STATUTORY INSTRUMENTS

1975 No. 910

PROBATION AND AFTER-CARE

The Probation (Conditions of Service) Rules 1975

Made - - - -	24*th May* 1975
Laid before Parliament	6*th June* 1975
Coming into Operation	1*st July* 1975

In exercise of the powers conferred on me by Schedule 3 to the Powers of Criminal Courts Act 1973**(a)** and section 1 of the Police, Fire and Probation Officers Remuneration Act 1956**(b)**, I hereby make the following Rules:—

Citation, commencement, etc.

1. These Rules may be cited as the Probation (Conditions of Service) Rules 1975.

2.—(1) These Rules shall come into operation on 1st July 1975.

(2) Rule 8 and Part I of Schedule 5 shall take effect from 1st March 1974 and Part II of Schedule 5 shall take effect from 1st April 1974.

(3) So much of these Rules as relates to the remuneration (within the meaning of the Police, Fire and Probation Officers Remuneration Act 1956) of probation officers shall, subject to paragraph (2) above and to Rule 16, take effect from 1st July 1974.

3.—(1) The Rules specified in Schedule 1 to these Rules are hereby revoked.

(2) Any determination, consent, approval, agreement, request or other thing given, made or done under any Rules revoked by these Rules shall not be invalidated by the revocation effected by paragraph (1) of this Rule but shall, in so far as it could have been given, made or done under a provision of these Rules, have effect as if it had been given, made or done under that provision and in the determination of salaries in respect of periods before 1st July 1974 a reference in Rule 8 to Rule 6 or 7 shall have effect as a reference to the corresponding provision in the Rules revoked by these Rules.

4.—(1) The Interpretation Act 1889**(c)** shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament and as if these Rules and the Rules hereby revoked were Acts of Parliament.

(2) In these Rules "committee" means a probation and after-care committee and as respects a probation officer means the probation and after-care committee employing that officer.

(a) 1973 c. 62.
(b) 5 & 6 Eliz. 2 c.1.).
(c) 1889 c. 63.

(3) In these Rules, except where otherwise indicated, a reference to a numbered Rule or Schedule is a reference to the Rule of, or the Schedule to, these Rules so numbered.

Salaries of chief probation officers

5. The salary of a chief probation officer, deputy chief probation officer and assistant chief probation officer shall be such as is determined in each case by the Secretary of State.

Salaries of senior probation officers

6.—(1) A senior probation officer shall be paid a salary in accordance with the scale set out in column 2 of the Table in Schedule 2 by reference to his length of service as specified in column 1 of the said Table.

(2) The service reckonable for the purposes of applying Schedule 2 to any senior probation officer shall be—

(*a*) his current period of continuous service as such, not including any period of leave without pay except in so far as the Secretary of State at the request of the committee approves the inclusion of any period of such leave, other than sick leave;

(*b*) such period of such employment before the commencement of his current period of continuous service as the Secretary of State at the request of the committee approves;

(*c*) such other period of employment (not being employment as a probation officer) before the commencement of his current period of continuous service as the Secretary of State at the request of the committee approves.

(3) For the purposes of paragraph (2) of this Rule a senior probation officer's service shall be deemed to be continuous notwithstanding an interruption if—

(*a*) the interruption does not exceed three months in duration; or

(*b*) the Secretary of State at the request of the committee approves the reckoning of a period of service before that interruption.

(4) For the purpose of the said paragraph (2) any period of employment between two periods of service as a senior probation officer shall, if the Secretary of State, at the request of the committee employing the probation officer either immediately before or immediately after the said period of employment, so decides, be treated as part of his current period of continuous service.

Salaries of probation officers

7.—(1) Subject to the provisions of this Rule, a probation officer (not being a probation officer paid a higher salary in accordance with paragraph (2) below) shall be paid a salary in accordance with the scale set out—

(*a*) in column 2 of the Table in Schedule 3 in the case of a London probation officer;

(*b*) in column 3 thereof, in any other case;

by reference to the length of his reckonable service as specified in column 1 of the said Table:

Provided that in the case of a probation officer who either was serving as such on 1st July 1972 or is deemed by paragraph (5)(*a*) below to have been so serving or who was on that date in employment approved by the Secretary of

State for the purpose of this proviso—

(i) if his reckonable service at that date amounted to over nine years, the said Table shall have effect as if for the references to £2,538, £2,607, £2,694, £2,802 and £2,910 there were substituted, respectively, references to £2,607, £2,706, £2,799, £2,907 and £3,015;

(ii) if on that date he had served for fifteen years as a probation officer or in employment so approved for the purposes of this sub-paragraph, his annual salary shall be £3,177 in the case of a London probation officer, or £2,958, in any other case.

(2) (*a*) Each committee shall keep under review all their probation officers who have been confirmed in their appointments in Great Britain and who have served for a total of not less than three years as probation officers or in employment which is approved by the Secretary of State for the purposes of this sub-paragraph, with a view to determining which officers are suitable for selection for advancement to a higher salary in accordance with the following provisions of this paragraph.

(*b*) A probation officer who is selected on such a review shall be paid a salary in accordance with the scale set out—

(i) in column 1 of the Table in Part I of Schedule 4, in the case of a London probation officer;

(ii) in column 2 thereof, in any other case;

his initial salary shall be determined in accordance with the provisions of Part II of that Schedule and he shall subsequently be entitled to increments, in accordance with that scale, on the dates on which but for his selection he would have received annual increments.

(3) Where a person is appointed or reappointed as a probation officer and the committee are of the opinion that, by reason of his previous experience and qualifications (whether as a probation officer or otherwise), it is appropriate that he should be paid the higher salary provided for by paragraph (2) above, the committee may, with the approval of the Secretary of State, determine that the officer be paid a salary in accordance with the scale set out in the Table in Schedule 4 and the officer's initial salary shall be such salary specified in that scale as the committee may, with the approval of the Secretary of State, determine and he shall subsequently be entitled to annual increments in accordance with that scale on the anniversaries of the date of his appointment or reappointment.

(4) Subject to the provisions of this Rule, the following periods shall be treated as the service reckonable by a probation officer for the purposes of Schedule 3, that is to say—

(*a*) his current period of continuous service as a probation officer;

(*b*) such period of such employment, other than service as a probation officer which is reckoned under the preceding sub-paragraph, as the Secretary of State may approve;

(*c*) in the case of a probation officer who possesses such qualifications or has completed such training as may be recognised by the Secretary of State for the purpose of this paragraph, such period as the Secretary of State may approve in relation to the qualification or training.

(5) For the purposes of paragraph (4) and the proviso to paragraph (1) above—

(*a*) a probation officer's service shall be deemed to be continuous not-

withstanding an interruption if the interruption does not exceed three months in duration;

(*b*) service as a probation officer shall not include any period of leave without pay except in so far as the Secretary of State at the request of the committee approves the inclusion of any period of such leave, other than sick leave.

(6) The service reckonable for the purposes of Schedule 3 by a probation officer who was serving as such immediately before 1st July 1974 shall be the aggregate of his service reckonable immediately before that date for the purposes of his scale of pay and such service thereafter as is reckonable under the preceding paragraphs of this Rule.

(7) For the purposes of this Rule—

(*a*) the expression "probation officer" means a probation officer who devotes substantially the whole of his time to duties as a probation officer and who is not a chief probation officer, deputy chief probation officer, assistant chief probation officer, senior probation officer, trainee probation officer or temporary probation officer;

(*b*) the expression "London probation officer" means a probation officer employed by a committee for an area comprised in the London commission areas (within the meaning of the Administration of Justice Act 1964**(a)**) or by the probation and after-care committee for the City of London;

(*c*) the expression "service" includes any period of service as a whole time salaried probation officer in Scotland, and the expression "serving" shall be construed accordingly;

(*d*) the expression "salary" shall not include any addition under Rule 8; and

(*e*) any period during which a probation officer's rate of salary is reduced because of sick leave shall be treated as if it had not been so reduced.

Additional payments to officers in certain areas

8.—(1) The salary which is for the time being payable under Rule 6 or 7 to a probation officer whose services are performed wholly or mainly in an area specified in column 1 of Schedule 5 shall, while his services are so performed, be increased by the amount specified in column 2 of that Schedule as appropriate to that area.

(2) Where a probation officer who has been receiving payments under paragraph (1) of this Rule is transferred otherwise than at his own request to duties in a different area, he shall, while performing those duties, be paid the salary which he received before his transfer or the salary calculated without reference to this paragraph, whichever is the greater:

Provided that, in the case of an officer to whom Rule 6 or 7(2) applies, the salary payable under this paragraph shall not, except with the approval of the Secretary of State, exceed the maximum salary payable under Rule 6 or 7(2), as the case may be.

(a) 1964 c. 42.

Salaries of trainee probation officers

9. A trainee probation officer shall be paid a salary in accordance with the scale set out in the Table in Part I of Schedule 6 or, in a case to which Part II of that Schedule applies, in accordance with that Table as modified by Part II.

Salaries of part-time probation officers

10. A part-time probation officer shall be paid such fixed annual salary as the committee, with the approval of the Secretary of State, considers appropriate having regard to the duties which he is required to perform and the scales of salary payable under Rule 7.

Salaries of temporary probation officers

11. A temporary probation officer who devotes substantially the whole of his time to duties as such an officer shall be paid such weekly salary as appears to the committee, with the approval of the Secretary of State, to be reasonable.

Travelling and subsistence expenses

12.—(1) A committee shall pay to a probation officer the actual expenses of travelling reasonably incurred by him in the course of his duty.

(2) A committee shall pay to a probation officer a reasonable allowance in respect of the use in the course of duty of a motor vehicle, or of a bicycle not being a motor vehicle, provided by the probation officer if the committee has approved such use.

(3) A committee may give financial assistance to a probation officer to enable him to buy a car where it is satisfied that the use of a car by that officer is necessary for proper performance of his duties.

(4) (*a*) A committee shall pay to a probation officer who in the course of duty is necessarily absent from his home and centre, or is detained exceptionally at his centre at unusual hours, a reasonable subsistence allowance.

(*b*) For the purpose of this paragraph the expression "centre" means that office or court which, for the time being, the committee has specified for the purpose in relation to the probation officer.

(5) Where a probation officer moves his home in consequence of being assigned to a different petty sessional division in the same probation area, the committee shall pay him the reasonably incurred cost of removal of his belongings; where a person moves his home in consequence of being appointed a probation officer, the committee may pay him the whole, or such part as it thinks fit, of the said cost of removal; and in either case the committee may in addition pay to him the cost of any other reasonable expenses incidental to the move.

(6) (*a*) A committee, other than the probation and after-care committee for the inner London area, when submitting estimates of its expenses, shall consult each local authority liable under paragraph 15 of Schedule 3 to the Powers of Criminal Courts Act 1973 to defray or contribute to the expenses of the committee as to any expenses which involve expenditure under paragraphs (2) to (5) of this Rule.

(*b*) If such a committee proposes to incur expenditure under the said paragraphs, which has not been included in such an estimate, the committee shall, before incurring such expenditure, consult each such local authority.

(*c*) If a local authority objects to any such expenditure, the local authority or committee may refer the matter to the Secretary of State for his determination after he has considered any observations by the local authority or committee.

Annual leave

13.—(1) A committee shall grant to a probation officer, other than a trainee, temporary or part-time probation officer, annual paid leave for not less than twenty-four, nor more than thirty-six, working days to be taken at times agreed, with due regard to the needs of the probation service, between the committee and the probation officer.

(2) A committee may grant to a trainee, temporary or part-time probation officer annual paid leave for such number of working days as appears to the committee to be reasonable, having regard to the needs of the probation service and to the amount of annual paid leave granted to probation officers under paragraph (1) of this Rule, to be taken at times agreed between the committee and the probation officer.

Sick leave

14. A committee shall grant to a probation officer paid leave in respect of any period during which he is medically unfit for duty, but not so as to exceed the amount of sick pay or the extent of sick leave appropriate to that probation officer as determined, in the case of the probation and after-care committee for the inner London area, by the Secretary of State and, in the case of any other committee, as agreed between the committee and each local authority liable under paragraph 15 of Schedule 3 to the Powers of Criminal Courts Act 1973 to defray or contribute to the expenses of the committee or in default of such agreement as determined by the Secretary of State:

Provided that such amount or such extent may be exceeded, in the case of a probation officer employed by the probation and after-care committee for the inner London area, with the approval of the Secretary of State or, in the case of any other probation officer, with the agreement of each such local authority or in default of such agreement with the consent of the Secretary of State.

Other leave

15. A committee may, at the request of a probation officer, grant him leave without pay, or, except in respect of any period during which he is medically unfit for duty, leave with pay.

Cost of living allowances

16. Each annual salary prescribed in these Rules shall be increased—

(*a*) by £104·40 with effect from 1st July 1974;

(*b*) by a further £20·88 with effect from 1st August 1974;

(*c*) by a further £20·88 with effect from 1st September 1974;

(*d*) by a further £20·88 with effect from 1st November 1974;

(*e*) by a further £62·64 with effect from 1st December 1974;

(*f*) by a further £1·32 with effect from 1st April 1975.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
24th May 1975.

SCHEDULE 1 Rule 3

RULES REVOKED

Rules	References
The Probation (Conditions of Service) Rules 1965.	S.I. 1965/722 (1965 I, p. 2230).
The Probation (Conditions of Service) (No. 2) Rules 1965.	S.I. 1965/1239 (1965 II, p. 3515).
The Probation (Conditions of Service) (No. 3) Rules 1965.	S.I. 1965/1520 (1965 II, p. 4405).
The Probation (Conditions of Service) Rules 1966.	S.I. 1966/273 (1966 I, p. 734).
The Probation (Conditions of Service) (No. 2) Rules 1966.	S.I. 1966/1336 (1966 III, p. 3665).
The Probation (Conditions of Service) (Amendment) Rules 1967.	S.I. 1967/869 (1967 II, p. 2606).
The Probation (Conditions of Service) (Amendment) Rules 1968.	S.I. 1968/386 (1968 I, p. 1043).
The Probation (Conditions of Service) (Amendment) (No. 2) Rules 1968.	S.I. 1968/2003 (1968 III, p. 5439).
The Probation (Conditions of Service) (Amendment) Rules 1970.	S.I. 1970/677 (1970 II, p. 2189).
The Probation (Conditions of Service) (Amendment) Rules 1971.	S.I. 1971/1615 (1971 III, p. 4459).
The Probation (Conditions of Service) (Amendment) Rules 1972.	S.I. 1972/803 (1972 II, p. 2579).
The Probation (Conditions of Service) (Amendment) (No. 2) Rules 1972.	S.I. 1972/1657 (1972 III, p. 4868).
The Probation (Conditions of Service) (Amendment) (No. 2) Rules 1974.	S.I. 1974/1955 (1974 III, p. 6760).

Rule 6

SCHEDULE 2

SCALE OF ANNUAL SALARY FOR SENIOR PROBATION OFFICERS

TABLE

Column 1 Length of Service	Column 2 Annual Salary
Up to 1 year's service	£3,324
Over 1 and up to 2 years' service	£3,450
Over 2 and up to 3 years' service	£3,573
Over 3 and up to 4 years' service	£3,690
Over 4 years' service	£3,816

Rule 7(1)

SCHEDULE 3

LOWER SCALE OF SALARY FOR PROBATION OFFICERS

TABLE

Column 1 Length of Service	Annual Salary	
	Column 2 London Officers	Column 3 Other Officers
Up to 1 year's service	£1,866	£1,866
Over 1 and up to 2 years' service	£1,923	£1,923
Over 2 and up to 3 years' service	£1,986	£1,986
Over 3 and up to 4 years' service	£2,055	£2,055
Over 4 and up to 5 years' service	£2,124	£2,124
Over 5 and up to 6 years' service	£2,187	£2,187
Over 6 and up to 7 years' service	£2,244	£2,244
Over 7 and up to 8 years' service	£2,316	£2,316
Over 8 and up to 9 years' service	£2,385	£2,385
Over 9 and up to 10 years' service	£2,460	£2,460
Over 10 and up to 11 years' service	£2,538	£2,538
Over 11 and up to 12 years' service	£2,607	£2,607
Over 12 and up to 13 years' service	£2,694	£2,694
Over 13 and up to 14 years' service	£2,802	£2,694
Over 14 years' service	£2,910	£2,694

SCHEDULE 4

Rule 7(2)

HIGHER SCALE OF ANNUAL SALARY FOR PROBATION OFFICERS

PART I

TABLE

Column 1 London Officers	Column 2 Other Officers
£2,607	£2,607
£2,694	£2,694
£2,787	£2,787
£2,880	£2,880
£2,982	£2,982
£3,090	£3,090
£3,201	£3,201
£3,306	£3,201
£3,414	£3,201

PART II

APPLICATION OF PART I

PROBATION OFFICERS SELECTED ON A REVIEW UNDER RULE 7(2) BEFORE 1ST JULY 1974

The point of entry on 1st July 1974 into the salary scale set out in the Table in Part I of this Schedule shall be determined in accordance with the following Table:—

Annual Salary on 30th June 1974	Point of Entry
£2,295	£2,607
£2,373	£2,694
£2,454	£2,787
£2,535	£2,880
£2,625	£2,982
£2,721	£3,090
£2,820	£3,201
£2,916	£3,306
£3,015	£3,414

PROBATION OFFICERS SELECTED ON A REVIEW UNDER RULE 7(2) AFTER 30TH JUNE 1974

The point of entry into the salary scale set out in the Table in Part I of this Schedule shall be the smallest salary (or, in the case of a London Probation Officer, one point higher than that salary) which is greater than the salary which the probation officer would have received but for his selection.

Rule 8

SCHEDULE 5

ADDITIONAL PAYMENTS TO PROBATION OFFICERS IN CERTAIN AREAS

PART I

Column 1 Area in which officer's duties are wholly or mainly performed	Column 2 Appropriate additional payment per annum
The inner London boroughs The City of London	£381
Greater London (other than the areas referred to above)	£261

PART II

Column 1 Area in which officer's duties are wholly or mainly performed	Column 2 Appropriate additional payment per annum
The districts of— Slough (Berkshire) Beaconsfield (Bucks) Epping Forest (Essex) Broxbourne, Hertsmere, Three Rivers, Watford (Hertfordshire) Dartford (Kent) Elmbridge, Epsom and Ewell, Reigate and Banstead, Spelthorne (Surrey)	£180
The districts of— Bracknell, Windsor and Maidenhead (Berkshire) Chiltern (Bucks) Basildon, Brentwood, Harlow, Thurrock (Essex) Dacorum, East Hertfordshire, St. Albans, Welwyn Hatfield (Hertfordshire) Sevenoaks (Kent) Guildford, Mole Valley, Runnymede, Surrey Heath, Tandridge, Waverley, Woking (Surrey) Crawley (West Sussex)	£120

SCHEDULE 6

Rule 9

SCALE OF ANNUAL SALARY FOR TRAINEE PROBATION OFFICERS

PART I

TABLE

Column 1 Age	Column 2 Annual Salary
20	£1,173
21	£1,227
22	£1,284
23	£1,343
24	£1,410
25	£1,479
26	£1,536
27	£1,608
28	£1,662
29	£1,731
30 and over	£1,800

PART II

MODIFICATION OF PART I FOR SPECIAL CASES

1. A graduate trainee probation officer appointed before he attains the age of 27 shall be treated for the purposes of this Schedule as if he had attained that age on the day of his appointment.

2. A trainee probation officer who under the provisions of this Schedule has been paid a salary of £1,800 for a year shall be paid a salary of £1,866 in subsequent years.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules consolidate the Probation (Conditions of Service) Rules 1965, as amended, but increase the scales of annual salary and other remuneration payable to probation officers.

In exercise of the power conferred by section 1 of the Police, Fire and Probation Officers Remuneration Act 1956 the provisions of these Rules which relate to the remuneration of probation officers take effect from 1st March 1974 (Rule 8 and Part I of Schedule 5), 1st April 1974 (Part II of Schedule 5) and 1st July 1974 (all other such provisions).

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