

FREQUENTLY ASKED QUESTIONS

1. PAY AWARD ELIGIBILITY

- 1.1. [How is the pay award implemented?](#)
- 1.2. [What if I received an unsatisfactory assessment in my performance appraisal?](#)
- 1.3. [What if I received split performance assessments during the reporting year?](#)
- 1.4. [Are new entrants eligible for the pay award?](#)
- 1.5. [What about staff on career breaks?](#)
- 1.6. [What about staff on Contractual Maternity Leave or Sick Absence on Full or Half Rate of Pay?](#)
- 1.7. [What about staff on Sick Absence at Pension Rate of Pay \(PROP\) and Unpaid Sick Absence?](#)
- 1.8. [What if I am on unpaid leave \(Including unpaid Maternity Leave\)?](#)
- 1.9. [What about staff who have been promoted since the 2020 pay award date \(1 August 2020\)?](#)
- 1.10. [What about staff who were on temporary promotion \(T/P\) on the pay award date \(1 August 2021\)?](#)
- 1.11. [What arrangements are applied to Valuer Grade 2/HPTO staff as part of the pay award?](#)

2. OTHER

- 2.1. [What if I have not had my end of year performance appraisal yet?](#)
- 2.2. [Are the pay increases pensionable?](#)
- 2.3. [What impact will the pay award have on my Term-Time deductions?](#)
- 2.4. [Am I entitled to a non-consolidated payment?](#)
- 2.5. [When will I receive my pay increase?](#)
- 2.6. [What about staff on mark time?](#)
- 2.7. [What about DOJ staff who opted to remain on their existing NIO / NI Courts and Tribunals Service / YJA NJC pay scales?](#)
- 2.8. [What impact will the pay award have on the pension contributions I pay?](#)
- 2.9. [What impact will the pay award have on pay leads?](#)

PAY AWARD ELIGIBILITY

1.1. How is the pay award implemented?

With effect from 1 August 2021, staff eligible for progression should move up one step on their respective 2020 pay scale and then move horizontally across to the 2021 pay scale. Those on a NICS scale maximum will move to the revalorised maximum of the 2021/22 pay scale. Staff that are ineligible for progression should remain on their existing point and then move horizontally across onto the 2021 pay scale.

[<back to questions>](#)

1.2. What if I received an unsatisfactory assessment in my performance appraisal?

Staff who received an unsatisfactory performance appraisal assessment will not be eligible to receive a one step progression. Therefore you will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

Also see question 1.2 “Split Performance Assessments” for guidance on treatment of unsatisfactory performance on transfer.

[<back to questions>](#)

1.3. What if I received split performance assessments during the reporting year?

Where you have two different performance assessments in the same grade, or analogous, for example as a result of a transfer to a new Branch or Department, you will continue to be eligible to receive a one step progression, providing that there is a period covered by a satisfactory assessment of 90 days or more during the reporting year from 1 April 2020 to 31 March 2021. You will move up one step on the 2020/21 pay scale and then horizontally across to the corresponding point on the revalorised 2021/22 pay scale.

If the period of satisfactory performance is less than 90 days of the reporting year you will not be eligible to receive a one step progression. Therefore you will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

[<back to questions>](#)

1.4. Are new entrants eligible for the pay award?

As a newly appointed officer you will be eligible to receive a one step progression **if**:

- you are in post on the pay award date (1 August 2021); **and**
- have been in continuous paid service with 90 days or more during the reporting year (1 April 2020 to 31 March 2021); **and**
- have a satisfactory performance appraisal assessment for the minimum 90 day period served during the 2020/21 reporting year.

Where you are eligible for a one step progression you will move up one point on the 2020/21 pay scale and then across horizontally to the corresponding point on the revalorised 2021/22 pay scale.

If you have less than 90 days' paid service during the reporting year (1 April 2020 to 31 March 2021) you will not be eligible to receive a one step progression and you will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

You should note that where an officer is re-employed their previous service will count as continuous provided there is no break in service. A break in service is defined as a period of at least one week.

[<back to questions>](#)

1.5. What about staff on career breaks?

Staff below the pay scale maximum who either start or return from a career break with **90 days' or more paid service** in the reporting year (1 April 2020 to 31 March 2021) will be eligible to receive a one step progression, subject to satisfactory performance. You will move up one point on the 2020/21 pay scale and then across horizontally to the corresponding point on the revalorised 2021/22 pay scale.

Staff below the pay scale maximum who either start or return from a career break with **less than 90 days' paid service** during the reporting year (1 April 2020 to 31 March 2021) will not be eligible to receive a one step progression under the pay award. You will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

Staff already on the pay scale maximum with **90 days' or more paid service** in the reporting year will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised maximum of the 2021/22 pay scale.

[<back to questions>](#)

1.6. What about staff on Contractual Maternity Leave or Sick Absence on Full or Half Rate of Pay?

For pay progression purposes where you were absent for part of the reporting year (1 April 2020 to 31 March 2021) due to Maternity Leave or sick absence on full or half rate of pay your performance assessment will be based on that part of the year when you were in attendance. The latest performance assessment in the grade will be used to inform the decision.

If you were on Contractual Maternity Leave or sick absence (except at pension rate or unpaid sick absence) for part of the reporting year (1 April 2020 to 31 March 2021) and are a satisfactory performer, you will be eligible to receive the pay award. Those below the maximum will receive a one step progression up the 2020/21 pay scale and then move horizontally across to the appropriate point on the revalorised 2021/22 pay scale; those on a NICS scale maximum will move to the revalorised maximum of the 2021/22 pay scale. Those on a retained scale maximum will receive a non-consolidated, non-pensionable payment.

If you have been on sick absence for the full reporting period and there is no period of attendance on which performance can be assessed, the Department will assume a satisfactory performance assessment, provided your immediately preceding report assessment is satisfactory, and you will be eligible to receive a one step progression. You will move up one point on the 2020/21 pay scale and then horizontally across to the corresponding point on the revalorised 2021/22 pay scale.

If your immediately preceding report assessment is unsatisfactory, then an unsatisfactory assessment will be assumed and you will not be eligible to receive a one step progression. You will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

[<back to questions>](#)

1.7. What about staff on Sick Absence at Pension Rate of Pay (PROP) and Unpaid Sick Absence?

Periods of PROP or unpaid sick absence do not qualify as paid service. Therefore, if you have been on PROP or unpaid sick absence and the resulting period of paid service is **less than 90 days** of the reporting year (1 April 2020 to 31 March 2021); you will not be eligible to receive a one step progression. You will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

If you have been on PROP or unpaid sick absence and the resulting period of paid service is **90 days or more** of the reporting period (1 April 2020 to 31 March 2021) you will be eligible to receive the pay award (subject to satisfactory performance). Those below the maximum will receive one step progression and move up one point on the 2020/21 pay scale and then horizontally across to the corresponding point on the revalorised 2021/22 pay scale; those on a NICS scale maximum will move to the revalorised maximum of 2021/22 pay scale. Those on a retained scale maximum will receive a non-consolidated, non-pensionable payment.

[<back to questions>](#)

1.8. What if I am on unpaid leave (Including unpaid Maternity Leave)?

If you have been on unpaid leave and your period(s) of paid service totals **90 days or more** of the reporting year (1 April 2020 to 31 March 2021), you will be eligible to receive a one step progression (subject to satisfactory performance). Those below the maximum will receive progression and move up one step on the 2020/21 pay scale and then move horizontally across to the corresponding point on the revalorised 2021/22 pay scale; those on a NICS scale maximum will move to the maximum of the revalorised 2021/22 pay scale.

If you have been on unpaid leave and your period(s) of paid service totals **less than 90 days** of the reporting year (1 April 2020 to 31 March 2021) you will not be eligible to receive a one step progression. You will move horizontally across from your point on the 2020/21 pay scale to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

[<back to questions>](#)

1.9. What about staff who have been promoted since the 2020 Pay Award date (1 August 2020)?

If the effective date of your promotion is between 2 August 2020 and 1 August 2021 (inclusive) **and** you have **90 days' or more satisfactory service in the higher grade during the reporting year** from 1 April 2020 to 31 March 2021 (including periods of temporary promotion at the same grade or analogous), you will be eligible to receive a one step progression in the higher grade. You will move up one step on the 2020/21 pay scale and then horizontally across to the corresponding point on the revalorised 2021/22 pay scale.

If the effective date of your promotion is between 2 August 2020 and 1 August 2021 **and** you have **less than 90 days' service in the higher grade during the reporting year from 1 April 2020 to 31 March 2021** (including periods of temporary promotion at the same grade or analogous), you will **not** be eligible to receive a one step progression in the higher grade and you will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

If your effective date of promotion is after 2 August 2021 you are not eligible to be considered for progression in the higher grade under the 2021 pay award.

If you have been promoted on or after 2 August 2021 and had previous service in the grade you have been promoted into, your pay on promotion may have been determined under the re-promotion terms. This will be recalculated taking account of the revalorised pay scales and where the revised salary on re-promotion is a lower value (irrespective of pay scale point) than the salary calculated at the initial point of promotion/re-promotion, the higher salary should be retained on a mark-time basis. Some examples of this scenario are illustrated at [Annex A](#).

[<back to questions>](#)

1.10. What about staff who were on temporary promotion (T/P) on the pay award date (1 August 2021)?

If you were on temporary promotion at the pay award date, i.e. 1 August 2021, and you had been on temporary promotion at the same grade or analogous for **90 days or more during the reporting year** (1 April 2020 to 31 March 2021), you will be eligible to receive a one step progression in the higher grade, subject to satisfactory performance. You will move up one step on the 2020/21 pay scale and then horizontally across to the corresponding point on the revalorised 2021/22 pay scale.

When you revert to your substantive grade, if you were below the maximum you will receive the benefit of progression in that grade from the date of re-entry to the grade, subject to eligibility. If you were on the maximum of your substantive grade, you will revert to the revalorised maximum from the date of re-entry to the grade.

If you were on temporary promotion at the pay award date, i.e. 1 August 2021, but you have **not been on temporary promotion at the same grade or analogous for 90 days or more of the reporting period** (1 April 2020 – 31 March 2021) you will not be eligible to receive a one step progression at the *higher grade* (but see below) and you will move horizontally across from the higher 2020/21 pay scale to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

When you revert to your substantive grade, if you were below the maximum you will receive the benefit of progression in that grade from the date of re-entry to the grade, subject to eligibility. If you were on the maximum of your substantive grade, you will revert to the revalorised maximum from the date of re-entry to the grade.

If your temporary promotion started after 2 August 2021 you are not eligible to be considered for progression in the higher grade under the 2021 pay award.

If you have been temporarily promoted on or after 2 August 2021 and had previous service in the grade you have been promoted into, your pay on temporary promotion will have been determined under the re-promotion terms. This will be recalculated taking account of the revalorised pay scales and where the revised salary on re-promotion is a lower value (irrespective of pay scale point) than the salary calculated at the initial point of temporary promotion/re-promotion, the higher salary should be retained on a mark-time basis. Some examples of this scenario are illustrated at [Annex A](#).

For the purpose of future applications of the re-promotion terms, the actual salary rate determined as a result of the recalculation of the re-promotion (i.e. excluding any mark-time element) will be the reference value.

If you were not on temporary promotion at 1 August 2021 your pay award will be based on your substantive grade only.

Please note: All periods of temporary promotion during the reporting year at the same grade or analogous will be taken into account, even if there is a break in between.

[<back to questions>](#)

1.11. What arrangements are applied to Valuer Grade 2/HPTO staff as part of the pay award?

Special arrangements have existed which allowed Valuer Grade 2/HPTO staff who re-graded from Graduate Trainee to be placed onto point 2 of their pay scale and to remain on point 2 even where circumstances exist that would render them ineligible for a pay award. Therefore Valuer Grade 2/HPTO staff who re-graded from Graduate Trainee should not under any circumstances move below point 2 of their pay scale following application of the pay award.

[<back to questions>](#)

2. OTHER

2.1. What if I have not yet had my end of year performance appraisal?

If your report has not been completed, your performance assessment for the purposes of applying the pay award will be based on your previous annual report. A satisfactory assessment will be assumed, provided your immediately preceding assessment is satisfactory. You will move up one step on the 2020/21 pay scale and then horizontally across to the corresponding point on the revalorised 2021/22 pay scale.

If your immediately preceding assessment is unsatisfactory, then an unsatisfactory assessment will be assumed and you will not be eligible to receive a one step progression, and you will move horizontally across from your 2020/21 pay scale point to the corresponding point on the revalorised 2021/22 pay scale. Those on retained pay scales will remain on their existing point.

However, you should speak to your line manager about having a report completed.

[<back to questions>](#)

2.2. Are the pay increases pensionable?

Revalorisation of the pay scales and progression to the pay scale maxima are fully consolidated and pensionable. The non-consolidated payments associated with the 2021 award, where applicable, are non-pensionable.

[<back to questions>](#)

2.3. What impact will the pay award have on my Term-Time deductions?

As the 2021 pay award forms part of a two-year pay deal from 1 August 2020

to 31 July 2021 and 1 August 2021 to 31 July 2022, any necessary salary adjustments in respect of term-time taken during the 2020-21 and 2021-22 Term-Time years will have been applied to your July 2021 salary.

If you are on term-time during the 2021-22 year deductions will have been amended in July 2021 as a result of the August 2020 pay award. Should you have any periods of term-time absence on or after 1 August 2021, a further amendment to term-time deductions may be required and applied where appropriate to deductions up to March 2022.

[<back to questions>](#)

2.4. Am I entitled to a non-consolidated payment?

Following the implementation of the 2021 pay award, staff in post (i.e. not on a career break) at 1 August 2021 who have received less than a 1% consolidated increase at 1 August 2021 will receive a non-consolidated, non-pensionable payment to bring them up to 1%. Where staff are in receipt of a salary in excess of their equivalent NICS scale the 1% will be calculated on the basis of the NICS scale maximum. The non-consolidated payment will be pro-rated for staff working less than full time conditioned hours at the 1 August 2021 pay award date. The pro-ration will also apply to staff on term time working whose full time equivalent fraction is based on hours over a year.

An additional 3% non-consolidated, non-pensionable payment will be made to staff eligible for the pay award at AA and analogous grades. This payment will be based on salaries as at 31 July 2021. The non-consolidated payment will be pro-rated for staff working less than full time conditioned hours at the 1 August 2021 pay award date. The pro-ration will also apply to staff on term time working whose full time equivalent fraction is based on hours over a year.

[<back to questions>](#)

2.5. When will I receive my pay increase?

Subject to satisfactory testing, we aim to pay the 2021 pay award in the October 2021 payroll.

[<back to questions>](#)

2.6. What about staff on mark time?

If you are on mark time pay your pay will be progressed eroding the mark time element. Staff receiving less than a 1% consolidated increase will receive a non-consolidated, non-pensionable payment to bring them up to the equivalent value of 1% of their salary as at 31 July 2021, as applicable (for those in receipt of a salary in excess of the NICS equivalent scale maximum, this will be capped at the level of the 2020 NICS scale maximum).

[<back to questions>](#)

2.7. What about DOJ staff who opted to remain on their existing NIO / NI Courts and Tribunals Service / YJA NJC pay scales?

DOJ staff who meet the eligibility criteria for progression and who opted to stay on the retained former NIO / Courts and Tribunals Service / YJA NJC pay scales will move up one point on those frozen pay scales. If staff are on the maximum, they will receive a non-consolidated non-pensionable payment of 1% of the equivalent NICS salary maximum as at 31 July 2021.

[<back to questions>](#)

2.8. What impact will the pay award have on the pension contributions I pay?

In previous years some staff had been impacted by increased pension contributions when they received their backdated pay. From 1 April 2019 retrospective payments of pensionable pay no longer cause some pension scheme members to cross a threshold into a higher employee pension contribution rate for that one month when the pay award arrears are paid.

[<back to questions>](#)

2.9. What impact will the pay award have on pay leads?

Under the 2021 pay award all fixed rate pay leads, as well as percentage based pay leads, will be increased by 1% with effect from 1 August 2021.

[<back to questions>](#)

Annex A Examples: Recalculation of Re-Promotion as a Result of Pay Award

Example 1

In this example a Deputy Principal member of staff had previously been temporarily promoted to Grade 7 for a period of time and had received progression through pay awards achieving point 5 on the August 2017 pay scale, which at the time equated to £52,857 per annum.

On re-promotion to Grade 7 with effect from 1 September 2021, prior to the implementation of the 2021 pay award (October 2021), the employee must receive at least the salary that they had previously received when acting into the grade. As £52,857 per annum is more than point 2 of the 2020 pay scale (see below) the employee is placed onto point 3 of the 2020 pay scale, i.e. £53,927 per annum.

1st August 2020 pay scale		1st August 2021 pay scale	
Max	55,134	Max	55,685
3	53,927	3	54,466
2	52,718	2	53,245
1	51,511	1	52,026

However, upon implementation of the 2021 pay award and the subsequent re-application of the re-promotion terms the appropriate pay point for the employee on the revised scale on a point that is at least of equal value to £52,857 per annum is point 2, £53,245 per annum, a sum of £682 per annum less than the value of the point onto which they had originally been placed.

The employee is correctly placed onto point 2 of the revised 2021 pay scale, but as an exception under the pay award implementation rules, the excess payment of £682 per annum is retained on a mark-time basis until either, the sum is eroded through future pay increases, or in the case of a temporary promotion the employee reverts to their substantive grade.

In the case of a temporary promotion, for the purpose of future applications of the re-promotions terms, £53,245 per annum would be the reference value.

Example 2

In this example of a temporary promotion from AA to AO with an effective date of 1 September 2021 where the employee had previously acted into the grade and had received progression in the grade through pay awards achieving point 3 on the 2019 pay scale, which at the time was £22,779 per annum.

On re-promotion to AO, prior to the implementation of the 2021 pay award (October 2021), the employee must receive at least the salary that they had previously received when acting into the grade. As £22,779 per annum is more than the minimum of the 2020 pay scale (see below) the employee was placed on point 2 of the 2020 pay scale, i.e. £23,007 per annum.

1st August 2020 pay scale		1st August 2021 pay scale	
Max	23,718	Max	23,955
2	23,007	2	23,237
1	22,296	1	22,519

Upon implementation of the 2021 pay award and the subsequent re-application of the re-promotion terms the employee must be placed onto the revised scale on a point that is at least of equal value to £22,779 per annum. In this instance the appropriate point remains point 2, £23,237 per annum. The individual remains on point 2 with no mark-time.

For the purpose of future applications of the re-promotions terms, £23,237 per annum is the reference value.