

Civil Service Conciliation and Arbitration Scheme

General Council Report 1266

(Meeting/s of 25 September 1991, 27 November 1991, 23 February 1994)

Claim that the starting pay on promotion of Clerical Assistants to Clerical Officer be dealt with outside of Circular 34/77

1. The claim was that the terms of paragraph 3 of Circular 34/77 should no longer apply in calculating starting pay on promotion from Clerical Assistant to Clerical Officer.
2. The Staff Side said in very many cases Clerical Assistants who were promoted to Clerical Officer either received no increase, or only a limited increase, on promotion. They contended that a system which provided little or no promotional increase for most staff in the Clerical Assistant grade because of the mark-time regulations did not make sense. The Staff Side pointed out that this had not been the case in the past and the current difficulties were in large measure attributable to the convergence of the Clerical Assistant and Clerical Officer pay scales in recent years. The Staff Side also said it was anomalous that some Clerical Assistants could receive lesser increases on promotion than older colleagues with the same or less service.
3. The Official Side said that the principles in the starting pay code which govern promotion to grades to which there is recruitment by open competition were inherently logical and reasonable. They were expressly designed to avoid giving rise to the anomaly whereby persons promoted to such a grade could be on higher rates of pay than if all their service had been as members of that grade. The fact that substantial numbers of officers now being promoted from Clerical Assistant were affected by these principles was not in itself sufficient reason for abolishing them. Moreover, the Official Side did not consider it anomalous that an older officer could secure a higher starting pay than a younger officer with longer service: this was an inherent feature of age-pointed rates of pay.
4. However, following further discussions, during which the Staff Side maintained that while Clerical Officer was technically still an open recruitment grade, there had not been open recruitment to the grade for some years and it was not envisaged that there would be open recruitment in the foreseeable future, the Official Side indicated that they would be willing to make an offer on the claim.
5. The Official Side said that, having regard to the fact that an open Clerical

Officer competition has not been held since 1986 and that there were currently no plans to hold such a competition, they would be willing to accept that the application of the terms of paragraph 3 of Circular 34/77 should be suspended and need not be applied in calculating starting pay on promotion to the Clerical Officer grade. This offer was, however, conditional on the Staff Side accepting that the question of whether an open Clerical Officer competition should be held in the future would not be affected by this agreement and that in the event of such a competition being held, the terms of paragraph 3 of Circular 34/77 would automatically apply to any promotions to Clerical Officer made on or after the date of the first appointment from such a competition. The Staff Side confirmed that this was acceptable.

6. It was, therefore, agreed to recommend that the terms of paragraph 3 of Circular 34/77 would not apply to officers promoted to the Clerical Officer grade on or after 31 March 1994.

7. It was also agreed to recommend that the following arrangements should apply to officers promoted to the Clerical Officer grade before 31 March 1994:

(I) Officers promoted between 1 January 1993 and 30 March 1994

(a) if required to mark time on promotion as a result of the provisions of the second sentence of sub-paragraph 3(1) of Circular 34/77, starting pay to be recalculated in accordance with paragraph 6 above with effect from the date of promotion;

(b) if not required to mark time on promotion but the amount of the increment on the Clerical Officer scale was limited as a result of the provisions of the first sentence of sub-paragraph 3(1) of Circular 34/77, starting pay to be recalculated in accordance with paragraph 6 above with effect from the date of promotion, provided this is more favourable for the officer concerned;

(II) Officers promoted before 1 January 1993

(a) if required to mark time on promotion as a result of the provisions of the second sentence of sub-paragraph 3(1) of Circular 34/77, starting pay to be adjusted as follows:

(1) if still on mark-time on 1 January 1993, starting pay to be recalculated in accordance with paragraph 6 above with effect from 1 January 1993;

(2) if mark-time ceased on or after 1 January 1992 but before 1 January 1993, starting pay to be recalculated with effect from 1 January 1993 by reference to (i) the point which the officer had reached on the lower scale (including accrued increment if any) at the date of promotion, (ii) the salary scales operative on 1 January 1993 and (iii) the provisions of paragraph 6 above, provided this is more

favourable for the officer concerned;

(b) if promoted on or after 1 January 1992, not required to mark time on promotion but the amount of the increment on the Clerical Officer scale was limited as a result of the provisions of the first sentence of sub-paragraph 3(1) of Circular 34/77, starting pay to be adjusted as at (II)(a)(2) preceding provided this is more favourable for the officer concerned.

(c) if promoted before 1 January 1992 and either not required to mark time on promotion or mark-time ceased before 1 January 1992, starting pay would not be adjusted. However, in any past cases where the starting pay rules were incorrectly applied, and officers were overpaid as a result, recovery of any outstanding overpayments to be waived as an exceptional arrangement.

8. This report was adopted on 11 March 1994.

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