

ANNEX C - PROPERTY TRANSFER SCHEME (Transfer of Assets and equipment)

We will be discussing and consulting with you on the detail of this scheme however it will be made using powers already provided for in Schedule 2 of the Offender Management Act 2007 and will need to follow any provisions provided for in that Act.

Such schemes normally cover matters such as the date of the transfer, the details of any undertakings to be transferred, and will include provisions that would cover any contracts that are in force which would need to be transferred. This is likely to include any contracts for services in respect of sessional staff which are in place at the time of the transfer.

Sessional Workers are not employees. They do not have an employment contract and there would not be included in the staff transfer scheme. They have entered into a contract for services with NOMS and they act as instructors and are responsible for delivering a programme of specialist interventions to groups of young people who tend to be disaffected by the fact they have to attend JACs. They are also responsible for all aspects of 'safeguarding' and 'risk control' (including Health & Safety) regarding the young people under their tutelage, ensuring that the needs of the young people in their care are properly considered and managed. It is recognised that they tend to work unsocial hours; in the vast majority of cases on a Saturday morning and/or afternoon when the bulk of the Criminal Justice and Education systems are at rest.

Currently sessional workers are paid £25.77 or £28.84 (including London Weighting) per hour. They do not have rights to holiday pay and sick pay as they are contracted to provide services as and when required and indeed can decline to attend if they are previously committed to other work. The payment level is based on the fact they act in the capacity of instructors delivering specialist inputs without having account taken of preparation time for programme content and having to work unsocial hours. Whilst it is anticipated that existing contracts for services will transfer over under the Property Transfer Scheme after the 1st April 2015 following the transfer of responsibility for JAC services to Local Authorities it will be for the Local Authority to negotiate any future contracts including extension of contracts and therefore the remuneration levels with sessional workers. Bearing in mind the need for business continuity as part of the financial transfer arrangements will look to secure existing levels of payment for a time limited period following the transfer.