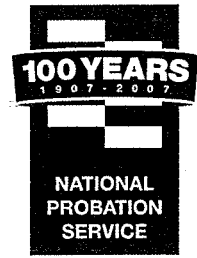


**NORTH YORKSHIRE PROBATION AREA**

**North Yorkshire Probation Area**

Head Office, 6 Standard Way, Northallerton, DL6 2XQ  
Telephone (01609) 778644 – Fax (01609) 778321  
www.nyprobation.org.uk



5 June 2009

National Secretary  
Unite  
35 King Street  
Covent Garden  
LONDON  
WC2E 8JG

Dear Sir or Madam

**Re: FOI Request – Job Evaluation**

Further to your original request referred to in the attached ICO letter dated 19 January 2009, I can advise you as follows:-

- (a) The Job Evaluation process was completed in North Yorkshire by November 2007.
- (b) The process has been completed in accordance with the Guide and relevant instructions.
- (c) A local appeals process was produced to give clarity around the national arrangements (see attachment 1).
- (d) Job Matching and Evaluation was carried out on the basis for both generic grade-based job descriptions and some role-based job descriptions. There were also some specialist posts which had their own individual job descriptions.
- (e) Please see attachment 2.
- (f) The jobs marked are those which resulted in appeal and the outcome is indicated in attachment 2.
- (g) Please see attachment 3.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Walter Burns'.

Walter Burns  
ACO Corporate Governance / Board Secretary

ICO reference: FS50216760  
Your reference: 56327



Information Commissioner's Office  
Promoting public access to official information  
and protecting your personal information

Michael Evans  
Data Access and Compliance Unit  
Ministry of Justice  
First Floor - Zone C  
102 Petty France  
London  
SW1H 9AJ

19 January 2009

Dear Mr Evans

**Freedom of Information Act 2000 (the Act)  
Complaint from Mr K O'Gallagher of Unite the Union**

The Information Commissioner has received a complaint from Mr O'Gallagher about the way that the Ministry of Justice, Open Government Unit handled his request for information of 18 October 2007.

**Request**

The complainant requested the following information from the individual National Probation Service offices:

With reference to the Job Evaluation Scheme:

- a). Has the Job Evaluation process reached its conclusion in your Area in relation to all staff in post at the commencement of the process? If not, what is the target date for its completion?
- b). Has the Job Evaluation process in your Area been carried out exactly in accordance with the National User Guide?
- c). Were any supplementary local guidance or documentation produced? If so, please supply a copy of all documents.
- d). Was the job matching and evaluation carried out on the basis of:
  - i) generic grade-based job descriptions, e.g. SPO,
  - ii) role-based job descriptions, e.g. approved premises SPO, or
  - iii) individual post-based job descriptions?

Please supply details of the management posts in your Area that were subject to Job Evaluation and how they were categorised.

- e). What were the initial job evaluation outcomes for management posts in



your area? Please supply anonymised detail (band and score) by grade or role for all managers, not just probation grade managers.

f). How many, and which Job Evaluation outcomes for management posts have resulted in appeals and what was the outcome of the appeals if they have been concluded?

g). A staff profile, by grade, number, ethnicity and gender of your Area.

### **Response by the National Probation Service**

While seven of the 42 national offices responded directly with information, with which Mr O'Gallagher declares himself satisfied, 35 national offices referred the request to the Open Government Unit of NOMS for response. Following clarification on 11 January 2008, various responses, promising a substantive response within the statutory period of 20 working days, were sent to the complainant at intervals, culminating in a refusal notice on 29 April 2008, citing section 12 of the Act.

Following an internal review, held at the request of the complainant, this decision was upheld on 5 August 2008 on the grounds of cost, explaining that the aggregated cost of comparing the job evaluation results of 42 probation areas would exceed the statutory £600 cost limit, being defined as 3½ days work. It is further explained that consideration was given as to whether the request could be refined to fall within the prescribed cost limit, but that it was difficult so see how this might be achieved.

### **Scope of Investigation**

The complaint centres on three areas:

- 1) the refusal itself, given that seven regional offices apparently complied with the request;
- 2) the delays evidenced by the sequence of letters dated 18 January, 12 February and 13 March 2008, culminating in a refusal notice on 29 April 2008, a total of 73 working days when under Section 10 (6) (b) the statutory time permitted is 20 working days; and
- 3) whether the clarification sought in the letter of 15 November 2007 was necessary, given that seven regional offices were able to give satisfactory responses without seeking clarification.



### **Application of Sections**

The refusal notice of 29 April 2008 indicates a primary reason for refusal under section 12 as the need to collate the information from a number of sources. Further, it cites the complainant's request that OGU respond on behalf of those areas which did not respond directly. From an examination of the correspondence submitted by the complainant, it would seem that the decision to collate responses through the OGU was not at the request of the complainant but rather for the expedience of the Probation Service. If you have any correspondence which would support your argument in favour of a centralised OGU response at the complainant's request, please provide copies.

In support of your section 12 refusal, please provide a breakdown of your estimate of costs, and please indicate whether consideration was given to simply requesting the raw data from each regional office and either each office sending it directly, or forwarding this as a bundle in response without any further collation or analysis. As the complainant declares himself satisfied with responses of this nature from the seven regional offices which did respond directly, I may need to consider whether this might have better fulfilled your obligations under Section 16 of the Act.

Please also clarify for me the difficulty which the original request posed, prompting your clarification request of 15 November 2007, I note that seven regional offices appeared to have no similar difficulties.

The information requested will not be released to the complainant or any other third party, and it will be stored in a secure environment. My request is solely for the purposes of allowing the Information Commissioner to make an informed decision with regards to the Ministry of Justice's application of sections 12 and 16, by direct reference to the requested information.

### **Summary**

Please provide your response to the matters raised in the Application of Sections section above. Your response should contain full and complete arguments to support your decision. If you choose not to submit any further response the Commissioner may proceed to make a decision based solely on the information which has already been supplied to him. He may also choose to use his powers under section 51 to issue an Information Notice which will require you to provide such information.



Information Commissioner's Office

**Time for Response**

I would appreciate a response as soon as possible and no later than 20 working days from the date of this letter. In the meantime, please feel free to contact me directly should you have any questions or concerns, by email at [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk) quoting the following in your subject header:

[Ref. FS50216760]

exactly as written here, or on 01625 545700.

Yours sincerely

A handwritten signature in black ink, appearing to be 'S. Dickinson', written over a horizontal line.

**Steven Dickinson  
Complaints Officer**

## **NORTH YORKSHIRE PROBATION AREA**

### **JOB EVALUATION**

### **APPEAL AND REVIEW PROCEDURE**

#### **1. OVERVIEW**

This Appeal and Review Procedure has been adopted as part of the approved Job Evaluation Scheme for the Probation Service as agreed by the National Negotiating Council (NNC) in October 2005.

Job evaluation is a technique for comparing the relative demands of jobs, usually, as the basis for a grading and pay structure.

Job evaluation is about comparing the demands of jobs, not people. Job evaluation does not assess how individuals perform, nor how their work is organised, nor whether they have the required skills and knowledge for the work. The last of these issues is covered by Probation Service occupational standards.

#### **2. GOVERNANCE ARRANGEMENTS**

Appeals Panels are the responsibility of the North Yorkshire Probation Board, however powers of review have been retained by the NNC and National Probation Directorate (NPD) insofar as to ensure national consistency.

This Appeals Procedure relates only to Job Evaluation matching, grading and related pay issues. Any other queries or concerns should be addressed through the appropriate local procedure.

The substance of appeals raised through the Job Evaluation Appeal Procedure cannot be raised elsewhere. The decision of the Appeals Panel is final as it relates to job evaluation matching, grading and related pay issues.

#### **3. CONSTITUTION OF APPEAL PANELS**

The North Yorkshire Probation Board will be responsible for establishing a Job Evaluation Appeals Panel. It will be the responsibility of the ACO-HR to convene such a panel.

Formal Appeals should be heard by a joint panel of three members not all of whom have been previously involved with the matching or evaluation of the job. The Panel should have at least one representative from the recognised trade unions.

Members of the Panels will be drawn from those who have received training in the Job Evaluation Scheme either in Job Matching or Job Evaluation.

The Chair of the Appeals Panel will be the Chief Officer or their nominated representative. The Chair will be responsible for keeping a written record of proceeding, ensuring the appropriate formalities are observed and will sign the final letter advising the appellant of the outcome of the appeal.

#### **4. TERMS OF REFERENCE**

The Appeals Panel will be responsible for conducting hearings for the final, formal stage of the Job Evaluation Appeals Process.

The Panel will only be convened when all other procedures, as set out in the Job Evaluation User Guide, have been exhausted.

The appeal should be heard by the joint panel which will:

- Apply the procedure exactly as the original matching;
- Consider whether the new information/representations change the original match;
- Complete a new matching form

The decision of the Appeals Panel will be final.

#### **5. STAGES OF THE PROCEDURE**

For the purposes of this procedure, the stages are designated as follows:

- Stage 1 – initial evaluation or matching of the job
- Stage 2 – review of initial evaluation or matching (Informal Appeal)
- Stage 3 – appeal against initial evaluation or matching (Formal Appeal)

#### **6. THE APPEALS PANEL**

The appellant(s) may make oral or written representation to the Panel, and may be accompanied by a trade union representative or a workplace colleague. Any

submission must be available to the Panel at least five working days before the appeal is heard.

The purpose of any meeting with the appellant will be to enable the panel members to fully understand the reason for the appeal and clarify any areas of misunderstanding. The Panel may ask questions of the appellant or their representative.

The appellant and their representative should not be present when the actual matching takes place.

A written note of the proceedings should be made and the appellant should be notified in writing as soon as possible of the outcome of the formal appeal, normally within 20 working days of the date of the hearing.

The decision of the Appeals Panel is final.

The appellant should receive a copy of the new or revised matching form and any subsequent changes to employment contracts will be handled by the Central Personnel Team.

## **7. REASONS FOR APPEAL OR REVIEW**

There are a number of situations in which an individual or a group of staff may wish to appeal against or seek a review of the grading of their jobs:

- Disagreement over matching of the job to a national profile;
- Disagreement over the local evaluation of the job;
- The job has changed significantly since the original matching or local evaluation; and
- A new role (less than 12 months)

Where a group of staff carrying out the same job wish to appeal or request a grading review, the method for dealing with this should be that a representation (no more than two staff members) from the group will put the case forward on behalf of all their colleagues

### **a) Disagreement over Matching to National Profile**

#### **Grounds for Appeal**

An individual (or group of staff) may appeal against the matching of their job on one or more of the following grounds:

- Insufficient or otherwise inadequate information was available to the panel which undertook the initial matching of the job;
- The available job information was misunderstood or misinterpreted by the matching panel;
- The job is significantly different from that which was matched to the national profile.

### **Initiating an Appeal**

An individual (or group of staff) who wishes to appeal against the matching of the job must submit the claim in writing to the Area HR Manager within 20 working days of publication of the results by completing a blank matching form, explaining under each of the JE factor headings the information they consider should have been taken into account.

### **Informal Appeal**

As a first step, to allow for clarification and possible resolution of the issues, the appeal should be discussed informally between the individual, a management representative (normally from the Central Personnel Team) and a union representative (if appropriate) as soon as possible and, in any event, within one month of the submission of the appeal request.

Both the management representative and the union representative should have been trained in job evaluation – matching, so that the rationale for the current grading can be explained and the questions for appeal identified.

### **Formal Appeal**

If the appeal is not settled or withdrawn as a result of the informal meeting, the formal appeal must commence within one month of the informal appeal date.

The panel will:

- Apply the procedure exactly as for the original matching;
- Consider whether the new information/ representations change the original match;
- Complete a new matching form.

The Panel will operate in accordance with the principles outlined in section 6 of this document.

## **Notification**

The appellant should be notified as soon as possible of the outcome of the formal appeal and, in any event, within 20 working days of the date of the hearing.

Notification of the outcome should be in writing, normally in the form of a new or revised matching form.

## **Remedy**

Where the appeal results in a change of grading, then this should be implemented on the 1<sup>st</sup> April 2006 or the date of appointment (if later than 1<sup>st</sup> April 2006).

### **b) Disagreement over Local Evaluation of the Job**

#### **Grounds for Appeal**

An individual (or group of staff) may appeal against the local evaluation of their job on the following grounds:

- Insufficient or otherwise inadequate information was available to the panel which undertook the initial evaluation of the job;
- The available job information was misunderstood or misinterpreted by the evaluation panel

#### **Initiating an Appeal**

An individual (or group of staff) who wishes to appeal against the local evaluation of the job must submit the claim in writing to the Area HR Manager within 20 working days of publication of the outcomes by completing a blank evaluation form, explaining under each of the JE factor headings the information they consider should have been taken into account.

#### **Informal Appeal**

As a first step, to allow for clarification and possible resolution of the issues, the appeal should be discussed informally between the employee, a management representative (normally from the Central Personnel Team) and a union representative as soon as possible and, in any event, within one month of the submission of the appeal request.

The member of the Central Personnel Team should be a trained evaluator, so that the rationale for the current grading can be explained and the questions for appeal identified.

If it appears from the discussion that the job description questionnaire, on which the initial evaluation was based, was seriously inadequate, then, by agreement, the jobholder may be asked to complete a new job description questionnaire which will then be re-evaluated.

### **Formal Appeal**

If the appeal is not settled or withdrawn as a result of the informal meeting, the formal appeal must commence within one month of the informal meeting date.

The panel will:

- Apply the procedure exactly as for the original evaluation;
- Consider whether the new information/ representations change the original evaluation;
- Complete a new or revised evaluation rationale form.

The Panel will operate in accordance with the principles outlined in section 6 of this document.

### **Notification**

The appellant should be notified as soon as possible of the outcome of the formal appeal and, in any event, within 20 working days of the date of the hearing.

### **Remedy**

Where the appeal results in a change of grading, then this should be implemented on the 1<sup>st</sup> April 2006 or the date of appointment (if later than 1<sup>st</sup> April 2006)

### **c) Significant Job Changes**

#### **Grounds for Review**

An individual (or group of staff) may request a review of the initial evaluation or matching of their job on the grounds that the job has changed substantially since the initial matching or evaluation, so that the job is significantly different to that which was matched to the national profile or locally evaluated. The substantial change may have happened as the result of a reorganisation of work, or may have occurred through a series of incremental changes over time.

#### **Initiating a Review**

An individual (or group of staff) who wishes to request a review of the initial evaluation or matching of the job must submit the claim in writing to the Area HR Manager within 20 working days of publication of the outcomes of Job Evaluation, explaining the changes which have occurred to the job. It is expected that such a request for review of initial evaluation or matching will normally have the support of their ACO Line Manager.

### **Informal Review**

As a first step, to allow for clarification and possible resolution of the issues, the request for review should be discussed informally between the employee, a management representative (normally from the Central Personnel Team) and a union representative as soon as possible and, in any event, within one month of the submission of the request for review of initial evaluation or matching.

If it appears from the discussion that substantial changes to the job have taken place, then the job description should be revised to accommodate these and, where a local evaluation is envisaged, the job holder asked to complete a new job description questionnaire.

### **Formal Review**

If the request for review of initial evaluation or matching is not settled or withdrawn as a result of the informal review, the formal review must commence within one month of the informal review date.

The panel will:

- Apply the procedure exactly as for the original matching/ local evaluation;
- Consider whether the new information/ representations change the original match or local evaluation;
- Complete a new matching form or evaluation rationale, as appropriate.

The Panel will operate in accordance with the principles outlined in Section 6.

### **Notification**

The appellant should be notified as soon as possible of the outcome of the formal review and, in any event, within 20 working days of the date of the hearing.

Notification of the outcome should be in writing, in the form of a new matching form or evaluation rationale.

## **Remedy**

Where the review results in a change of grading, then this should be implemented as from the date at which the request for review of initial evaluation or matching was submitted.

### **Appeal against Review of Initial Matching or Evaluation**

If an individual or group of job holders is dissatisfied with a review of a changed job, they may submit an appeal. In this case, the procedure is as above for an appeal against a matching review or for an appeal against an evaluation review.

#### **d) New Jobs**

New jobs should be provisionally matched or evaluated by a member of the Central Personnel Team and relevant line manager and advertised at the appropriate grade salary range.

After no more than 12 months, the job holder(s) may request a review of the local matching or evaluation of the post, against an up-to-date job description or completed job description questionnaire, as appropriate.

If an individual (or group of staff) is dissatisfied with the outcome of this review of matching or local evaluation, they may submit an appeal. In this case, the procedure is as for (a) above for an appeal against a matching review or (b) above for an appeal against an evaluation review.

Job Title	Band	Score	Date	Appeal	Outcome
Organisational Development Manager	6	688	Jan-06		
Area HR Manager	6	675			
Area Manager Public Protection	6	698	Jun-07		
Area Manager (OM)	6	698	Jun-07		
SPO Approved Premise	6	613-620	Mar-06		
Information Services Manager	5	567	Dec 06 (A)	Y	Band 6
Circles of Support Co-ordinator	5	597	Jun-07		
SPO - ECP, Unpaid Work & Basic Skills	5	593	Jan-06		
SPO Interventions	5	580	December 06 (A)	Y	No band change
SPO OM	5	626	December 06 (A)		
SPO Public Protect	5	554	Jan-06		
SPO Substance Misuse	5	629-642	Mar-06		
SPO Housing Service Manager W & NY	5	590	December 06 (A)	Y	No band change
SPO Start	5	606	Jan-06		
SPO YOI	5	574	Jun-07		
SPO Askham Grange	5	574	Jun-07		
SPO OM	5	626	Jun-07	Y	No band change
Interventions Manager	5	580	Jan-06		
PM Interventions	5	554-564	Jan-06		
PM OM	5	541	Mar-06		
PM Start	5	541	Mar-06		
Performance & Quality manager	5	580	Jun-07		
DIP Project Mgr	5	714	Jan-06		
PS Plus 3 Project Mgr	5	616-629	Jul-06		
Public Protection Manager	5	564	Jun-07		
Office Manager Field	4	501-524	Nov-06		
Employment Engagement Mgr	4	498	Jun-07		
Office Manager Field Unit	3 / 4	462-483	Mar-06		
Office Manager, P2K	3	459	Jan-06		

Monthly Staff Report - as at

01 November 2007

Staff Profile by FTE

	Chief Officers & Area Managers	SPOs & Senior Practitioners	Probation Officers
Asian or Asian British: Bangladeshi			
Asian or Asian British: Indian			
Asian or Asian British: Other			
Asian or Asian British: Pakistani			
Black or Black British: African			
Black or Black British: Caribbean			1.00
Black or Black British: Other			
Chinese			
Mixed: Other			
Mixed: White & Asian			
Mixed: White & Black African			
Mixed: White & Black Caribbean			
Other Ethnic Group			
Refused			2.00
White: British	10	25.50	47.30
White: Irish			
White: Other		2.00	
Missing Information		1.00	3.00
<b>Total</b>	<b>10.00</b>	<b>28.50</b>	<b>53.30</b>

	Chief Officers & Area Managers	SPOs & Senior Practitioners	Probation Officers
Female	3.00	17.50	39.90
Male	7.00	11.00	13.40
<b>Total</b>	<b>10.00</b>	<b>28.50</b>	<b>53.30</b>

Overview of FTE for HR  
Performance Report

	Chief Officers & Area Managers	SPOs & Senior Practitioners	Probation Officers
White	10.00	27.50	47.30
Ethnic Minority	0.00	0.00	1.00
Unknown	0.00	1.00	5.00
<b>Total</b>	<b>10.00</b>	<b>28.50</b>	<b>53.30</b>

Trainee Probation Officers	Probation Service Officers	Night Support Workers	APT&C	Total
				0.00
				0.00
				0.00
				0.00
				0.00
				1.00
				0.00
				0.00
				0.00
				0.00
	1.00			1.00
				0.00
				0.00
	1.00			3.00
17.00	67.38	4.50	55.01	226.69
	1.00			1.00
				2.00
				4.00
17.00	70.38	4.50	55.01	238.69

Insert  
Total Fte  
in Cell  
Below

238.69      0.00

Trainee Probation Officers	Probation Service Officers	Night Support Workers	APT&C	Total
11.00	38.37	0.50	50.51	160.78
6.00	32.01	4.00	4.50	77.91
17.00	70.38	4.50	55.01	238.69

238.69      0

Trainee Probation Officers	Probation Service Officers	Night Support Workers	APT&C	Total
17.00	68.38	4.50	55.01	229.69
0.00	1.00	0.00	0.00	2.00
0.00	1.00	0.00	0.00	7.00
17.00	70.38	4.50	55.01	238.69