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EQUAL PAY FAQ'S

1. ELIGIBILITY

1.1. Who is eligible for a payment?

You are eligible for a payment if you satisfy any of the following criteria:

- at 1/02/09, you were employed in one of the NICS Departments/Agencies as an Administrative Assistant (and analogous), Administrative Officer (and analogous) or Executive Officer II (and analogous) grade
- you were employed in one of the NICS Departments/Agencies as an Administrative Assistant (and analogous), Administrative Officer (and analogous) or Executive Officer II (and analogous) grade and left or retired between 1/8/08 and 31/1/09 and you had a minimum of 2 years reckonable NICS service
- you were promoted out of the affected grades since 1/2/03 and remained in employment with the NICS on 1/2/09

Staff in the technical grades are not eligible for a payment unless they were in an AA or AO grade during the period. See also question 5.1.

1.2. What grades are analogous to AA, AO and EOII?

The grades that are analogous to AA, AO and EOII are listed in Annex A of the "Outline Terms for Settlement of Equal Pay Claims" document which can found at <http://www.pay.nics.gov.uk/>.

1.3. I have left / retired. Will I get a payment?

If you were employed in one of the NICS Departments/Agencies and left or retired from one of the affected grades on or after 1/8/08, with at least 2 years reckonable service in the NICS you will be eligible for a payment.

1.4. Do both males and females receive a payment?

Yes, the payment will be made to both male and female staff who are eligible.

1.5. I am or have been on secondment / loan outside the NICS, am I also included in the settlement?

If you are or were on secondment or loan to another employer and the NICS remained responsible for your pay negotiation, then you will be included in the settlement provided you meet the other eligibility criteria.

If you are or were on secondment / loan to another employer and they were responsible for your pay negotiation, you will not be included in the settlement for that period.

1.6. Are NIO staff included in the settlement?

Following the delegation of pay and grading, the NIO has separate pay and grading arrangements and do not fall within the remit of devolved administration.

NIPSA has indicated that it wishes to discuss this matter with the NIO. Further information will issue to staff in due course

1.7. Are directly employed staff in non-NICS bodies (including NIO and NDPBs) included in the settlement?

No, staff who are directly employed by non-NICS bodies are not included in this proposal as their pay negotiation is not the responsibility of the NICS.

1.8. My pay is now negotiated by a non-NICS body, but during the 6 year period, I transferred from the NICS who previously negotiated my pay. Will I receive a payment for the period that my pay was negotiated by the NICS?

If you have remained a civil servant in the NI Civil Service then you will be eligible for a payment for the period that your pay was negotiated by the NICS provided you meet the other eligibility criteria.

If you are no longer a civil servant in the NI Civil Service, and you left prior to 1/8/08, you will not receive a payment for the period that your pay was negotiated by the NICS.

1.9. I only have casual service – will any of it count?

Only casual staff directly employed by the NICS on 1/2/09 will be entitled to a settlement payment. Those recruited by employment agencies are not employees of the NICS and will not be entitled to a settlement payment.

2. COMPENSATION PAYMENT

2.1. How much will I get and how do you work out the compensation payment?

The amount of the compensation payment is determined by the length of service in the affected grades between 1/2/03 and 31/1/09 and reduced by any continuous periods of non reckonable service greater than 6 months. It is also determined by your substantive grade and part time staff will receive a pro-rata payment (see also question 2.6). You will be advised of the principles of the calculation as well as a personal calculation based on your individual circumstances.

2.2. What period does the compensation payment cover?

The compensation payment will vary depending on the time spent in the affected grades. The most likely periods covered will be

- the period 1/2/03 to 31/1/09, or;
- your start date in the NICS to 31/1/09, or;
- the period 1/2/03 to the date you were promoted out of the affected grades, or;
- your start date in the NICS to the date you were promoted out of the affected grades.

2.3. Are you taking overtime and deputising into account in the compensation payment?

The funds associated with overtime and deputising have been allocated within the overall offer.

2.4. Is my time on temporary promotion taken into account in the compensation payment?

In calculating the compensation payment, rates of pay have been used and temporary promotion has been factored in. These have been calculated on average rates rather than on an individual basis.

2.5. Will you take my casual service into account in the calculation of the payment?

The service of casual staff who became permanent will be included if the break in service between casual and permanent service is 6 months or less.

2.6. I work part time. How does this affect my compensation payment?

The compensation payment will be pro-rated by the average hours worked during the period. This will be calculated based on your working hours in the February payroll file in each year of the compensation payment. You will be advised of any adjustment to your payment as a result of part time hours.

2.7. I was out on a career break during the past 6 years. How does this affect my payment?

The compensation payment will be reduced to take account of all continuous periods of non reckonable service (including career break) which are greater than 6 months.

2.8. How was the settlement date of 1 February 2009 determined and why does the settlement payment cover a period of 6 years?

NIPSA lodged claims on behalf of a number of its members with the Industrial Tribunal in February 2009. Under equal pay legislation, an Industrial Tribunal may award up to six years of back pay to the date of the equal pay claim being lodged. This was used as a frame of reference in constructing the settlement proposal so revised rates of pay will be effective from 1/2/09, with a 6 year settlement period going back to 1/2/03.

2.9. Will I receive a different settlement payment if I voluntarily downgrade from EOII to AO?

No. Staff cannot unilaterally decide to change their grade and downgrading is at the discretion of management. In any event, downgrading cannot be applied retrospectively. Therefore the settlement payment is based on your substantive grade during the 6 year period to 31/1/09

2.10. Why is the proposed settlement for EOII's so much less than that for AOs and AAs?

Management Side's position, based on very clear legal advice, is that there was no valid equal pay claims in respect of EOII's. However, as part of the proposal to settle all the equal pay claims, a one-off settlement payment has been offered to EOII's, in addition to an increase in EOII pay with effect from 1 February 2009. The comprehensive pay and grading review will also prioritise the examination of the EOII grade within the NICS pay and grading structures.

2.11. What is defined as non reckonable service in the settlement?

Non reckonable service is defined as continuous periods of 6 months or more on unpaid leave, career break, pension rate of pay or unpaid sick.

2.12. Will the settlement payment affect my student loan repayments?

Deductions for student loan repayments are calculated on the same gross pay amount used to calculate National Insurance contributions (NICs). As the settlement payment is not reckonable for National Insurance contributions your student loan repayment should not be affected.

3. TAXATION

3.1. Do I have to pay tax on the payment?

No. All tax and national insurance due in relation to the payment being made to you, will be paid over to HM Revenue and Customs by the NICS. The amounts due will be calculated by way of a central agreement reached with HMRC. As a result of the agreement no individual liabilities will be calculated. Because of this you are not required to report the amount being paid to you to HM Revenue and Customs for any purpose whatsoever.

3.2. Will the compensation payment affect my working family tax credits?

No. The NICS has made a central arrangement with HM Revenue and Customs and the compensation payment will not affect your working family tax credits in the past or in the future.

3.3. I complete a personal tax return every year. Do I have to declare this payment on my annual return?

No. The NICS has made a central arrangement with HM Revenue and Customs and the compensation payment does not have to be declared on your personal tax return.

4. NEW SALARY

4.1. Will I get an increase in my monthly salary as well?

Yes. Staff in AA, AO, EOII and analogous grades, will be moved, or assimilated, to revised pay scales, based on the assimilation terms agreed with NIPSA. These assimilation terms are in the "Outline Terms for Settlement of Equal Pay Claims" document which can be found at <http://www.pay.nics.gov.uk/>.

4.2. How do you decide what my new monthly salary is?

Your new salary will be based on the terms of assimilation agreed with NIPSA. These assimilation terms are in the "Outline Terms for Settlement of Equal Pay Claims" document which can be found at <http://www.pay.nics.gov.uk/>.

4.3. What is the effective date of the increase in my monthly salary?

Your new salary will be with effect from 1 February 2009.

4.4. How does the compensation payment impact on my pension entitlements?

If you were in post at 1/2/09 the compensation payment will have no impact on your pension entitlement.

If you left or retired between 1/8/08 and 31/1/09, the compensation payment may have an affect on your pension entitlement (see paragraph 5.3 of the "Outline Terms for Settlement of Equal Pay Claims" document which can found at <http://www.pay.nics.gov.uk/>.)

4.5. How does the increase in my monthly salary impact on my pension entitlements?

A revised salary will have an impact on pension entitlements. The impact will vary depending on your personal circumstances and the scheme to which you belong (see paragraph 5.2 of the "Outline Terms for Settlement of Equal Pay Claims" document which can found at <http://www.pay.nics.gov.uk/>.)

4.6. I was promoted out of the affected grades prior to 1/2/09. Does my pay on promotion get adjusted?

No. Pay on promotion will not be adjusted as part of the equal pay resolution.

4.7. Under this proposal an AO can get paid more than an EOII so what is going to be done about the overlapping pay scales?

Overlapping pay scales have been a feature of the NICS pay structure for many years. The equal pay settlement proposal creates further anomalies which will be addressed in the priority examination of the EOII grade within the NICS pay and grading structures.

4.8. I was promoted on or after 1/2/09. Will my pay be recalculated?

Yes. Staff who received a temporary or substantive promotion on or after 1/2/09 will have their pay recalculated.

5. OTHERS

5.1. I am a technical grade. What is going to happen to me?

There is no direct impact on technical grades as a result of the resolution of the equal pay issue.

There may be an indirect impact on all grades within the NICS (including technical grades) as a result of a comprehensive pay and grading review. More information will be shared about this exercise as it develops

The review of Technical Grade I and II (28 August 2009) is under consideration by Corporate HR in conjunction with relevant departments and any outworking from this will be the subject of negotiation with Central Whitley

5.2. Who can I contact if I have a further query?

More information will be issued in the coming weeks. However, if you have an urgent query at this stage, you should send an email to payenquiries.cpg@dfpni.gov.uk.

5.3. Will individual calculations be made available before the NIPSA vote?

The settlement terms provide sufficient information for staff to estimate their personal settlement at this stage.

Individual calculations based on the proposal and determined by personal service histories will be provided to staff if the proposal is accepted.

5.4. Can the settlement be agreed for each grade independently?

No, the proposal covers all the equal pay claims and may not be partially implemented for specific grades.

5.5. How can I check my career history?

Implementation of the equal pay proposal will include a process to allow staff affected to validate their personal service record. Details on how this will be conducted will be issued to staff at a later date

6. NEXT STEPS

6.1. If NIPSA accept the proposal, what are the next steps and when will payments be made?

Should the proposal be accepted, the next steps will broadly be as set out below. The precise details of the process and the timescales will be subject to consultation with NIPSA but are likely to include the following elements:

1. A communication to staff explaining a process to allow validation of data relating to the service history, part time hours and non reckonable service of staff in the affected grades.
2. A communication to staff with specific detail of their personal settlement payment and an invitation to book a slot at a briefing session nearest their place of work.
3. Staff attend the briefing and if they are content with the proposed settlement, they sign the agreement and the payment will follow in a subsequent payslip.
4. In a separate exercise, staff are moved onto their new pay scales in line with the settlement terms, backdated to 1 February 2009.

Given the steps involved and the fact that over 13,000 staff are affected, each with their own personal circumstances, implementation of this settlement will be a massive logistical exercise. Precise details of the timescales are being finalised but it is likely to take a number of months to implement. Preparatory work is already under way and it is our intention that it should not take any longer than is absolutely necessary.