

STAFFORDSHIRE PROBATION AREA

Simpson/Staffordshire/NPS@PROBATION, Clive
Palmer/Staffordshire/NPS@PROBATION, Sandra
Bowden/Staffordshire/NPS@PROBATION
Subject Freedom of information request - Staffordshire Probation

Further to the urgent request for information, please find here the response from Staffordshire Probation Area. Please let me know if there are any queries in relation to the data.

- a) Yes
- b) Yes
- c) Yes - see attached

- d) a mixture of all three options

- e) + f)

- g) Staff Profile - see attached

Kind regards *Anne*

Anne Coghlan - PA to Rob Mandley / Probation Board

DB: 01785 231749 / Fax: 01785 227737 / e-mail: anne.coghlan@staffordshire.probation.gsi.gov.uk

* Information contained in this e-mail should be considered **RESTRICTED**, unless otherwise advised *

----- Forwarded by Anne Coghlan/Staffordshire/NPS on 05/06/2009 08:51 -----

"McDonough Philip"
<Philip.McDonough@homeoffice.gsi.gov.uk>
Sent by: "Das Jayesh"
<Jayesh.Das@homeoffice.gsi.gov.uk>

To
cc
Subject Freedom of information request - Urgent

02/06/2009 17:10

NPS gateway for NOMS Notices to Chief Officers

Subject	Freedom of Information Request
Documents attached	Unclassified
Protective Marking	Unclassified
Summary	I am writing on two points: 1. To tell you that the agreement which existed with the Open Government Unit for central provision of responses to FOI requests does not comply with the Freedom of Information Act. Further guidance will follow. 2. To request Areas and Trusts to respond individually to an

	outstanding request.
Epic Link	N/A
Date and Time	02 June 2009

To:	Chief Officers/Executives and DOMS, Heads of Unit, Cc: Board Chairs
From:	Iain McIntosh
Unit	Probation Policy, Pay and Employee Relations
Contact	Iain.McIntosh@justice.gsi.gov.uk - 020 7217 8768
Action required	1. To note attachment. 2. Provide information requested
Suggested circulation within area	HR Leads

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Job Evaluation Appeals Procedure Staffordshire Probation Area.

PLEASE NOTE

This procedure is for matters arising from the Job Evaluation exercise only. Grievances relating to any other matter should be addressed via the appropriate alternative procedures.

The Job Evaluation Appeals Procedure does not impact upon any other procedure being pursued by staff, nor is it influenced by the outcome or existence of appropriate alternative proceedings.

1.0 Grounds for Appeal

1.1 The only grounds for appeal are:

- 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
- The job is significantly different from the national profile to which it was matched.

2.0 Informal Appeal

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

2.2 This meeting should be requested by writing to Sandra Bowden, HR manager, within 20 days of receipt of the notification letter, and a member of the HR Team will contact the Appellant.

3.0 Formal Appeal

3.1 If the appeal is not settled or withdrawn as a result of the informal meeting, you will be asked to complete a blank matching form, explaining under each of the JE factor headings the information you consider should have been taken in to account. Your formal appeal against the grading of your post, together with the completed matching form, must be submitted, in writing, to Andy Wade, Director of Business Development, within one month of the informal appeal date.

3.3 The formal appeal will be heard by a joint panel of at least three members who have all been trained in Job Evaluation with an agreed Chair. Members should not have been previously involved with the matching or evaluation of the job. The Panel will have at least one representative from the recognised trade unions. The panel will also include a member of SPA Board.

- 3.5 A written note of proceedings will be taken for future reference
- 3.6 The appellant may make oral or written representations to the panel, either in person or through a union representative or workplace colleague if desired. The purpose of the oral representations is to clarify the issues. The panel may ask questions. The appellant and representative should not be present when the actual evaluation takes place.
- 3.7 The panel will:
- Apply the procedure exactly as for the original process;
 - Consider whether the new information/representations change the original grade;
 - Complete a new scoring form.
- 3.8 The decision of the panel is final so far as it relates to JE matching, grading and related pay issues. The appellant(s) 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.
- 3.9 Any other queries or concerns raised by members of staff should be addressed through the appropriate local procedure.

Andrew Wade
Director of Business Development

STAFFORDSHIRE PROBATION AREA

APPEALS PANEL

Operating Principles

2 February 2007

Process

1 Management Briefing

On all cases being heard that day. Management then leave

2 Panel

Chair to outline purpose of the meeting and the relevant grounds for appeal. Namely:

- Insufficient information available.
- Role sufficiently different from national benchmark profile.
- Information supplied was misinterpreted/misunderstood.
- Significant changes to the matching/evaluation that took place.
- If appellant/representative attending.

Fifteen minutes allocated for appellant presentation of case.

Fifteen minutes allocated for questions/discussion.

Appeals panel consider appeal alone, but can call on technical advice from the HR Manager.

Operating Principles

- Panel will consist of three members.
- Union representative on the panel will be from the 'non interested' union.
- All panel members to receive an appeals panel pack five days before the hearing to include:
 - (i) blank matching form
 - (ii) blank evaluation form
 - (iii) original matching/evaluation form
 - (iv) signed JD
 - (v) signed JDQ if appropriate
 - (vi) appellant's evaluation form and supporting evidence
 - (vii) relevant occupational standards
- Individuals have a right to a personal hearing and this will be confirmed with them with sufficient notice.
- The final determination of results will be made only when all appeals heard.
- Appeals panels complete a re-evaluation. This can mean individual factor scores can be reduced as well as increased.
- Management will prepare a general briefing on local interpretation of scoring principles etc before any formal panels commence.

- Management also to provide a specific briefing on cases to be heard at the start of each appeal day.
- The chair is responsible for leading the panel to a consensus and will complete a master matching/evaluation form as a record of proceedings.
- On the final date there will be a quality assurance process to ensure internal consistency. This will take the form of:

a) Management comment

b) Final determination by the appeals panel sitting alone:

- The decision letter to individuals will be signed by the Director of Business Development and will include details of the factor scores and copies of the overall matching/evaluation forms.
- Appeals panel decision is final.

Andy Wade

**GUIDANCE ON THE PROCEDURE/PROCESS TO BE FOLLOWED IN
GRADING NEW AND RE-DESIGNED JOBS AFTER OCTOBER 2006**

BACKGROUND

After the completion and implementation of the new Job Evaluation Scheme, from 1st April 2006 any new job created, old jobs re-designed or substantially changed in the future in order to meet new business needs, will need to be matched/evaluated and graded in accordance with the National Job Evaluation Scheme procedures and guidelines.

**PROCEDURES TO BE FOLLOWED IN EVALUATING AND GRADING
EXISTING JOBS WHICH HAVE SUBSTANTIALLY CHANGED SINCE THE
COMPLETION OF THE JOB EVALUATION EXERCISE IN OCTOBER 2006**

1. The job holder should complete the Job Description Questionnaire (JDQ) as far as possible, with assistance from the line manager, supervisor or union representative. This draft document is to be supplied in advance of the interview to the Job Analyst.

The outcome of this step is a draft Job Description Questionnaire.

2. The job holder is interviewed by a trained Job Analyst. The aim of the interview is to complete, improve on and verify the draft JDQ, by, for example;
 - filling in information and examples where questions have not been answered or have been inadequately answered
 - checking closed question answers against the examples given and the statement of job duties.

The outcome of this step is an analysed and amended draft JDQ.

3. The amended draft JDQ is checked by the line manager and then signed by the job holder, line manager and the Job Analyst. If there are any differences of view between the job holder and line manager over the information on the JDQ, this should be resolved, with the assistance of the Job Analyst, if necessary, by reference to factual records, diaries or equivalent.

The outcome of this stage is an analysed and verified JDQ.

4. The job description should be amended, agreed and signed off by the job holder, line manager and HR Unit. The JDQ and Job Description are now ready for matching/evaluation and grading.

4. The HR Manager will, initially, determine whether the job description can be matched to existing jobs on the National Profile. The HR Manager can delegate this task to a trained member of the HR Team.
5. If the job description matches one of the national profiles then the HR Manager will arrange for a Matching Panel of three trained matchers, one of whom should be a member of a union, to match the job description. This should be done using the standard Job evaluation Matching Form. If the job does not match one of the national profiles then the panel will evaluate the job description and agree a grade for the job.
6. The job holder must be notified, in writing, informing him/her of the outcome of the matching/evaluation, together with grade and the new salary band allocated to the job, also informing them of their right of appeal. A copy of the matching/evaluation form identifying the JE score and pay band should be forwarded to the line manager.
7. A copy of the job description and job description questionnaire will be placed on the job holder's personal file. An electronic version will be placed on the HR Job description shared database.
8. If an individual or group of employees are unhappy with the result of the review, they may submit an appeal in line with the Appeal Procedure to the Director of Business Development, who will convene an appeals panel.

PROCEDURE TO BE FOLLOWED IN MATCHING/EVALUATING AND GRADING NEW JOBS

Where the post is new and there has been no previous post holder of the role, the above procedure should be followed.

1. A copy of the agreed matched/evaluated job description should be sent back to the line manager on completion of the exercise; this will then be put forward by the line manager to the Director's Group for the business case to receive final approval.
2. Once agreed by the Director's Group the post will be advertised in the normal way by the HR Unit.
3. Once the post has been filled the job description and JDQ will be placed onto the new employees personnel file. An electronic version will be placed on the HR Job Description shared database.
4. After no more than 12 months, the job holder(s) may request a review of the matching or evaluation of the post, against an up-to-date job description or completed JDQ, as appropriate.
5. If an individual or group of employees are unhappy with the result of this review, they may submit an appeal in line with the Appeal Procedure to

the Director of Business Development, who will convene an appeals panel.

**Roles and Responsibilities under the Job Evaluation Guidance
Procedure/Process for Re-designed and New Jobs
After October 2006**

Role	Officers Name	Representative
Under the guidance of	Sandra Bowden	
Job Matcher		
	Trevor Hartley	SPO
	C Hay	SPO
	Sue Sheehan	Admin
	Sam Williams	SPO
	Debbie Edwards	Admin
Appeal Panel		
	Andy Wade	Director of Bus Dev
	Maurice Downes	Board Member
	Vacancy	Unison
	Jean Steer	NAPO
Job Matcher/Evaluator Management		
	Bob Simpson	Director of Bus Res
	Sandra Bowden	HR Manager
Job Matcher/Evaluator Unions		
	John Gordon	Unison
	Helen Kent	NAPO
Job Analysts		
	Margaret Byott	HR
	Michele Milward	HR
	Debbie Edwards	Admin

Job Evaluation – Management Posts

<u>Post</u>	<u>Pts</u>	<u>Band</u>	<u>Appeal</u>	<u>Pts</u>	<u>Band</u>
Info Service Unit	577	5	-	-	-
Finance Manager	567	5	-	-	-
HR Manager	587	5	-	-	-
L & D Manager	619	5	-	-	-
Approved Premises	603	5	Yes	613	5
Prolific Offenders	606	5	-	-	-
Drug Rehab Team	606	5	-	-	-
Com Supervision	606	5	-	-	-
Programmes	567	5	-	-	-
Courts	606	5	Yes	606	5
Prisons	606	5	-	-	-
Educ/Training/Employ	606	5	Yes	619	5
<i>(Significant change to JD 01.04.08)</i>			Yes	646	6
Public Protection Unit	580	5	Yes	603	5
<i>(Significant change to JD 01.09.07)</i>			Yes	636	6
Unpaid Work	593	5	-	-	-
Business Dev Unit	662	6	-	-	-
Area Manager	649	6	-	-	-
Business Support Unit	717	6	-	-	-

PayBand	Ethnicity	Gender	Total
1	White British	Female	17
2	A or AB Indian	Female	1
2	A or AB Pakistani	Female	1
2	A or AB Pakistani	Male	1
2	B or BB African	Male	1
2	Mixed W/B African	Female	1
2	Mixed W/B Caribbean	Female	1
2	Not Declared	Female	9
2	Not Declared	Male	1
2	White British	Female	81
2	White British	Male	22
3	A or AB Indian	Female	1
3	A or AB Indian	Male	1
3	A or AB Pakistani	Female	1
3	B or BB Caribbean	Male	2
3	Mixed Other	Male	1
3	Not Declared	Female	8
3	Not Declared	Male	5
3	White British	Female	97
3	White British	Male	54
3	White Irish	Female	2
3	White Irish	Male	1
4	A or AB Indian	Female	1
4	Mixed Other	Female	1
4	Mixed Other	Male	2
4	Mixed W/B African	Female	1
4	Mixed W/B Caribbean	Female	1
4	Not Declared	Female	7
4	Not Declared	Male	1
4	Other Ethnic Group	Male	1
4	Other White Background	Female	2
4	Other White Background	Male	1
4	White British	Female	88
4	White British	Male	58
5	B or BB Caribbean	Male	2
5	White British	Female	16
5	White British	Male	10
6	White British	Female	4
6	White British	Male	5



Ministry of JUSTICE

National Offender
Management Service

Iain McIntosh
Head of Probation Pay, Reward and
Employee Relations
NOMS HR
1st Floor
Abell House
John Islip Street
London SW1P 4IH
Telephone: 020 7217 8768
Fax: 020 7217 0790
Email: iain.mcintosh@justice.gsi.gov.uk

Chief Officers and Chief Executives
Board and Trust Chairs

2 June 2009

Dear Colleague

Freedom of Information Act (FOI) 2008

I am writing to tell you that the agreement which existed with the Open Government Unit for central provision of responses to FOI requests does not comply with the Freedom of Information Act. In future Areas and Trusts will be required to reply on an individual basis. Further guidance will be supplied shortly.

This leaves a particular past request from Unite the Union which the ICO has determined will have to be dealt with by Areas and Trusts directly. The request received was for a breakdown of staffing data. We are resending as this request as an attachment to this Gateway to all Probation Areas and Trusts for the collation of data contained within the document. A number of Boards and Trusts did in fact reply direct and are not required to respond again.

I would be grateful if the replies could now be sent directly to the National Secretary at Unite.

The ICO has set a deadline of **Friday 5th June 2009** but we are urgently seeking an extension to this.

The ICO have said the requester doesn't need too much detail but is content with cut and paste spreadsheet information. In short, the responses don't have to be lengthy. The ICO have asked to be kept informed of all disclosures. They don't want copies but do want to know which Boards and Trusts have responded. To this end can you please ensure that you let us know that you have responded (we also don't need the content either just confirmation you have responded). An e-mail will suffice to beverley.warren5@justice.gsi.gov.uk (it would be very helpful if those Boards and Trusts who have already responded to the FOI request could now confirm this in an e-mail to Beverley).

Thanks to all Areas and Trusts for your assistance in this and apologies to those who have already replied.

Yours sincerely,

Iain McIntosh
NOMS HR

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 to 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 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. The signature is stylized and cursive.

**Steven Dickinson
Complaints Officer**