

ISLE OF MAN CIVIL SERVICE JOINT NEGOTIATING COMMITTEE

**ATTORNEY GENERAL'S CHAMBERS - ON CALL COVER AND COURT ATTENDANCE
ALLOWANCE
LEGAL OFFICERS WITHIN THE PROSECUTIONS TEAM**

WHEREAS the Isle of Man Civil Service Joint Negotiating Committee Constitution 1991 sets out the functions of that Committee to be: -

- i) to secure the largest possible measure of co-operation between the Government of the Isle of Man as employer and members of the IOMCS in the determination of the pay and other terms and conditions of civil servants; and
- ii) to achieve a sensible balance between the need to provide efficient, cost effective services in the public interest and the duty to be a responsible employer.

AND WHEREAS the Isle of Man Civil Service Joint Negotiating Committee has agreed, following Arbitration on 26 January, 2015 by Dr K J Mackie CBE, and his decision of 12 February, 2015 that the Legal Officers within the Prosecutions Team, Attorney General's Chambers are required to provide a 1 in 8 week rota for on call cover and court attendance with 1 participant available for a week. This will be subject to an appropriate period for management and staff to prepare to implement the new system, if not already underway, with a suggested start date of 1 April 2015 or otherwise agreed.

NOW THEREFORE the Isle of Man Civil Service Joint Negotiating Committee is agreed that the following provisions in respect of an on call cover and court attendance rota shall apply to those civil servants who are Legal Officers on the staff of the Prosecutions Team, Attorney General's Chambers who may be required to participate in the rota, whose posts are included in the Appendix hereto.

- a) There shall be an "On Call Cover and Court Attendance Allowance", which shall be a single Legal Officer to deal with all out of hours contacts and court attendance in respect of the responsibilities of the ***Prosecutions Team*** and to manage any incident arising from those contacts.
- b) The level of payment for participation in the On Call Cover and Court Attendance rota for out of hours cover duty and court attendance, which shall be in place of all other provisions in the Isle of Man Civil Service Regulations in respect of on call or standby arrangements, and has been determined by the Arbitrator as follows:-

	<u>On Call Cover and Court Attendance Allowance</u>
Weekday standby payment (Monday to Friday inclusive)	<i>£19.95</i>
Weekend standby payment	<i>£79.80</i>
Public Holiday standby payment	<i>£79.80</i>

Normal payment for a full week rota

£259.80

Above rates apply with effect from 1 April 2015

NOTE:

- (i) Weekday standby payment cover duty operates for period between normal close of business and normal opening for business on the following day. This includes Friday from close of business to the start of Saturday cover.
 - (ii) Weekend standby payment a full 24 hr period on a Saturday or a Sunday (through to opening for business on a Monday morning for Sunday payment).
 - (iii) Public Holiday standby payment includes 'Bank' holiday or 'Privilege' holiday.
- c) It is an expressed condition of this agreement that those posts identified in the **Appendix** hereto shall participate in the rota as required by management.
 - d) The Prosecution team members will provide advice to the Constabulary outside normal office hours and ensure a Prosecutor attends any courts held on Saturday and Bank Holidays. Cover will be provided by all prosecutors on an equal frequency basis (ie. 1:8 with a tolerance range of 1:6 to 1:10) one person for one week. Each prosecutor to provide cover for on call advice and court attendance for the period they are on call and to inform their line manager in the event of unexpected unavailability such as illness or urgent personal circumstances.
 - e) Once a prosecutor has been allocated a week on the rota they may request a colleague to cover any 24 hour period and it is their responsibility to gain agreement from a replacement prosecutor and to update the office records. In the unlikely event that none of their colleagues is available they are responsible for providing the cover as originally scheduled. In the case of changes made after the Constabulary has been issued with the rota the Prosecutor must in conjunction with the Process Manager ensure that the Constabulary are kept informed of any change to the on-call contact number to use during the rota period.
 - f) Alterations to the rota can only be made with the approval of the Director of Prosecutions or, in their absence, the Chief Operating Officer. It is acknowledged that there may be some staff who prefer to work certain rota days. However there will be a need to monitor this in case of any dispute or monopolisation. Specific and regular preferences must be agreed with The Director of Prosecutions and in agreement with other colleagues.

- g) The Attorney General's Chambers recognises the valuable contribution its staff are making to its business by acceptance of this rota and is prepared to consider the temporary release from its participation of any Legal Officer who can show strong personal reasons why they should be so released. This does not prevent the other Legal Officers within the Prosecutions Team from agreeing amongst themselves to cover the rostered duty of a colleague who may need temporary relief from the rota and any such arrangements will be endorsed by the Attorney General's Chambers.
- h) Claims made for the on-call allowance (and any time off in lieu for Court attendance and preparation) must be claims for actual rota cover provided.
- i) Should staffing levels decrease or increase beyond the tolerance range for a period of more than 12 weeks and a complaint is made, either by staff or management, either side may refer to the JNC requesting a review of the local agreement.
- j) The payments shall be increased by the same percentage increase applicable to standby and on call allowances defined in Regulation **C47** and shall be effective from the same date.
- k) A one off lump sum payment of £2,000 per Legal Officer, Prosecutions Team has also been awarded to reflect both some historic unsocial hours' commitments since the claim was made and also for the adoption of the more flexible system suggested by the Commission.
- l) The previous TOIL (Time Off In Lieu) system will apply for actual attendance at court during weekends, public holidays etc.
- m) The operative date of this agreement shall be **1 April 2015**.



Signed on behalf
the Civil Service Commission



Signed on behalf of
The Government Officers' Association

Date.....15/6/15.....

Date15/6/15.....

APPENDIX

Posts to Participate in the On Call and Court Attendance Rota

Legal Officers, Prosecutions Team
Senior Legal Officers, Prosecutions Team
Deputy Director of Prosecutions
Director of Prosecutions