

Department of Education, Sport & Culture

Frequently Asked Questions Transfer of roles to the Public Services Commission (PSC)

What's happening?

From 1 January 2020, other than teaching and lecturing staff all other staff from the Department of Education, Sport and Culture will transfer to the Public Services Commission. This will include:-

- Education support
- NJC
- Youth Service
- Villa Marina/Gaiety Theatre
- Bursars
- Analogous Civil Service

The transfer will also include staff working in these groups on a relief basis.

What is the Public Services Commission?

The Public Services Commission (PSC) was set up by the Public Services Commission Act 2015 and is the employing authority for all civil servants and manual & craft workers within the Isle of Man public service. This covers a large range of employment types including desk based office staff, prison officers, social care workers, air traffic controllers, heritage railway staff, craft workers (e.g. electricians, plumbers etc) and hospital porters.

The PSC already employs staff working in the Department of Education, Sport and Culture including roles at Hamilton House, school administrators, cleaners, caretakers and kitchen staff.

What is the purpose of the PSC?

Since its inception the PSC has aimed to reduce bureaucracy and simplify employment structures. Authority for decisions on staff management issues are delegated to staff within Departments, sometimes in conjunction with OHR, covering the full range of HR activity (e.g. establishment changes, recruitment, grading, discipline etc).

There is also flexibility to enable the development of terms and conditions arrangements specifically suited to meet the needs of certain distinct operational units (e.g. Prison, Airport, Social Care) whilst at the same time developing harmonised core terms and conditions applicable to all employees (e.g. Discipline, Grievance, Capability, Sick Pay Schemes).

The Public Services Commission has also provided the opportunity to streamline and modernise collective bargaining arrangements, with a single Joint Negotiating Committee responsible for negotiating pay awards.

Does this mean I will no longer be an employee of DESC?

In law, your employer will be the PSC, but the PSC Act identifies the concept of Stationed Employers to whom PSC employees are deployed. Your Stationed Employer will be DESC. The PSC Act describes Stationed Employers as follows:

“stationed employer” means the Department, Statutory Board, office of Government or other public sector entity to which the employee of the Commission is assigned.

How many people are currently employed by the PSC?

The PSC employs nearly 50% of the Government workforce.

What will happen next?

There is no change in terms and conditions or pay for staff upon transferring to the PSC, and until the completion of the job evaluation project the existing pay and grading structure will continue.

What is the job evaluation project?

Once transferred, we will commence work on a review of all transferring posts to look at the underlying job weight for roles so they can be assimilated onto the PSC pay and grading structure. The review will be led by the Office of Human Resources but is likely to involve the use of an independent job evaluation company, to conduct the initial reviews.

How will the review be conducted?

To conduct the review it will be necessary to have an up to date job description and a Role Analysis form (RAF) completed and submitted to OHR for each job. In order to ensure transparency and consistency, where a job role has several people employed to perform that role we will ask for a representative group to be formed that can draft, amend and agree the job description.

Once OHR receive the agreed job description and RAF they will arrange interviews with a nominated representative for each job role. This is to provide clarity on duties and to gain enough information in order to evaluate the role. Where there are a number of staff working to the same job description one or two spokespersons should be appointed by the group to represent them. At the end of this process we will have a consistent set of job descriptions for all the jobs and a 'weighting' or grade for each job description.

Why are you doing this?

In January 2020, the provisions for 'equal pay for work of equal value' under the Equality Act 2017 will come into force. This means that we need to ensure that jobs within the Public Services Commission that are similar are equally weighted and paid to ensure fairness and avoid any claims for equal pay. Equal pay claims can be made when jobs that are carried out predominantly by one sex are compared to other roles that are occupied by the other sex. If there is a difference meaning a comparable role is paid more than the other, a claim can be made for equal pay. Job evaluation can help improve fairness and minimise risk.

What are the timescales?

This is a big exercise and it is expected to take 12-18 months to complete.

Have the unions been consulted?

The unions and staff representatives have been consulted and are working with us on this project.

Why is it happening by 1 January 2020?

The proposed transfer involves numerous employment groups including Education Support, Youth Service, Nursery Nurses, and individual contracts linked to civil service terms. Together with teachers and lecturers they constitute a varied and complex set of pay and grading arrangements which are at significant risk from challenge under the provisions for equal pay for work of equal value.

UK Local Government guidance on these matters states that a job evaluation scheme provides an employer with a defence against equal pay claims where the potential claimant and comparator are covered by the same scheme. The Act does not provide this defence where the claimant and comparator are covered by different job evaluation schemes.

Where an organisation uses more than one scheme it could increase the risk of legal challenge, as well as presenting practical difficulties in application. The legal risk is likely to be greater the lower down in the pay structure that the cut-off point for the application of the schemes is set, as it is more likely to impact on jobs and grades which are predominantly filled by women.

An organisation that applies more than one scheme is likely to be faced with the following problems:

- it may be difficult to objectively justify by reference to the requirements of the organisation;
- determining where to place the cut-off/divide between the two schemes to ensure that they give similar rather than different outcomes; and
- designing and applying methods to test the evaluations of jobs within the boundaries between schemes.

Consequently, employers significantly reduce the risk of legal challenge if they use the same job evaluation scheme for all employees, wherever possible.

It is acknowledged that following transfer there will be no immediate change to pay and grading of these groups, and the risk of challenge will still exist. However, by virtue of commencing the project to bring these groups within the PSC and subject to its grading scheme, it is expected to be seen as a reasonable response and the PSC would, in such circumstances, likely be given the opportunity to see its project through to completion.

If my post is assimilated to a lower grade than at present, will my pay go down?

Any staff affected by assimilation to a lower pay spine will be protected under the 10+4 rule.

This rule provides that a member of staff will retain the existing salary scale/spine points at the time of the regrading for 10 years from the date of the introduction of the new grading scheme. The salary scale will be enhanced by future general pay increases, and any existing incremental progression will continue to apply. After 10 years, pay will be matched to the new rate over a period of 4 years by progressively reducing in equal instalments before settling at the new rate. The Pay Protection will be paid as a percentage of base pay and fixed allowances (where applicable).

If I am uplifted in grade will I receive a pay increase and will this be on to new or old terms?

Yes, if you assimilate to a higher grade/pay rate than your current grade your pay will increase. Upgrading will be to new terms pay scales, as has been the case for any promotion or re-grading within the PSC since 1st April 2016.

I am on the minimum point of my current pay scale. Will I continue to progress to the top of the scale if my role is downgraded?

Yes, but pay protection will be paid as a pensionable allowance.

Can I appeal any decision in terms of grade outcome?

Yes, there will be an appeal process.

At the end of 14 years which pay rate will I assimilate to?

You will assimilate to the pay rate for the grade as it is in 14 years' time, which will have increased with pay awards given during those years.

What happens to my pay protection if I move to a job elsewhere in Government.

If you voluntarily move to a job at a different grade then the pay protection ceases and you will be paid at the appropriate rate for the grade of the new job.

Miscellaneous

Will there be any job losses?

No. It is not intended for there to be any job losses as a result of this exercise.

I'm about to go on maternity leave, what will happen to me?

Employees who are pregnant or on maternity leave are protected from discrimination. This means that any process must be fair and free from bias and you must not be subjected to any detriment. As indicated above, if a review of your role resulted in downgrading you will be pay protected under the 10+4 rule. You should also be given the opportunity to be fully consulted about any changes whilst you are on maternity leave.

I'm a manager with a direct report who is currently on maternity leave. Do I need to tell her about any changes?

Yes. A failure to communicate with an employee on maternity could result in a claim for discrimination. The employee has the right to be consulted about any proposed changes so that she has the same information as those at work. To achieve this line managers are allowed to make 'reasonable contact' with employees who are on maternity leave. Employers should remember that an employee returning to work after ordinary maternity leave (no more than 26 weeks' leave) has the right to return to the job she occupied before her maternity leave.

I'm absent on sick leave, what will happen to me?

All staff will be notified and involved in the process whether at work or absent.

Can I be placed into a role that I don't want to go into?

People won't as a result of this exercise be asked to do different roles. The purpose of this exercise is to evaluate the weight of your existing role.

Will we receive updated job descriptions?

Yes. The intention is that you and your colleagues will work together on producing an up to date and consistent job description that reflects what you, and colleagues in the same role, are doing.

The transfer to the PSC is not until 1 January 2020, can I ask for my job to be re-graded prior to transfer?

Whilst a request could be made there now is a moratorium on all re-grade reviews taking place under the existing grading scheme, as all posts will be reviewed using JEGS.

I am currently a Senior Education Support Officer, 3P – will my existing protection continue?

Yes, your FTE is protected and will continue to be protected as it is at present providing you continue in your current role at your current place of work.

What happens as and when vacancies arise and new staff are recruited? What terms and conditions will they be employed on and what will they be paid?

All roles will continue to be advertised on their existing terms and conditions until such time as the project is completed.

Will all our terms and conditions change?

As indicated above, there is no change in terms and conditions or pay for staff upon transferring to the PSC. However, over time it is expected that changes will be negotiated to harmonise terms and conditions with those applicable to the PSC.

But, it is expected that local agreements will be needed to reflect particular requirements of the staff groups concerned such as:

- the special leave provisions required for term time staff
- the arrangements that have been agreed to ensure mobility of staff supporting children/young people with SEN
- existing qualification requirements for pupil/teacher support roles

When transferring to the PSC, which will be my new employer, will I maintain my continuous service?

Your continuity of service is unaffected by this change and you will continue to work in the Department of Education, Sport & Culture at the same location as at present. You can check your date of continuous service by logging in to PIP: https://pipforme.gov.im/tlive_ess