfactorily certain specialist expertise or experience requirements from within the prison service.

8.2 The Official Side, however, before deciding to fill such posts through open competition will first consider whether their requirements could be accommodated through training and development of existing staff and will consult with the Association before a final decision is taken.

8.3 While permanent recruitment will continue to be the norm in the prison service, situations, such as those outlined in 8.1 above, may arise in which atypical recruitment of contract staff will be necessary. Given the nature of the work at Governor level, such atypical recruitment would be exceptional. The circumstances in which atypical recruitment might be considered would be where staff with specialist expertise or experience not available in the prison service could be engaged on fixed term contracts for a finite period, up to five years, to undertake certain tasks.

8.4 There will be consultation with the Association in advance of the recruitment of contract staff.

8.5 Staff recruited under paragraphs 8.3 and 8.4 on an atypical basis will be liable for the full level of responsibility of the grades and will be treated as an integral part of the grade. Given the specialist nature of these tasks, the duties of staff so recruited would not be in the nature of the day-to-day management of a prison or place of detention.

8.6 In relation to atypical recruitment as envisaged under paragraph 8.3, if consultations provided for in paragraph 8.4 do not yield an acceptable outcome for issues which have arisen, the matters in dispute shall, at the request of either side, be referred to a special Sub-Committee of the General Council. As is provided for in paragraph 52 of the Civil Service Conciliation and Arbitration Scheme, discussions can, at the request of either side, be continued under a Facilitator. This however, shall not prevent the Department from proceeding with the proposed recruitment of contract staff (part-time or full-time) pending the resolution of the issue, provided the staff concerned are recruited on contracts of not more than 12 months duration.

9. Mobility of Staff

9.1 The mobility of senior staff can by providing a range of experiences contribute to increasing the quality of management in any organisation. Towards this end, and as part of this Agreement, the Association acknowledges the right of Minister to transfer staff at Governor ranks between institutions. This provision will, as far as possible, be operated on an agreed basis (for example as part of a career

development plan) with consultations taking place between management and the Association as appropriate to achieve agreement prior to any such transfers.

10. Environmental Allowance

10.1 Agreed Report 07/1982 of Departmental Council relates to the introduction of an Environmental Allowance in the Prison Service and includes a provision which allows for its withdrawal in the event of a change in the circumstances which originally gave rise to its payment. This Agreement provides, that arising from a change in those circumstances, payment of the allowance should cease at Limerick Prison with effect from the date of this Agreement. It was also agreed that in the event of a similar change in circumstances at Portlaoise Prison, payment of the allowance would cease there with effect from the relevant date.

11. Unsocial Hours Allowance

11.1 An allowance was introduced in 1994 to compensate Governors for the loss of weekend and other unsocial hours payments on the change of their attendance regime. It was agreed for serving Governors on a personal basis and the arrangements to apply in the longer term were to be considered in the context of the PCW restructuring discussions. The Association pointed out that despite the change in attendance regime, Governors continued to carry a liability for cover outside normal hours, effectively on a 24 hours a day, 7 days a week basis, and this should be recognised. Apart from this allowance, which was personal to serving Governors, no payments additional to salary, such as overtime, were made. It also claimed that loss of the allowance would be a disincentive to promotion for subordinate grades in the Prison service whose gross pay included unsocial hours and overtime payments. As a general principle, the Official Side considered that management level salaries should encompass all aspects of the job. However, having regard to the Association's acceptance of the introduction of the new grade of Governor III, they were agreeable to the payment of a modified rate of allowance for future appointees as Governor.

11.2 This Agreement, therefore, provides that an allowance will be paid to Governors, appointed after the date of the Agreement, to cover all liability for work outside normal hours, including actual attendance at prisons, at the following rates:

Governor I £3,815 per annum
Governor II £3,488 per annum
Governor III £3,161 per annum

These will be revised in line with the arrangements for the existing Governors'

allowance.

In addition, the allowance will cease to be paid to Governors without operational responsibility for the day-to-day running of a prison or place of detention. Serving Governors will, however, continue to be paid the current rate of allowance.

11.3 In acknowledging the continuing liability for cover outside normal hours, it is also agreed that the requirement operated under the original agreement in relation to prison Governors visiting the prison during week-end periods will continue.

12. Review of Prison Service Operations and Grading Structures

12.1 It is acknowledged that the operations and structure of the prison service need to be examined with a view to devising new arrangements which would lead to improvements in efficiency and effectiveness. The Association as part of this Agreement undertakes to co-operate and participate in such reviews.

13. New Governor Grade III

13.1 It is agreed that a new grade of Governor III will be introduced in respect of future Governor vacancies, with effect from the next vacancy, at the following institutions: the open centres at Shanganagh Castle, Shelton Abbey and Loughan House, the semi-closed centre at the Training Unit, and the closed prison at the Curragh.

14. Paypath and Fortnightly Pay

14.1 In the interests of efficiency it has been agreed that the grades represented by the Association will move from being paid on a weekly basis to a fortnightly basis. It is further agreed that salary payments will only be made by way of paypath i.e. direct transfer to employees' bank accounts.

Appendix 1

Governor I							
Existing Scale	First Phase	1.5% PCW	1% PCW	Final Phase	P2000	P2000	P2000
1.6.96	of Increase	Increase	Increase	of Increase	1.7.97	1.4.98	1.7.98
£35,373	£36,116	£36,658	£37,025	£37,786	£38,047	£38,731	£39,602
£36,881	£37,877	£38,445	£38,829	£39,851	£40,112	£40,847	£41,766
£38,381	£39,648	£40,243	£40,645	£41,943	£42,204	£42,992	£43,959
£39,893	£41,449	£42,071	£42,492	£44,087	£44,348	£45,189	£46,206
£41,395	£43,279	£43,928	£44,367	£46,297	£46,558	£47,454	£48,522
LSI	£43,858	£44,516	£44,961	£47,486	£47,747	£48,673	£49,768

Governor II							
Existing Scale	First Phase	1.5% PCW	1% PCW	Final Phase	P2000	P2000	P2000
1.6.96	of Increase	Increase	Increase	of Increase	1.7.97	1.4.98	1.7.98
£32,196	£32,872	£33,365	£33,699	£34,392	£34,653	£35,252	£36,045
£33,377	£34,245	£34,759	£35,107	£35,996	£36,257	£36,896	£37,726
£34,555	£35,626	£36,160	£36,522	£37,619	£37,880	£38,559	£39,427
£35,739	£37,008	£37,563	£37,939	£39,239	£39,500	£40,220	£41,125
£36,920	£38,416	£38,992	£39,382	£40,915	£41,176	£41,938	£42,882
£38,103	£39,837	£40,435	£40,839	£42,616	£42,877	£43,681	£44,664
LSI	£40,370	£40,976	£41,386	£43,710	£43,971	£44,803	£45,811

Note LSI = Long Service Increment payable after 3 years satisfactory service at the maximum point of the scale

Governor Grade III

1/7/98 terms

£34,280

£35,970

£37,650

£39,340

£41,100

LSI £42,100

Note

LSI = Long Service Increment payable after 3 years satisfactory service at the maximum point of the scale

This report was adopted on 25 November 1998