

Guidance for Staff: Application of the COVID-19 Special Payments Scheme (NTS 2020-03)

A range of COVID-19 special payment schemes have been set up for frontline prison and probation staff and for HMPPS staff supporting the frontline. The payments will reward staff who help HMPPS during the unprecedented COVID-19 outbreak. These payments are solely in recognition of the unprecedented situation staff are having to deal with and are not a payment for the temporary relaxation of their Health & Safety or Terms and conditions.

This guidance should be read in conjunction with NTS 2020-03

This guidance has been compiled further to joint working and engagement between HMPPS and all recognised trade unions. The FAQs include questions raised by trade unions on behalf of members; staff; and other stakeholders. It is important to remind HMPPS stakeholders of the need to continue to engage locally with trade union colleagues with regards to the application of this scheme.

Managers, HRBPs, People and Business Hubs are reminded to ensure that staff who are on sick leave/self-isolating/maternity /career breaks but expected to return within the period of NTS 2020-03 are made aware of this scheme and guidance.

FAQs for Staff

The following FAQs for Staff have been drafted following initial queries since the NTS launched on 23 March 2020.

The FAQs for Staff will be updated as new questions arise. Please contact your HRBP in the first instance if you have any questions which aren't addressed on the following pages.

Please note, the FAQs have been divided into General (for all HMPPS), Prison specific and Probation specific.

General

1. Why have the Special Payment Schemes been set up and when are they to be used?

The Special Payment Schemes to Staff framework has been developed to support the staffing for Prisons and Probation through the COVID-19 outbreak in recognition of the exceptional circumstances in which you are working.

2. When can staff start the 9 hours per week Payment Plus/overtime/excess hours scheme?

This is open to Establishment/Sites/Divisions to decide, depending upon how quickly staff can be mobilised. The earliest start date would be Sunday 22nd March. Any additional hours that staff have committed to from 22 March will count in the reckoning of the 9 hours/week qualifying commitment for the bonus payment.

3. Will the Special Bonus monthly payments start immediately?

Yes, March payments can be claimed pro rata for the period 22/3/20 to 31/3/20, but payment will not be received until April pay day.

4. When will I receive payment?

Normal arrangements for processing pay will continue, thus claims submitted by the April payroll cut-off date should be paid at the end of April (Please note however that submission before the payroll cut-off date may not guarantee that payment can be made on time, as we are dependent upon the staffing situation at SSCL. Please be assured that staff will receive all payments due – but given these extraordinary circumstances, the capacity of SSCL to process all these additional payments in the normal timescales, may not be possible).

5. Do operational managers have to apply or is it automatic?

Nothing is automatic, everyone will need to be added to the bulk upload form.

6. Will staff receive the Special Circumstances monthly payment, if working from home?

No, this payment is intended for staff that continue to work in Prisons, Approved Premises and NPS in an offender facing role (see NTS 2020-03 for flexibility). The payment is in recognition of the unprecedented circumstances staff in offender-facing roles are working in and reflects that some aspects of the role will be temporarily more challenging.

- 7. Are any extra shifts carried out prior to the announcement of the Covid-19 Special Payment Scheme backdated and included in the scheme?**
No. Only additional hours/shifts worked from 22/3/20 would be considered for the purposes of these Special Bonus schemes.
- 8. Are contracted out caterers eligible for the Special Circumstance Payment?**
No. These arrangements are only applicable to directly employed staff.
- 9. Do the PP/Additional Hours have to be completed at your own establishment?**
It is expected that any PP/additional hours will be completed at your home prison/LDU/AP in the first instance. If you are willing to conduct PP / additional hours at other sites please advise your Governor / Head of LDU / Head of AP.
- 10. For the Payment Plus Bonus scheme/Additional Hours scheme, if for example, I complete 144 hours, would I be able to claim the 4 weeks bonus and the 12 weeks bonus?**
No. Staff can agree to work an additional 9 hours for a period of 4 or 12 weeks. They cannot agree to work more hours over the 12-week period in order to claim both bonus payments. At the end of the agreed period, staff will claim the appropriate bonus payment for either the 4-week period or the 12 week period.
- 11. Would a member of staff be able to complete two bonuses? For example, if a member of staff completes the 9 hours x 12 weeks bonus in 8 weeks, would that member of staff then be eligible to complete the 9 hours x 4 weeks bonus in the remaining time of the bonus scheme?**
No – as Q11 above. We are trying to ensure that staff strike a balance between helping the organisation continue to provide a safe and decent service and being mindful of staff welfare by not working excessive hours.
- 12. The Operational Manager (SLT) bonus scheme is £1500 per month to reflect increase in hours. Do non-operational managers (SLT) get the same bonus?**
No, but non-operational managers can sign up to do additional hours as per NTS 2020-03, Paragraph 14-19.
- 13. Why is the manager's bonus payment higher?**
Staff who are on a bonus scheme and are able to claim PP/overtime/additional hours can claim hours plus their bonus payment. Staff who are not eligible to claim PP/overtime/additional hours are in scope for £1,500 bonus payment.
- 14. If I work part-time and sign up to the Payment Plus Bonus Scheme/Additional hours, will I qualify for the full bonus amount or will I receive it on a pro-rata basis?**
If you complete 9 additional hours per week, you should receive the full bonus (which is linked to committing to the hours and not your substantive salary).
- 15. Is the rate available the same for part time staff or different until they reach 37 hours?**
Any extra hours worked will be claimed at normal arrangement. The Special Bonus payment will be made in full to staff who work the extra 9 hours over 4 weeks or extra 9 hours over 12 weeks. BAU rules will apply to the claiming of the extra hours.
- 16. I'd like to know more information about the Annual Leave Buy Back Scheme?**
This is a voluntary scheme with a maximum 10-days per person available for buy-back. Further guidance about the Annual Leave Buy Back scheme will be issued in due course. This guidance will also remind staff and managers about the importance of work-life balance and staff wellbeing. Staff who do not wish to use annual leave buy back may instead defer some annual leave. This will be covered in more detail in the forthcoming guidance about annual leave buy-back.
- 17. If staff sign up to do 4 weeks, can they then request to do another 4 weeks?**
Yes, if there is still a need for additional hours, this could be agreed.

18. There is a standard overtime payment rate for OSG and Non-op but this varies re day/times etc. Can they make it a standard time and a half across all overtime done via the scheme?

No, if they sign up to do 9 additional hours per week, it is anticipated that these extra hours could fall into any time period. Guidance for staff to claim hours can be found by accessing the following link: <https://hmpps.myhub.sscl.com/i-am-an-employee/hr-and-pay/pay,-pensions-and-expenses/working-additional-hours-and-claiming-variable-pay>

19. I've opted in for the scheme. Is it the case that it will be a first-come-first-serve basis or might you request to be opted in for 108 hours but never actually get to complete them?

We want to encourage staff to sign up for these schemes and they won't be on a first come first served basis. The requirements to undertake the 9 additional hours over 4 weeks or 12 weeks will be for the prison, LDU or AP to arrange.

20. How will redeployed HQ staff be paid?

The prison in which the redeployed staff member is working in should add the payments to their monthly claims, as long as the staff member qualifies and carries out the extra work. If redeployed staff work in more than one prison, the redeployed staff should be deployed to a Prison Group who will add them to the monthly collated form. If RHA/unsocial hours is required in the deployed role and is not already in payment, please contact your HRBP whom will liaise with the HMPPS Pay and Reward team to resolve.

21. My Prison/Unit/AP/Establishment does not need any additional hours working at this moment, but I can I ask staff to sign up in advance?

We want to encourage staff to sign up for these schemes and Governors/Probation Managers can undertake such preparatory work; but staff must be made aware that there is no commitment until the Governor/Probation Manager has formally offered staff the 4 or 12-week schemes and therefore until that point, no access to bonus schemes. Staff that 'sign up' in advance are similarly under no commitment to participate in the scheme if it starts at a later date.

22. Can agency staff claim these payments?

No, the payments outlined in the NTS are not available to agency staff.

23. Can operational managers opt-out of the bonus if they wish to work normal hours and not be expected to commit to longer hours?

Yes, you may and in such circumstances please make your line manager aware of your decision.

The recently published Special Payments Scheme for operational managers working in these difficult circumstances is to recognise the additional working pressures (including increased hours of work) which we are conscious that operational managers are already facing and will face in the coming weeks.

The expectation as key workers is that operational managers will continue to operationally support their establishment as best they are able whilst they are on duty and fit and well to do so. In respect of working hours, it is important that operational managers work sensibly and talk with their line managers where they are under pressure and faced with family issues at this time to ensure that they are supported.

24. What happens if I do not want to use the Annual Leave Buy-Back Scheme?

We will be relaxing the amount of annual leave that staff may carry over into the 2021/22 annual leave year for those who do not want to take part in the Annual Leave Buy-Back scheme. Further details on this will follow. Staff should also be permitted to take their annual leave as planned unless there are exceptional operational requirements that prevent this. The 12-week bonus schemes build in a buffer to allow for annual leave to be taken by enabling the committed hours to be worked over 14 weeks

25. Why aren't non-operational managers entitled to receive a payment similar to the Operational Manager bonus as some managers will also work additional hours in difficult circumstances?

Non-operational managers (up to band 8 or equivalent) can claim (with agreement) for the additional hours they are working. They can also sign up to working an additional 9-hours per week (if there is need) for 4/12 weeks and receive the £500/£1500 bonus at the end of that period. They also may be in scope for the Special Circumstances payment if they are in offender facing roles.

26. The NTS 2020-03 states that the expiry date for the Special Payments scheme is 30/06/20 – will this change?

Due to the uncertainty of this current situation, the NTS will be reviewed in June in respect of the need to continue.

27. Can I retain any existing TOIL if my balance exceed the normal level?

Yes, you can retain your balance if it exceeds the normal level.

28. How does this and future instructions effect the working time regulations?

Whilst it is important to make every effort to adhere to the principles of the WTR and particularly in respect of sufficient breaks, rest days and adhering to safe working practise to maintain occupational health, we recognise that these are exceptional and difficult operational working circumstances and that is why the bonus payment has been agreed to reflect this.

29. If I have to self-isolate for a long period due to my health circumstances but am working from home on work related to the operational response to COVID 19 would I be entitled to the bonus?

Separate arrangements are being looked at for managers in HMPPS HQ.

30. If I cannot work in HQ, and am not required in a prison, but am working from home on work related to the operational response to COVID 19 would I qualify for the operational manager allowance?

Separate arrangements are being looked at for managers in HMPPS HQ.

31. As per my terms and conditions I am in the Flexible Working Hours Scheme and may work more hours than normal as a consequence of this situation. Will I be able to retain any flexi hours I accumulate above the standard 22.12 hour normal maximum?

Yes, the carry over rules will be relaxed for the COVID19 period.

32. What happens if I commit to the hours but they are then not available? Would I still get the bonus?

In the current circumstances, we do not envisage this being an issue. The hours will be used.

33. Will sessional workers be entitled to the Special Circumstances Payment?

We will introduce an extraordinary COVID 19 sick pay or special retainer payment for all sessional workers in this emergency period.

Managers with sessional workers in their team are asked to ensure that their sessional workers are made aware that provision will be made to make payments to those who meet the following exceptional criteria:

Sick pay:

- Those who are sick with COVID 19 symptoms.

Special retainer pay:

- Those who are self-isolating due to being in a vulnerable group but working. The expectation would be that these individuals would still, if fit conduct home working.
- Those with caring responsibilities who are still working. The expectation would be that these individuals would still if fit conduct home working.

The sick pay / retainer will be calculated on the basis of average weekly pay for the last paid 12-weeks in the 15-week period immediately prior to 1 March 2020 (cut-off date 8 December 2019). The payment will be made as a monthly amount (so multiples of however many weeks absence).

Sessional workers who are working in prisons and APs will also be in scope for the special circumstances payments of £150.

Please Note: These extraordinary payments will not apply to full time staff who do additional sessional work.

Prison Specific FAQs

34. What happens to sites currently operating the Payment Plus Bonus Schemes in Exeter, Guys Marsh, The Mount, Long Lartin and Isis?

We will temporarily cease the current Payment Plus bonus schemes in the above establishments and all prisons will be able to access the Covid-19 Special Payments Scheme from Sunday. Staff on the current scheme will be paid pro rata for the period completed on the existing schemes.

35. Does the Covid-19 Special Payments scheme apply to non-operational staff in F&S Bands 2-8/ Closed Grades working in Prison Administration?

Non-Operational Staff in F&S Bands 2-8/ Closed Grades working in Prison Administration will be offered the opportunity to commit to a 4 or 12-week period (the 12-week scheme can operate over a 14-week period to allow up to 2 weeks absence) of working an average of 9 additional hours per week. In addition to any normal overtime rates, staff will receive a single special bonus payment at the end of the 4 or 12-week period to the value of £400 for the 4-week period and £1500 for the 12-week period. This scheme is to cover anticipated shortfalls amongst all OSGs and non-operational prison staff.

36. Do bedwatches or constant watches count towards the hours required for the Payment Plus Bonus Scheme?

Yes, the normal rules apply to the duties that can be worked as Payment Plus. Any hours worked as Payment Plus can count towards the 9 hours required each week for consideration of bonus payments

37. Is the Operational Managers Bonus scheme available to operational managers working in a PGD Office?

Separate arrangements are being looked at for managers in HMPPS HQ.

38. Is the Covid19 Special Circumstances payment available to all grades of non-operational staff i.e. Hub Managers /HoBA?

If there is a resources shortfall due to Covid19 and the Governor agrees that offender facing support work is required, then non-operational staff can voluntarily sign up to do that work. They will then be allocated work subject to training and risk assessment.

39. If an operational member of staff on restricted duties with no prisoner contact is offered to do the additional hours, what bonus payment scheme will they fall under?

They would not be eligible for either. It would be unlikely to be agreed for Payment Plus purposes and operational prison officer grades cannot claim overtime.

40. Manager Bonus Scheme: Are you asking managers to waive rights under WTR? If not, the offer needs to refer to 9 hours max overtime per week for managers.

No, we are not, but we are encouraging flexibility in these exceptional circumstances.

Probation Specific FAQs

41. Are probation officers in prisons eligible?

Yes, as they are on NPS T&C's, they could be eligible for any of the NPS payments.

42. Do SPOs/Case Admin/SAO count for the £150 standard monthly payment?

Yes, possibly. The payment is to all NPS staff that are working at a location, in an offender facing role, see also paragraph 47 of the NTS for its application. It is not payable to staff that are home working.

43. Employee works as a Case admin/PSO/PO but they are willing to assist with cover in APs under Extra Hours Special Bonus Scheme. Is this permissible?

Yes, the staff could agree to commit to 9 extra hours per week, working in an offender facing role within an AP, if approved by management.

44. Are PQiPs entitled to these payments? What about NPS PQiP trainees seconded to CRCs – are they also entitled for these?

NPS PQiPs are entitled to participate. NPS PQiPs seconded to CRC are entitled to participate and work extra hours for NPS offender facing work. The Special Circumstances payment is not applicable to NPS PQiPs working for CRC's during the month.

45. Do these schemes only apply to operational staff working in the office, or do they also apply to operational staff working from home?

The bonus payments for 9 extra hours worked each week, can be paid to those based from home, if they are still undertaking Offender facing work. The Special Circumstances Payments are only for those actually working in the workplace.

46. Bands 1-6 Overtime: Will Sundays and Public Holidays be paid at the rate of double time?

Standard NNC rules and guidance apply for any additional hours claims.

47. Where staff are required to travel to and from work for more than 5 days to deliver overtime, would travel time counts as working time on any additional days.

Yes, normal Travel and Subsistence Policy will apply. For example, excerpt from PI 17 2015;

Travel expenses incurred by unscheduled additional attendance (home to workplace travel outside of normal working hours)

8.2 NOMS may meet the additional home to permanent or temporary workplace journey costs of staff who make an additional unscheduled attendance outside normal working hours.

8.3 Staff may be eligible to claim reimbursement if they are:

- in receipt of a standby allowance; or
- qualified by such attendance for pay or payment of travelling time; or
- **for operational reasons**, required to make an additional, irregular, unrostered attendance.

8.4 Staff are **not** eligible to claim additional travel expenses if they:

- are attending as part of a regular rostered commitment; or
- their basic pay contains an element to reflect shift working; or
- their conditions of service include an expectation of shift working; or
- take time off in lieu so that additional attendance is not incurred

48. Will the scheme apply to all NPS staff including those who recently transferred into NPS Wales?

Yes – although former CRC staff remain on their former KSS terms and conditions for the time being in Wales former CRC staff will be able to participate in this scheme

49. Standby allowances: Why only gold command?

The Gold Command 'on call' allowances and hourly rate for being called in, specifically relate to those staff who are on the NPS Gold Command Rota – specifically for COVID19. Standard NNC rules continue to apply for all other periods of standby.