



# POA Annual Conference 2019 - 80<sup>th</sup> Anniversary

## Annual Report 2018



**Dignity & Safety at Work**



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# ANNUAL REPORT 2018

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*Photographs by Jess Hurd*

**STEVE GILLAN**  
**General Secretary**

**MARK FAIRHURST**  
**National Chair**

## Foreword

In 2018 the POA membership again lost many friends. Our sincere condolences go out to the family and friends who have passed away.

Once again, in 2018 the POA faced employers and Governments who failed to accept that the Union was part of the solution not the problem. In England and Wales, we had a Government and employer who resorted to the Courts to impose their will on POA members as they pressed ahead with reform, professionalisation and change, paying lip service to members' and the public's safety.

Our colleagues in Northern Ireland, Scotland, and the Isle of Man, and those within Secure Health Care Services, all faced similar challenges.

This Annual Report provides an update to members and is a useful resource document for local branch officials.

The NEC, SNC and Area Committee for Northern Ireland, with other committees have sought to reach agreements to improve the working conditions of all POA members, no matter where they work or who they work for. Whilst we may not have achieved all our aims and objectives, each committee has worked on behalf of the membership, not the employer or Government.

The Government claimed austerity was over in 2018, but the reality for POA members was that the draconian and unnecessary cuts were still impacting on your workplaces.

The granting of the permanent injunction in July by Judge Jay was an attempt to shackle this Union, and in reality turned hard-working Prison Officers and associated grades into modern-day slaves in England and Wales. That said, members have stood up and highlighted unsafe practices and forced the Government to act.

### **Privatisation**

The collapse of prison facilities management company Carillion again highlighted the problem of contracting out. If profit is put before decency in people, organisations, the workers and those they care for will suffer. As a result of the collapse, prisons across the South of England and Wales were left in a dilapidated state with a growing backlog of essential maintenance. This in turn put more pressure on the rest of the service, as accommodation was closed on a temporary basis.

In June the Prisons Minister announced that all new-build prisons would be subject to competition, but the public sector would not be allowed to bid.

Whilst the public sector is the benchmark, private companies will focus on profit before service delivery.

The Government has made it clear that if the private bids do not meet the standards and cost envelope, then HMPPS will act as the provider.

HMP Birmingham being returned to public ownership and the systematic failings and collapse of Carillion demonstrate that the privatisation model is not fit for purpose.

The POA position remains that "Prisons are not for Profit".

### **Pensions**

Thompsons Solicitors have continued to press ahead with the Union's Pensions Challenge throughout the year and this will continue into 2019. The Fire Brigades Union and Judges' legal cases are now in front of the Supreme Court for deliberation. This fight continues!

### **Urgent Notifications, Special Measures & PIP's**

In January 2018 the Chief Inspector of Prisons and Probation issued an "Urgent Notifications" to the Secretary of State over HMP Nottingham. Further notifications were issued at Exeter, Birmingham and Bedford. HMPPS as a result of the urgent notifications and new powers for the Chief Inspector of Prisons and Probation introduced interim measures under the provision of Special Measures & PIPs but these are only a sticking plaster and Government must learn from these failures.

### **Prison Violence**

2018 was the worst year on record in respect of violence, and despite project after project the reality of prison life throughout the UK is that violence is out of control. The POA has continued to press for improved staffing, better PPE and stronger penalties for offenders and patients who assault POA members.

### **Prison Service Pay Review Body**

Prison Service staff in England and Wales again received a below-inflation pay award, partially due to Government refusal to implement the full recommendations of the Review Body.

The POA's position remains that we will not provide evidence to the PRB until it complies with the provision of the 1994 Criminal Justice & Public Order Act and demonstrates that it does provide a fair compensatory mechanism in place of collective bargaining.

### **POA Court Action**

In December the POA took HMPPS to Court over the proposals from the employer in relation to changes in the Youth Custody Estate, Advanced Prison Officers and Additional Contract Hours Pensionable. As a result of the Judgement the POA engaged in negotiation.

### **H&S**

There have been several positive actions from Government due to the POA's actions in 2018. It was agreed that the roll-out of PAVA and rigid cuffs would start in January 2019. The new personal protection package (SPEAR) will include an 8-hour training package and form part of the annual C&R basic refresher.

The National Executive Committee place on record their unequivocal thanks and gratitude to the men and women of the Prison Services, Immigration Service and NHS for their service to the public.

# HR SECTION

## HR Sub Whitley Annual Report 1/1/18 – 31/12/18

### Introduction

The NEC progressed Conference Policy adopted in May 2018 with the Department and other organisations. Reports on the progress of policy will be contained within the Annual Report Back Booklet which will be presented to Conference in May 2019. Further reports will be issued to the membership by way of circular.

Several key issues arose in 2018 which affected the wider membership of the Union. The successful legal case involving Berryman resulted in a new policy and payment for POA members who work additional hours over and above their contract. This policy has not yet been finalised but should be issued in the early part of 2019.

Other policies subject to review which impact on HR are being dealt with in the first instance through de-regulation.

The following agreed minutes set out the issues which have been progressed on behalf of the membership under the Whitley Structure.

### **POA HR Sub Whitley Meeting Minutes - Tuesday 13 February 2018, 10.00hrs – 12.00hrs, Room 11, 11<sup>th</sup> Floor, Southern House, Croydon**

Apologies were received as set out above.

2. The POA requested that there be three amendments to the minutes of the last meeting (27 July 2017):
  - i) The last sentence of paragraph 5.4 should say “The POA stated that the rate of pay in that area was poor and that this was a key reason for the lack of retention.”
  - ii) Remove “Tornado” from paragraph 5.6.
  - iii) Remove paragraph 8.2 concerning POA Conference Motion about the People Survey as the POA could not revisit this Motion with the NEC.
  
3. **Matters arising – the Action Log (Francis Stuart)**
  - 3.1 The issue of Exit Surveys as set out in the February Action Log - *(Ref 5.8 the POA were very keen to understand if the HMPPS had data on windows of when staff were leaving the Prison Service? The POA really wanted to understand what was making people leave and how could this be addressed. POA thought the Exit Survey issued by the Shared Service Centre could help with this)* - was more for Lynne Carter (HMPPS Risk Manager and Attendance & Wellbeing Project Lead) than Tanya Papchuck (MoJ). *[At the time of drafting these minutes the POA remained concerned that they had no access to Exit Surveys. While they had received a copy of the retention brief, this did not include outcomes. To date they had not been given access to the exit surveys - 11 May 2018].*  
**Action: Jim Heavens, Head of Prison Reform, (or representative) would be invited to attend the next Sub-Whitley meeting to provide an update on the Prison Officer’ recruitment figures and to talk in more detail about the Attrition Project.**  
**Action: Reference 9.2 on the Uniform Survey should sit with the Security and Custody Sub-Whitley meeting. ER Team to forward this there.**
  - 3.2 Concerning Conference Motion 84, *That Conference mandate the NEC to maintain and improve the professionalism of the membership, by challenging the employer in their drive to de-skill the operational prison staff through diluting the processes for promotion and advancement*, Munazzah Choudhary, Head of National Assessments, Design & Evaluation questioned the POA as to what they meant by a diluted process? The POA advised that they would like to see more promotions to Band 4 Prison Officer and referenced the proposed

Advanced Prison Officer roles as roles which needed to have elements of mental health training provided. The POA also felt closed grade senior officers had no proper responsibility.

- 3.3 JH questioned the POA on why this was a question on assessments? The POA said Band 4s and 3s were finding it hard to pass the assessment process (JSAC), even if they were doing a great job operationally. The POA thought this might be an issue for L&D.

#### **4. Recruitment / Retention Update (Jim Heavens)**

- 4.1 JH advised that official workforce figures would be published later in the week covering up to 31<sup>st</sup> December 2017. Officer recruitment numbers continued to rise: at October 2016 there were 18,700 Band 3 - 5 recruited and by the end of January 2018 there were approximately 21,200. There were some 1200 - 1300 POELTS in training with a further 1200 booked for May onwards. There were approximately 1600 going through the vetting process. HMPPS needed to find another 1000 for filling places this year. There was more of a focus on some establishments where recruitment was slower: Wandsworth, Woodhill and Isle of Wight. Recruitment was going well at Stocken where a new health block had been added.
- 4.2 The Young Persons estate increased at Cookham, Medway and Werrington which required additional training for Prison Officers looking after young people. The course has been varied and a bespoke Young Persons syllabus implemented.
- 4.3 There were concentrated recruitment campaigns in-hand (e.g. at Belmarsh). We have recruited ahead at Chelmsford and this has meant we could develop a merit list where people could come back to in the future or offer a move to areas where there were still difficulties in recruitment.
- 4.4 We were concentrating more effort on the problem of attrition of new starters and established staff. What we have established so far was that once staff got beyond 2 – 3 years in HMPPS then attrition dropped off. Where there were higher numbers of recruitment it was more likely that there would be higher levels of leavers. To reduce this, the mentoring of new recruits (all prisons currently have access to a dedicated mentor) would continue to be key. Also, we needed to focus on fixing problems in certain areas e.g. Bedford which had high levels of attrition and Nottingham, where there was an issue with staff staying on-site or driving great distances to get home and therefore exhausting themselves (and eventually leaving).
- 4.5 OSG recruitment remains a key challenge. Where applicants to the Prison Officer role were marginal failures these could slot into OSG roles and could move up into a Prison Officer role at a later date. However, all this was dependent on the available resources. The POA asked what the net gain was in OSG recruitment since 2016 - HMPPS thought about 300 with the actual recruitment of B3 – B5 increasing from 18,700 in 2016 to 21,200 currently. By the end of 2018 JH thought there would be a maximum net gain of 1,300 staff. The POA reflected that this still did not replace all the officers who had left since 2011 and HMPPS did not communicate this in the recruitment figures; they also pointed out that many of these staff had less than two years of service, underlining a significant loss of experience over the years.
- 4.6 The POA asked what the male/female split was on each POELT course and if the gender split was being monitored. The POA raised that they have received feedback that in some sites, gender specific tasks such as searching were becoming problematic due to higher female: male ratios with larger numbers of new staff. *[At the time of drafting these minutes, this issue remained outstanding and this concerned the POA. HMPPS had invited Jim Heavens, Head of Organisational Change and SBO Resourcing, to the next HR Sub-Whitley meeting to provide an update – 11 May 2018.]*
- 4.7 JH confirmed that the increase in recruitment rates in the Young Persons' Estates was not down to the promise of Diploma qualifications as suggested by the POA. JH did not think this Diploma had been agreed yet nor did he think it was part of the current recruitment strategy.
- 4.8 The POA reiterated from previous meetings that from their point of view one of the causes of attrition was Governors not honouring the offer of flexible working in the recruitment literature. Newly recruited staff who were denied this were more likely to seek employment elsewhere with better pay and terms and conditions e.g. at Bedford where staff were going to the Boarder Agency. While JH thought this might be the case in some instances, he also thought that other factors such as prison officers being unhappy with the quality of the work itself rather than the pay could be issues. The POA advised the Exit Survey should have greater focus so that we could understand the causes of attrition. JH confirmed work was being done on Exit Surveys.
- 4.9 The POA thought the message from HMPPS on first postings of prison officers was mixed. They asked why we

had not used the First Deployment Scheme for Leeds, an OMiC Pathfinder establishment, which was struggling to recruit. They suggested there was a surplus in the North West. Staff were being told elsewhere that a posting of up to 24 months was necessary before they could return to work locally. Though JH agreed the message on postings was mixed, his view was that the current system was working well in that staff often decided to settle where they were posted to.

## 5. Learning and Development Update (Alison Hamer)

**Action: Alison Hamer was unable to attend this meeting. We agreed that we would share a written update, provided by Alison, with the POA sending the POA an update provided by Alison. This update would be enclosed with the minutes.**

## 6. HR Policy Focus: current policies and new policies (Jim Fraser)

6.1 Investigations training has now been re-introduced. This is a new course that was piloted in January and is now rolling out. The course is aimed at new Investigating Officers and for staff who felt a refresher course would help.

6.2 JF advised that he sent out the Attendance Management Policy Review to all trade unions at the end of January. The POA wanted to know what repercussions there would be for managers who ignored the new approach as this could have a negative impact on Prison Officers if not handled appropriately e.g. Governors taking a blanket approach and refusing a doctor's Fit Note so that staff had to stay off sick until fully better rather than a phased return. FS said that Managers had been made aware of the requirement to follow the policy. Also, this would form part of the learning on the 1<sup>st</sup> Line Manager course. Certainly, they would be challenged on non-compliance if a case went to Tribunal.

**Action: Jim Fraser would organise a face-to-face meeting with the POA and Attendance Team to discuss the circulated Attendance Management review document and the POA's ongoing concerns.**

6.3 The POA thanked Jim for the further guidance he provided on the 24-month cap.

## 7. Staff Wellbeing and Occupational Health Update (Priscilla Wong)

7.1 At the last meeting the POA asked about the Employee Assistance Programme (EAP) Counselling in relation to the Intervention Days and how these days would work for staff on shift? PW advised that this could be done on-line with CBT modules. It would be down to Line Managers' discretion for staff to have time off to do this (it could be like time off to see a GP). The POA were also interested in how staff could book time off confidentially without line manager involvement. PW advised that while this does not need to be raised as an order on SOP, if the intervention was face-to-face, then the Line Managers' involvement would be necessary, otherwise the staff member could seek permission from Line Managers' managers or HR. HMPPS were looking at statistics for the most common reasons why staff were using the EAP.

**Action: Priscilla Wong to check if it was permissible within the boundaries of confidentiality to share data with the POA on the overall uptake of counselling and reasons for referral, and to take forward as appropriate.**

7.2 The POA said they would like to promote the EAP but would need to see the data as suggested in-order to understand how best to do this. A key concern of the POA's was the lack of EAP support when staff were no longer capable of carrying on in their jobs and left the Service.

**Action: PW to check, and then confirm with the POA, whether EAP support was available to staff who have left the service for a limited period.**

7.3 The POA thought we should better promote the new EAP. PW advised that effort had gone into advertising but we would be looking into re-advertising the Programme in due course. In addition, we now had a better selection process for Support Carers as well as better de-briefing and an update bulletin twice a year.

7.4 The POA had also asked about who funded flu vaccines – PW confirmed this was funded by HMPPS. Extra flu vaccine clinics had been offered at establishments where there had been outbreaks. However, at £350 per day per nurse, there needed to be at least an uptake of 20 staff for these clinics to be viable. HMPPS was currently looking with Public Health England at how to make flu policy more robust.

7.5 PW advised that the new Occupational Health contract provided staff with access to Cognitive Behavioural Therapy (CBT) and Eye Movement Desensitisation and Reprocessing Therapy (EMDR) for trauma. The POA advised that they were working on early stage interventions.

7.6 Concerning Psychoactive Substance (PS) inhalation, PW advised that a pilot had been introduced at Holme House where voluntary testing of staff was taking place. More widely, statistics showed 146 instances of prison officers affected by PS inhalation. Toxicology experts still did not really know how exactly this worked. The pilot was the starting point for this investigation and, though there was no specialist available to consider the issue, EAP, H&S and Security Group would work on this together. The POA wondered how, if there was no specialist, OH worked out ill health retirements – where was the duty of care of the employer to Prison Officers? Should HMPPS be tapping into the available research e.g. at Bournemouth and Nottingham Universities? PW advised that a published study would be helpful but the research at these Universities was not yet published at that stage and therefore could not yet be relied upon. As part of the discussion concerning staff exposure to PS, the POA were concerned over the subsequent actions taken on staff via the Attendance Management process. The Chair agreed that this issue to be referred to Jim Noonan and discussed at the H&S Forum.

**Action: ER Team to liaise with HMPPS Health and Safety Team to ensure that the issue of Psychoactive Substances in respect of POA concerns over staff exposure can be an agenda item for discussion at the Health and Safety Whitley.**

## 8. Pay Review Body evidence 2018/19 (Jason Paskins)

8.1 Following a discussion on pay with the Secretary of State for Justice, HMPPS pay evidence for 2018/19 would be submitted to the Pay Review Body on 16 February. In the evidence HMPPS has asked the PRB: i) to offer all staff a pay award whether on F&S or Closed terms and conditions; ii) to take into account wider Public Sector pay policy; iii) that the PRB decides how much to pay staff (a departure from previous years). HMPPS has asked the PRB to endorse a proposed new HMPPS promotion policy and to extend enhanced Payment Plus for a further period. HMPPS has also referenced in the evidence the current issues faced by the organisation like the introduction of the Youth Custody Service, the current difficult Operational climate and the need for a wider, more professional workforce. HMPPS had also tried to address the issue of recruitment and retention in the evidence as well as requesting the PRB look at allowances and supplements for 2019/20. In answer to the POA's question, JP confirmed that the PRB evidence also included proposals for specialist Band 4 roles in the YCS and APOs.

## 9. POA Standing Agenda Items

9.1 Concerning an action from the previous meeting: *Jason Paskins would consider the issue of those staff who went on Temporary Cover into Band 4 where closed grades (who work 39 hours per week) were automatically put onto a fair and sustainable contract (37 hours per week), and therefore did not get the full 5% uplift. JP had drafted a letter to the POA which would go out shortly.*

**Action: Jason Paskins would write to the POA regarding the impact on working hours for closed grade Band 3s providing temporary cover to B4.**

9.2 Concerning an action from the previous meeting: *In-relation to OSG staff who worked part-time, the POA thought it unfair that part-time staff were only entitled to a plain-time rate of payment if asked to work additional hours up to the full-time equivalent. They felt such staff should be entitled to a premium rate otherwise they would be missing out on the pay uplift. Jason Paskins was going to consider the current policy around this, what was agreed and what was communicated.*

**Action: Jason Paskins to write to the POA regarding the pay rate entitlement for part-time OSGs working additional hours.**

9.3 Concerning an action from the previous meeting: *The POA thought it unfair that when closed grade staff were re-graded or downgraded due to capability, and had an underlying issue covered by the Equalities Act, they went onto to the Fair and Sustainable contract. The POA thought these staff should remain on their current Terms and conditions. At the meeting JP confirmed that full pay protection existed for these staff for up to two years – including any additional and unsocial hours staff were entitled to in the original role.*

**Action: Ollie Saunders, HMPPS Reward Policy Manager, would write to the POA to confirm the policy concerning re-grades to Fair and Sustainable as a reasonable adjustment under the Equalities Act.**

9.4 The POA asked for confirmation on annual leave protection when staff moved to F&S pay bands where this is 37 hours not 39 as their leave is worked out in hours not days.

**Action: Jason Paskins would write to the POA regarding the impact on annual leave entitlement for staff moving to a 37-hour week under F&S terms from a closed grade role.**

9.5 Concerning the issue of career progression / promotion, JP advised that under our proposals to the PRB, the promotion policy would be changing and (if agreed) this would remedy the issue of a loss of salary if staff moved from a closed grade to a fair and sustainable one on promotion. JP acknowledged that sometimes there was detriment to pay when these staff were promoted into Band 4/5. A possible solution to this was that we could maintain 39 hour working week for these staff even though they moved to a 37-hour contract by increasing their hours but this could not be done at short notice.

## 10 POA Items to raise

10.1 The POA had raised an issue regarding Medway STC staff gaining promotion to HMPPS sites without accreditation. Dawn Orchard (HMPPS ER Lead) advised that vacancies should be filled on the basis of fair and open competition. When the TUPE was carried out staff mapped to our bandings.

**Action: Dawn Orchard would write to the POA to confirm the principles upon which Medway STC staff are able to apply for and gain promotion to HMPPS sites.**

10.2 Concerning the payment plus bonus scheme, HMPPS advised Governors should follow national policy across establishments. The POA were content and no further action was required.

## Annex - Update on Learning and Development (Alison Hamer)

### POELT

POELT is currently being delivered in 43 sites. This expansion to the POELT training estate has allowed us to provide in excess of 5300 POELT places from 1st April 2016 to 31st March 2017. The plan for 5000 POELT places in 2018/19 has been published with SSCL.

### Totara

Work is ongoing within L&D and across the business on the design and build of our new Learning Management System, Totara. Totara will replace our existing training systems and will provide us with opportunities to host more innovative and exciting learning products and to develop learning pathways for different roles.

In future, all of the training course listings that we use in our training catalogues on SOP and the digital learning content held on Justice Academy/Justice Partner Academy digital will be accessed via Totara.

Completed work so far for Totara	Ongoing work for Totara
<ul style="list-style-type: none"><li>• Identification of course content that requires migration from SOP, JA and JPA</li><li>• Design of Catalogue Category Structure</li><li>• Development of Learning Pathways</li><li>• Identification of Audience reporting groups</li></ul>	<ul style="list-style-type: none"><li>• Agree the new catalogue design</li><li>• ID course content and learning pathways for staff.</li><li>• Landing page design mock up consultation with the business</li><li>• IT infrastructure with MOJ Digitech and SSCL</li><li>• Initial UAT in a sandpit environment</li></ul>

### Apprenticeships:

The *Securing Futures* programme will provide the opportunity for all staff in HMPPS to undertake a range of apprenticeships as part of the Civil Service Learning (CSL) Framework. Providers to deliver the apprenticeships have been secured and communications have been cascaded to all staff.

The Apprenticeships Team will process all applications for apprenticeships and information about the application process has been published on the intranet. Applications that directly go to CSL or providers will not be processed. There will be a dedicated intranet page for Apprenticeships which will have information about all the CSL Framework offers, application process and Frequently Asked Questions. If you want to know what Apprenticeships can provide for you, please see below:

## **Securing Futures Apprenticeships Programme – Coming Soon**

### **Why apprenticeships?**

If you are looking at ways to develop your career, or ways to support staff in their development, an apprenticeship is a great place to start. As a result of the apprenticeship levy, which came into effect in April 2017, significant funding is now available for staff to undertake apprenticeships. HMPPS will soon be launching the *Securing Futures* Apprenticeships Programme, a suite of apprenticeships to support a wide variety of staff build their skills and capability.

### **What is the offer?**

The programme offer will consist of:

A Professional Development route for a core offer of apprenticeships across a range of professions open to applications from all staff that meet the eligibility criteria and have senior management support

Skills specific apprenticeships targeted at particular Professions/roles to support our aims of professionalising the workforce and building capability e.g. Business Administration and Leadership development

Operational specific apprenticeships that are currently in development for both prison and probation colleagues

### **Did you know?**

**Apprenticeships are not only available for 16-18-year olds** they are open to anyone regardless of age or background as long as they are 16 and above.

**Apprenticeships are relevant for all types of jobs** new apprenticeship standards have been developed across a range of professions and at different levels, including up to degree level.

**Apprentices won't get paid less** apprenticeships are a programme of learning, they will not affect Terms and Conditions for existing staff or pay scales for new staff.

**Apprentices are out not out of the office 1 day per week** we anticipate that an average of two to three hours per week should be sufficient in many cases. Off the job learning can still be in the workplace.

### **How do I learn more?**

The *Securing Futures* intranet pages will be launching shortly and will contain detailed information on apprenticeships. Please direct any further queries to: [Apprenticeships@noms.gsi.gov.uk](mailto:Apprenticeships@noms.gsi.gov.uk)

### **Technology:**

As part of the review into POELT and with a drive to modernising our full learning offer, we have been liaising with external organisations to find out about how others use virtual learning environments (VLE) and mobile devices / tablets for their L&D. We are also working with MoJ DigiTech Team to establish the quality of Wi-Fi in particular sites and establish workarounds where appropriate. This information is helping us to scope out the required technical specification which will inform part of the POELT Delivery Review. We are also exploring the different types of L&D content that could be hosted on a VLE including interactive quizzes, instructional videos, online simulations and written assessments. It is envisaged that once Totara is up and running, we would then use the Totara VLE, Totara Learn, and any content developed in the meantime would be migrated across.

### **National Assessments:**

The team are currently delivering the Head of Function assessment campaign for new candidates at our Birmingham Assessment Centre. Our new promotional assessment calendar will be published in early January 2018 and on a quarterly basis. We will also be looking at issuing the workbooks and the evaluation of readiness documents for applicants to complete. The NTS for the Deputy Governor and Governing Governor assessments will be published shortly and these assessments will now take place over one day, starting in January. The venue being considered is Newbold Revel, but facilities to be confirmed.

Prison officer recruitment continues with the local RAD centres now extending until the end of February. In addition to the BAU RAD, the delivery team are also supporting the Thames Valley Cluster campaign being held in our Grendon centre. The design and evaluation arm of NAT will be conducting on going evaluation on this process.

Digitalisation of our assessment processes is now being reviewed - Ann will be working with Amanda Sharp, MOJ digitalisation and SSCL to consider all possibilities of delivery and process management.

## Community Justice Learning

CJL Higher Education Contracts have been extended for an additional year to support recruitment to the PQiP in 2018 and enable further opportunities for staff to undertake access routes to become eligible to apply for a future PQiP intake. The NPS L&D review continues to progress with reviewing the roles and responsibilities within divisions with the majority of the role reviews due to complete at the end of December. The work will also provide a role guide to clarify to divisions what each role providers.

A review of the requirement for CRC learners to undertaken a placement within the NPS to achieve the PQiP has been reviewed. Based on feedback and a review of the requirements of the qualification it has been agreed that placements will now be optional to supplement learning and facilitated locally depending on availability.

## Operational Planning and Quality Assurance:

There are 46 live pieces of learning currently being worked on (including e-learning).

The first Equalities and Inclusion Advisory Panel was held this week

## Business Partners:

The team have been supporting the Suicide and Self-harm Project on the development of the new Suicide Prevention Learning Tool (SPLT) in partnership with the Samaritans. The SPLT tool consists of six short informative films to assist staff in understanding and managing mental health issues. It was recently launched on the HMPPS Intranet. The product will also be available on the Justice Academy website.

The L & D Business Partnering Team are also developing a Capability Model (including diagnostic tools) that will assist in determining learning and development needs for HMPPS staff.

## POA HR Sub Whitley Meeting - Wednesday 30<sup>th</sup> May 2018, 11.00hrs – 13.30hrs Room 8.28B, 8<sup>th</sup> Floor, 102 Petty France

Apologies were received as set out above.

Minutes of the last meeting (13 February 2018) were agreed as a true record.

### 3. Matters Arising (Actions Log) – Andy Hewitt

- 3.1 Concerning Action 3.5, a decision on the deduction of Home to Workplace Travel (raised 21/12/2016), the POA advised that this needed to be resolved by end of July 2018.
- 3.2 Concerning Action 3.1, POELTS leaving the Prison Service (raised 23/10/2017), the Chair advised that HMPPS had received 90 Exit Survey returns so far. We would share this data with the POA shortly. In the meanwhile, we would keep this item open on the Action Log. The POA requested that Exit Data should become a Standing Agenda item at this meeting.  
**Action: The Chair would share the findings on the recently collected Exit Survey Data. In-addition, the ER Team would add “Exit Data” as a standing agenda item to future POA HR Sub-Whitley meeting and invite Jim Heavens to these meetings.**
- 3.3 Concerning Action 9.2, the Uniform Survey (raised 23/10/2017), this was briefly discussed. AH confirmed that it would sit with the HR Sub-Whitley and that the action was progressing.
- 3.4 Concerning Action 10.3, POA Conference Motion 83 (raised 23/10/2017), this would remain open – the General Secretary of the POA would write to HMPPS.

### 4. Recruitment / Retention Update (Jim Heavens)

- 4.1 Overall, Prison Officer Recruitment had improved over the reporting period. There were targeted campaigns for London and Springhill: London recruitment was slow and it had proved difficult to get the numbers of the right quality of POELT. Other spots like Winchester were receiving more money to help improve recruitment numbers. HMPPS were working to the March 2019 deadline. At present there were 600 places to fill.
- 4.2 Concerning the retention of POELTS, there was now a dedicated team led by Lynne Carter to consider this issue and they were carrying out weekly reviews. The Chair advised that at Leeds, the Mount and some Yorkshire sites

there was a 25% leaving rate by POELTS. Clearly, support for new staff would be critical to improve this situation.

**ACTION: ER Team would arrange a meeting between the POA and the Chair (Jim Heavens) to consider in more detail the Exit Data, retention issues and also similar data on POELTS as requested by the POA at previous Operations Sub-Whitley meetings. This related data was: the net increase in band 3 prison officer numbers (not just the overall band 3 to 5's) at each establishment since October 2016; and the breakdown of prison officer new starter attrition rates within the first 12 months between each establishment – also isolating the band 3 grade.**

4.3 The Chair advised that during the last two quarters the overall number of leavers, which had been reducing, had plateaued due to larger numbers of new staff entering.

4.4 The POA said it would be interesting to see prison officer numbers as not affected by First Deployment, the 16% who had volunteered to leave and Market Supplements (e.g. at Leeds where they felt staff performed the same jobs but in worse conditions than other prisons and the pay remained poor). The POA asked that Market Supplement be applied to Leeds – they continued to point out that pay should be better in areas where it was hard to recruit staff because better paid jobs in better conditions were available locally. The POA also thought that Governors should have the power to improve pay in those areas. The Chair advised that HMPPS policy on these issues was now part of the Prison Service Pay Review Body's (PSPRB) remit. HMPPS provided the PSPRB with annual evidence but did not have authority to directly do what the POA were requesting.

4.5 The POA asked if the Corruption figures (the numbers of staff dismissed from the Prison Service) had risen since the last recruitment round? AH would investigate this point with the Anti-Corruption Team for Dave Todd of the POA.

**ACTION: AH to update the POA on whether we have current Corruption figures. The Chair thought a discussion on current Corruption figures could be discussed at the dedicated meeting the ER Team would organise as at point 4.2 above.**

4.6 The POA thought that POELTS were inundated with information when starting in the Prison Service but that there was not enough support when under pressure (hence why in their view 16% of staff volunteered to leave). They felt there should be better support for POELTS through the Employee Assistance Programme (EAP). The Chair thought Mentoring should be employed more widely.

## **5. Learning and Development (Samantha Beard)**

5.1 There were currently 43 POELT training sites and 5,200 places planned for 2018/19. We were in week five of the two POELT pilot training schemes. There was one 17-week scheme at Littlehey which had 3 sets of 1-week vocational learning; and one 20-week scheme at Wymott which had 3 sets of 2-week vocational learning. Along with the different lengths of the pilots, a control pilot running was running which would help provide better evaluation of the schemes. The idea behind the pilots was to create more vocational/practical training so that new staff could settle in better.

5.2 There would be further evaluation of POELT starters which would include workshops from KPMG as well as one utilising ex-prisoners to tap into their perspective to help POELTS. POELTS would also join Action Learning Sets and would receive three individual days back in their home establishments before the final two weeks back. The POA wanted to know how many POELTS each line manager would have responsibility for once in establishments: they were keen to understand what support new staff would actually get. All POELTS were assigned a mentor from their home establishments in-order to support their link to the establishment. Evaluation would occur during the pilot as well as months 1, 2 and 3 after the POELT had gone live, therefore data around supervision and line management would be captured in that evaluation. In addition, evaluation from CMs/line managers would be all be captured and form the wider report on the POELT Review

5.3 SB confirmed that the evaluation process began when POELTS joined the Prison Service through to month 12. The POA suggested we capture data showing how many times new Prison Officers got to meet with their line managers in the first 12 months. The Chair thought this was not something HMPPS could capture.

5.4 The POA also asked if HMPPS could ensure POELTS were not made operational as soon as they started working in an establishment. SB confirmed that this should indeed be the case for their first two weeks in establishments. The 2 weeks are still part of training and are called the consolidation weeks. L&D in liaison with home establishments are pulling together a plan to ensure there are opportunities to shadow more experienced Prison

Officers to give them a strong sense of the work involved within those 2 weeks.

- 5.5 It had come to the POA's attention that Training Instructors [at Whitemoor?] were advising POELTS where they saw a member of staff grappling with a prisoner in a cell, that they should lock that cell, presumably to contain the situation and raise the alarm. On the face of it, this seemed like the wrong approach as it significantly endangered the prison officer in the cell. AH would investigate but more information was needed before any action could be taken.

**ACTION: AH to await written confirmation of the situation from Jackie Marshall of the POA concerning Training Instructors advising POELTS, where they saw a member of staff grappling with a prisoner in a cell, that they should lock that cell. On receipt of the POA's letter, AH would investigate the POA's concerns. If this was indeed the case, the POA requested SB email Instructors setting out the correct guidance.**

- 5.6 PW asked SB if Resilience and Wellbeing were subjects covered in the POELT curriculum. SB confirmed it was part of SASH module 5. PW was keen to know who devised this, how much time was allocated to it and does it get repeated over a period. SB confirmed the key HMPPS contact for this was Glen Beech in Development Team. SB would ask Glen to contact PW.

## **6. HR Policy Focus: current and new policies (Saleha Dani)**

- 6.1 SD confirmed a workplace Adjustment Passport was being introduced to assist people with disabilities when they moved to different organisations. All their reasonable adjustments would be set out from the beginning so new Departments could take action on as soon as possible. This passport would be shared with Trade Unions soon.

- 6.2 The POA were supportive of the idea of a Passport. However, they were concerned that operational staff who fell under the Equalities Act would have to be referred to the Occupational Health Provider (OHP). Governing Governors might be reluctant to do this if their staffing situation was tight as it could mean committing Governors to adjustments, they might not be able to cover. The POA felt Governors might consider sacking these staff instead. The POA did not want to have to go to Employment Tribunals over this issue.

- 6.3 SD advised the 30-day subsistence document was shared with Trade Unions recently.

- 6.4 The POA raised the issue of Sick Leave Excusal (SLE) – where someone who contracted a disease or is injured or assaulted whilst on duty might qualify for SLE. They thought some Governors were not always offering this even when staff were assaulted it seemed they must return to work sooner than they should. And when individuals were being sacked, they were not having their SLE decision returned in time.

- 6.5 The POA also felt similar was happening around what they felt was PS-related illness which they believed should be classed under SLE. AH advised that the Holme House trials would help HMPPS consider a way forward on the secondary PS inhalation by staff. Under the change in policy (Empowerment) Governors should have discretion to decide SLE rather than Occupational Health where a staff member has clearly been affected by PS. The POA were not content with the fact that medical evidence was now needed before an excusal could be granted. From their perspective this was detrimental to staff pay while decisions from Governors were still pending (and there was a backlog of cases that needed clearing in this area) – these should be immediate: Governors could simply use the Incident Reporting System to confirm what had happened to staff that they were asking for SLE.

- 6.6 The Chair clarified the situation for the benefit of attendees: firstly, was the policy on SLE being interpreted correctly by Governors and secondly, was PS an issue that should be covered by SLE.

**ACTION: AH would discuss with Becky Dodd, Head of HRBP Service, concerning the reissuing of additional guidance as a reminder on SLE through the regular bulletin to HRBPs.**

**ACTION: AH to discuss with Michael Lowe the POA's request to see figures for those staff dismissed where a decision from the Governor on their SLE was still outstanding (out of time cases) and those that had not been granted.**

**ACTION: The POA asked to see the figures on outstanding decisions re SLE based on secondary inhalation of PS by staff. They thought this should be available through the Incident Reporting System. However, HMPPS thought this action could not be completed until knowing the outcome of the Holme House project to test second-hand exposure to PS.**

- 6.7 Concerning remuneration for annual leave: on the basis of the Berryman ruling the POA believed staff should be remunerated for the leave accrued from additional hours they had worked. The POA felt the ruling also provided

for compensation for back pay. Staff would have worked different levels of additional hours and so this would require significant resources to cleanse IT systems and calculate the hours owed. While a dedicated meeting with the HR Director was welcomed, the POA were seeking an update on this issue from HMPPS first.

**ACTION: A bespoke meeting to be arranged with Dave Mann, Deputy Director of HR, to discuss holiday pay in response to the Berryman ruling - including how staff will be compensated, when this will happen and when a new policy will be introduced. (Additional – this meeting has been organised for 26 July).**

## **7. Staff Wellbeing and Occupational Health Update (Priscilla Wong)**

- 7.1 Concerning the Hepatitis B vaccination programme, PW advised that HMPPS had now sourced three separate suppliers which we hoped would provide between them 700 vaccines per week. Establishments were providing numbers for vaccines where recipients still needed to be immunised. There had been some setbacks however. For example, at Berwyn 200 vaccines were rendered unusable because of a faulty fridge. This meant 3 clinics had to be cancelled. Generally, it was very difficult to bring vaccines into establishments at short-notice. PW confirmed there were thousands of individuals who still needed immunisation across the estate: those new starters from April 2017 as well as those staff who only received the first shot but not the second – we would need to start again on these.
- 7.2 At the time of the meeting, a strategy and policy on Flu vaccinations and how to deal with a pandemic were being finalised by HMPPS.
- 7.3 The Mental Health Advisers process was starting. Mental health policy in HMPPS was being deregulated and a new, shorter guide was being finalised.
- 7.4 HMPPS was also in the process of finalising the Medical Standards review which included the following areas: fitness for work; pre-fitness tests for new starters; vaccines; health surveillance; and a Care Team Leader Programme being signed-off (the guidance PSI stated they should get time to do this). On this last item, the POA wanted the actual work, and not just the training, to be listed on the Profile.

## **8. POA Standing Agenda Items**

- 8.1 POA Conference Motions 2018. AH advised that the POA Conference Motions for 2018 had been pulled-together, organised by Whitley meeting and the first steps in distributing them had been taken. This would allow us to track responses from HMPPS to the POA over the coming months.

## **9. POA items to raise**

- 9.1 Sick Leave Excusal – Psychoactive Substances. This item was covered at 6.4 to 6.6 above.
- 9.2 Pension Deductions – Tornado Pay. Jason Paskins, Head of Reward, is aware of the POAs' concerns. The POA made the point that they would be willing to consider legal measures here if the issue could not be resolved soon.  
**Action: ER Team to follow-up with Jason Paskins in Reward Team the issue of pension deductions from Tornado pay**
- 9.3 Concerning the offer made to officer instructors in 2013 as part of the arrangements to remove all officer instructors and replace with non-operational bands 3 and 4, the POA raised a specific case where an officer instructor had chosen to remain as a non-operational instructor and assimilate onto a Fair and Sustainable contract with pay protection for two years. This individual's working hours had therefore reduced from 39 to 37 hours per week with the additional two hours being worked as overtime. However, it seemed this and other officer instructors who had taken the same route had continued to receive ACHP on those additional two hours beyond the agreed cut-off point. They had now been informed by SSCL that, in-order to compensate for the error, this benefit would continue for a further two years until April 2020 but then stop. The POA were unhappy that these staff had not received appropriate and consistent communications at the time of the assimilation and subsequently. Jason Paskins, Head of Reward, was aware of the POAs' concerns.  
**Action: ER Team to follow-up on this issue with Jason Paskins in Reward Team. It was suggested a dial-in meeting or written response be organised by HMPPS to clarify the situation as soon as possible.**
- 9.4 OSG / Officer Overtime issue on payslips. This issue seemed to be particular to Lancaster Farms where the actual payment plus figure earned was no longer identified on the payslip. Instead Shared Services were simply setting out the generic standard rate. This was making it difficult for staff to understand what they were actually earning.

**Action: ER Team to follow-up on this issue with Peter Dawson in Reward Team to respond to the POA on why payment plus was appearing as a generic standard rate rather than the actual amount earned by staff at Lancaster Farms.**

- 9.5 Annual Leave policy – Circular and Letter to the HR Director concerning the Berryman ruling was considered at point 6.7 above.
- 9.6 Request copies of BCR submitted by establishments following the fire contingency desktop testing requested by the Prisons Minister. This item would be discussed at the next Operations Sub-Whitley meeting.
- 9.7. Deployment of Discipline Officers to FM duties – no consultation. This item would be discussed at the next Operations Sub-Whitley meeting.
- 9.8 Clarification in relation to POELTS being included in the Staff in Post (SiP) figures of an establishment whilst undergoing training. The Chair advised that SiP applied to POELTS still at college but that establishments could not use payment plus during this period. The HMPPS perspective was that each establishment needed to be treated individually and that the RMP would be utilised in absence of staff on training. The POA's view was that POELTS should not be placed on establishments' SiP figures in-order that existing Prison Officers could cover the shortfall through Payment Plus.

**ACTION: The Chair agreed to look into the issue of SiP and the effects of POELT training on RMP and would respond to the POA accordingly.**

#### 10. Any other Business

**ACTION: The POA would like to see statistics on how many Deputy Directors of Custody DDC (now known as Prison Group Directors - PGDs) Code of Conduct appeals were upheld in-favour of the appellants. ER Team to establish with Head of HRBP and HR Policy if this request is possible.**

**POA HR Sub Whitley Meeting - Monday 8<sup>th</sup> Oct 2018, 15.00hrs – 17.00hrs Room 8.28B, 8<sup>th</sup> Floor, 102 Petty France**

Apologies were received as set out above.

Minutes of the last meeting (30 May 2018) were agreed as a true record.

#### 3. Matters Arising (Actions Log) – Francis Stuart

- 3.1 Concerning action 3.3 from the 30<sup>th</sup> May meeting re Uniform Survey, more information was requested. The POA advised this needed to be dealt with at national level rather than our suggestion that this was being considered with local committees at this stage.

**Action: Andy Hewitt to provide an update to the POA on progress with the Uniform Survey and to clarify the issue of what “local committees” meant.**

- 3.2 Concerning action 3.4 from the 30<sup>th</sup> May meeting re Conference Motion 83 – negotiation rights for non-operational staff. HMPPS believed they were still awaiting a letter from Steve Gillan, General Secretary of the POA.

**Action: POA to write to HMPPS concerning Conference Motion 83.**

- 3.3 Concerning action 6.5 (ii) from 30<sup>th</sup> May meeting re outstanding decisions on Sick Leave Excusal on basis of Psychoactive Substance inhalation, the POA had now received the Holme House results and strongly disagreed with the Psychologist's view that staff experience of PS was psychosomatic only. The POA advised they did not have faith in the system of tests and thought there were flaws in these. They reiterated their point that SLE should automatically be granted by Governors – the centre needed to make this clear to Governors that they need to make a decision even if that decision is negative. But they must not leave decisions hanging. The POA view was that where SLE was not granted, there was a breach in the employees' contract.

**Action: FS to discuss this issue of outstanding SLE cases with Martin Beecroft and Phil Copple.**

- 3.4 Concerning action 6.2 from 13<sup>th</sup> Feb meeting on Attendance Management, the POA advised this was about how the policy was being applied not the policy itself. Therefore, a meeting organised for 4<sup>th</sup> Sept had been cancelled because HMPPS did not field the appropriate HMPPS attendees.

**Action: FS to advise ER Team who should be attending this meeting from HMPPS-side.**

**4. Reward Items 11, 12 and 14 from the Agenda (under POA items to raise) were brought forward (Julia MacMillan / Ollie Saunders)**

- 4.1 Update on Leave Policy and back pay in relation to the Berryman Ruling (item 11): JMac advised that Dave Mann, Deputy Director of HR, was leading on this issue and a written update would be provided to the POA by 17<sup>th</sup> October. The POA wanted to know if HM Treasury had approved the outstanding money and where we were on the revision of policy. On the issue of de-cleansing, the POA were keen to know if a decision had been made on whether to establish which staff were entitled to receive appropriate back pay or whether we just pay all staff this one-off payment.
- 4.2 Update on Recovery of Pension Contributions relating to Tornado Staff (item 12): As above, JMac would provide a written update by 17<sup>th</sup> October. The POA felt this issue was too long outstanding but HMPPS advised that this work required a system change and it was proving difficult to get the contractor (Fujitsu) to prioritise.
- 4.3 Staging of back pay – arrangements for staff who felt they had suffered a detriment (item 14): OS advised that this was in-hand. HMPPS acknowledged that the decision to stage arrears over two months in all cases, rather than calculate on a sliding scale, was an oversight which, in some cases meant that the arrears were not split by enough to avoid, as intended, the higher monthly pension contributions. For those staff, there would unfortunately be a small financial detriment in October as their standard monthly pensionable pay would become subject to the higher contribution rate for a second month. HMPPS had identified individuals who were in this position and had calculated the value of a monthly standard pensionable to deduction at the lower 4.6% contribution rate and at the higher 5.45% contribution rate. The difference would be paid to individuals as an ex-gratia payment in October, therefore reversing the detriment in the same month as it would have occurred. HMPPS would be writing to all Trade Unions concerning the issue and an intranet update for staff would be published. Local HRBPs would be contactable on this issue to deal with queries.

**Action: JMac to provide the POA with a written update by 17<sup>th</sup> October 2018 on the issues of: Leave Policy and back pay in relation to the Berryman Ruling; the Recovery of Pension Contributions relating to Tornado Staff; and the situation concerning HMPPS' staging of back pay.**

**5. Recruitment and Retention update**

- 5.1 A meeting to discuss Prison Officer and Instructional Officer recruitment and retention in detail was held between the POA and HMPSS chaired by Jim Heavens (Head of HR – HMPPS Reform) on 4<sup>th</sup> October.

**Action: Concerning the Exit Survey, 170 people have completed this so far. While the POA received statistics on these at the meeting, they would like to see a copy of the free text element of the survey. ER Team to request this from Jim Heavens.**

**6. Learning and Development update (Alison Hamer / Samantha Beard)**

- 6.1 AH advised that Apprenticeships were now being advertised on the Intranet.
- 6.2 Concerning the POELT Review, SB advised that POELTS at the two pilot sites of HMP Littlehey and Wymott were into month 2 of becoming Prison Officers. HMPPS were awaiting qualitative and quantitative data from these POELTS, Managers and Mentors on progress. Concerning an evaluation of POELTS over the over the last 12 months, early indications suggested POELTS felt they needed additional time in their establishments before doing more POELT training; this would help them contextualise their classroom learning. Prison staff felt the same. A week was not enough – what was needed was about four weeks. SB confirmed some of these POELTS were doing OSG duties. SB also confirmed that no POELTS from the pilots had left HMPPS since starting the training.
- 6.3 Concerning the experiential/vocational element of the POELT pilots, we were trying to link theory with realities in prison. What was clear was that POELTS did not need to just watch how things were done – they needed to be very much involved (and risk-assessed with this). This involvement was also provided in role-play scenarios that formed part of the training and listening to the stories of ex-prisoners. What seemed to work less well was the Action Learning Sets (ALS) – we needed to up-skill the facilitators around this as we know ALS have value in reflective learning. Similarly, more work needs to be done around the self-reflective learning portfolios and L&D would be working to improve engagement on these. Additionally, the KPMG Wellbeing and Resilience aspect

- needed more work. Overall, a draft model of POELT would be based on the data HMPPS was currently gathering.
- 6.4 The POA thought 17 – 20 weeks for training was too long and repetitive. AH advised the reason for this length was to be able to incorporate the experiential element but this is not necessarily a model that would be taken forward. The POA asked how the experiential element of the syllabus was organised. AH advised that on the 17-week pilot this was split into three one-week blocks whereas on the 20-week pilot it was split into three blocks of two weeks. The size of the cohort at Littlehey was nine POELTS and at Wymott was seven POELTS. The cohorts had to be small in order to ensure adequate supervision on site. The POA made the point that the Mental Health element of the training at three hours was inadequate and this remained a serious issue. SB advised HMPPS was working with MoJ to improve this and we would look to enhance the Mental Health element at the next six-month refresh in 2019. SB also reassured the POA that the draft model of POELT would look to incorporate Personal Protection and Control and Restraint training for POELTS.
- Action: L&D promised to send information to the POA concerning how much time was spent on the element of Organised Criminality on the POELT syllabus.**
- 6.5 The POA felt the small numbers of the POELTs on the Pilots meant that their positive view of using ex-prisoners on Training could not be seen as representative of the POELT population as a whole. The POA would prefer that POELTS talk direct to current prisoners therefore building a rapport while gaining an understanding of their issues. HMPPS did not dispute this but use of ex-prisoners was there to give POELTS a flavour of what to expect. The POA requested the cost of using ex-prisoners during the course of the training.
- Action: The POA requested the cost of using ex-prisoners during the course of the training.**
- Action: The POA cited research carried out in Thailand around Prison Officer/Prisoner rapport and that HMPPS should consider building this into the POELT training. Francis Stuart has this research and promised to share this with AH and SB in Learning and Development.**
- 7. HR Policy Focus: current and new policies (Carol Wheeler)**
- 7.1 The POA previously requested clarification of the deduction of home to work mileage and the action has been outstanding since 2016. CW was able to advise that it was proposed that a full review of T&S policy should take place and as such, we believed it would be a better approach to include the clarification of home to work mileage in that review, rather than a separate piece of work. As part of that review there could be full consultation and engagement with trade unions on the matter of home to work mileage, along with other aspects of the policy. The proposal for a full review of T&S policy would be discussed at People Sub Committee on 24<sup>th</sup> October. In the event that a full review was not approved, home to work mileage would be clarified separately, as a matter of priority.
- 7.2 The POA found it difficult to reconcile the wording of the travel and subsistence policy which stated one could claim appropriately which seemed to be at odds with the HMPPS view. CW pointed out that the current wording of the travel and subsistence policy contradicted the overall policy objective which recommended only additional expenses needed to be paid. The Review would clarify this discrepancy. CW would keep the POA informed of upcoming decisions.
- 7.3. CW picked up on the POA item to raise: Stage One Sickness Warning – should be a defined period. CW would take this away and Jim Fraser, HR Policy Lead, would consider.
- Action: CW to update the POA on progress concerning a full review of T&S policy or a clarification of the deduction of home to work mileage.**
- Action: Jim Fraser to consider the POA request Stage One Sickness Warning – that this should be a defined period.**
- 8. Staff Wellbeing and Occupational Health update (Priscilla Wong)**
- 8.1 PW advised that as we have now entered the flu season, HMPPS had rolled out 270 clinics to administer jabs across the estate. Last year there had only been a 24% uptake at these clinics. Therefore, this year Public Health England have set HMPPS a much more ambitious target of 75% front line staff uptake (in-line with NHS health care workers). We are getting more assistance with the on-site Health and Safety adviser for on-site promotion locally. Vaccinations started at end of September with 80% utilisation so far. Some 600 staff had been immunised on-site with 237 of these being front-line staff.
- 8.2 PW also advised that the Hepatitis B shortage had ended and we were now reaching normal supply levels.

HMPPS remained concerned re how Brexit might affect the future supply of Hep B but we were in contact with suppliers to monitor the situation.

- 8.3 The POA wondered how many recently vaccinated staff had taken sick leave. PW responded that it would be hard to breakdown this kind of information given system categories. The vaccine produced mostly mild effects for a few days but it would not give you flu. While there was not enough research that these jabs actually cut down sick days, it was still considered the best form of prevention.
- 8.4 PW also updated attendees that HMPPS were sourcing Tamiflu vaccines for those individuals in high-risk groups if they showed symptoms. Separately it was noted that prisoners were also entitled to receive flu jabs from Care UK if they consented to it.
- 8.5 Guidance on occupational vaccines will be updated. An OH and EAP Super User Guide will be produced that will cover such guidance in a comprehensive manner. PW was awaiting sign off from the Chief Medical Officer on this. On the issue of Pregnancy care, the Pregnancy Risk Assessment was being updated by NPS Health and Safety. Pregnancy Risk Assessments should still be conducted by line managers with the assistance of their local H&S adviser. PW acknowledged that there had been no research re the effects of PS inhalation on pregnancy and that more work needed to be done with the Holme House project.
- 8.6 The POA asked what OH advice was provided to line managers and staff on the criteria for disability. For example, could someone who had only recently been affected by an illness that was likely to continue after 12 months be considered disabled early on? PW responded that a good OH practitioner would be able to consider these on a case-by-case basis and advise accordingly. PW stated that it was important that if managers were seeking specific answers, they must make the questions explicit in the referral. Line Managers were always able to follow-up with requesting further OH review as the illness progressed.

## 9. Future Service Design (Joanne Mills / Conor Betts)

- 9.1 JM advised that HMPPS had commissioned an independent occupational psychologist to visit a number of establishments to inform a change of approach in how we advertise the recruitment of Prison Officers. The new approach would clarify areas such as what a key worker was and the issue of flexible working. The WCN advert would be changing and the new application form going live on Monday 15 October with a bespoke online test that would indicate where potential applicants would best fit in the organisation.
- 9.2 Recruitment Assessment Days (RADs) had been rebranded as Assessment and Recruitment Centres (ARCs). The recruitment process would become much more “hard-hitting”. It would include two role-play and one face-to-face scenarios. On the website, a self-selection tool had been developed which incorporated ten short videos exploring areas such as emotions, team working and resilience. The website also directs those who may not be suited to the Prison Officer role to that of OSG.
- 9.3 JM emphasised that HMPPS was trying to be very honest about the realities of being a Prison Officer in-order to manage expectations and increase retention. To reinforce this, the recruitment process will cover issues such as levels of violence in establishments and self-harm. JM confirmed to the POA that “injuries to staff” was not an element we were highlighting as part of the ARC process.
- 9.4 The POA raised a concern about how spent convictions are considered in the vetting process – they were worried that declaring these could lead to sacking further along the process. JM advised that candidates should be honest about these – Shared Services would be available at the ARCs to guide applicants through the pre-appointment checks.
- 9.5 The POA advised they had seen the Psychologist’s report on success profiles but would it be possible to receive a copy. JM was content to pass on.  
**Action: Joanne Mills to let the POA have a copy of the Occupational Psychologist report on success profiles.**
- 9.6 The POA also wondered about whether we had considered changes in people demographics in our new approach to recruitment – was there any adverse impact or advice on scripts? Had we, for example, considered the morals of young people around drugs given the problems in prison? JM advised that there was regular input into the work Alison Hamer was leading on re POELTS.  
**Action: Joanne Mills to raise with Alison Hamer the POA concerns around how we were taking account of changing demographics of recruits and their attitudes when assessing their suitability as POELTS.**
- 9.7 The POA thought footage from body-worn video cameras could be a useful way of giving applicants a good feel

for aspects of the Prison Officer role. JM said HMPPS had introduced more 360-degree videos for greater immersion and successful ARC candidates would be invited to familiarisation tours of establishments.

- 9.8 The POA made the point that HMPPS needed to be mindful of how it dealt with pre-existing medical conditions of candidates as the Attendance policy in their view was poor for POELTS. They also felt we needed to be clear to applicants that they would be expected to use force at times on prisoners to gain their compliance.
- 9.9 ER Team said they would share JM and CB emails with the POA in-case the POA would like to comment on the brochure created concerning Future Service Design.

**Action: As well as sharing JM and CB email details with the POA for comment on the Future Service Design brochure, the ER Team said they would invite that team to a HR Sub-Whitley meeting in the first half of 2019 to provide an update.**

**Action: JM to share the Self-Selection Tool (from the pre-application stage) with the POA when it was ready.**

## 10. POA HR Conference Motions

- 10.1 Concerning CM37 - *Conference mandate the NEC to pursue an uplift in the payment of Care and Maintenance for both Search and Patrol Dog Handlers when they have 2 dogs. The current practice is a yearly payment with a percentage uplift of this payment for having a second dog, whereas, it should be a yearly payment for each dog.* HMPPS responded to this Motion on 2 October 2018. Francis Stuart asked the POA to write directly to the Head of Reward, Julia MacMillan, copying Francis into this with any comments or concerns.
- 10.2 Concerning CM39 - *That Conference instruct the NEC to negotiate with the appropriate authority an agreement which exempts operational staff from financial or other sanctions incurred by taking their children out of school for up to two weeks in order to facilitate a family holiday.* HMPPS had yet to respond to this action. There was some discussion about whether this approach still applied to other emergency services.
- Action: re CM39 Kate Stock advised she would look into this Motion (currently with Jim Fraser in HR and Anthony Reeve) concerning what is currently allowed in terms of leave in exceptional circumstances for the emergency services.**
- 10.3 Concerning CM40 - *That Conference mandate the NEC to demand the Employer assume full responsibility for the payment of additional hours worked including, but not limited to Bed watch, Payment Plus and Tornado Duty.* HMPPS responded to this Motion on 2 October 2018. Francis Stuart asked the POA to write directly to the Head of Reward, Julia MacMillan, copying Francis into this with any comments or concerns.
- 10.4 Concerning CM44 - *That Conference instruct the NEC to negotiate an 'After Care Service' funded by the employer which is available to all HMPPS employees in regards to any health issue/s which has resulted in their dismissal on medical inefficiency and which on-going therapy is required.* HMPPS responded to this motion on 3 October 2018: *HMPPS staff who have retired through severance, age related, medical or early retirement have authorised access to the service for three months following their last day of service.* The POA felt that there should be an extension to the three months in some circumstances.
- Action: Francis Stuart to speak with Priscilla Wong (National Lead, Occupational Health and Employee Assistance Programme) to see what could be done to extend this time period.**
- 10.5 Concerning Conference Motion 46 - *that Conference recognise the operational JSAC process used by HMPPS as a route for promotion as not being fit for purpose. Further, that conference mandate the NEC to engage with HMPPS in reviewing and implementing a better, fairer, ability-based promotion scheme that is not only designed to improve the ability and competencies of all grades, but that is also fit for purpose and maintains the health and safety of the membership.* HMPPS responded to this on 3 October 2018. The POA will let ER Team have a letter in response to forward to Munazzah Choudhury (Head of National Assessments, Design and Evaluation).
- Action: The POA will let ER Team have a letter in response to forward to Munazzah Choudhury (Head of National Assessments, Design and Evaluation).**
- 10.6 Concerning CM50 - *That Conference accept that when a Section 11 application is made HR should not be required to submit a report stating whether they support the request and instruct the Executive to negotiate a change in policy.* This motion concerns Scotland as it originated from an Establishment there. Kate Stock said she would have a discussion with Priscilla Wong who has taken up this Motion to clarify the issue.
- Action: Kate Stock to discuss CM50 with Priscilla Wong – ER Team to forward to Kate the exchange of emails with Priscilla.**

## 11. POA Items to raise

- 11.1 Stage One sickness warning - should be defined period. This item was covered at 7.3 above.
- 11.2 Update on leave policy and back pay in relation to Berryman Ruling. This item was covered at 4.1 above.
- 11.3 Update on Recovery of pension contributions relating to Tornado staff. This item was covered at 4.2 above.
- 11.4 Sick Leave Excusal in relation to exposure to smoke and Synthetic Cannabinoids. This item was covered at 3.3 above.
- 11.5 Staging of back pay – Arrangements for staff who feel they have suffered a detriment. This item was covered at 4.3 above.
- 11.6 Report back on Annual Conference motions 2018. This item was covered at 10 above.

## 12. Any Other Business

- 12.1 The POA said the potential solution suggested re the NTRG bonus dispute could be seen as a change of Terms and Conditions – and therefore should be for negotiation. Andy Hewitt, ER Lead for the POA, was aware of the situation.  
**Action: Andy Hewitt to consider the issue of the NTRG bonus dispute.**
- 12.2 Concerning Tornado Dog Handlers, the POA believed a fitness test for these was a retrospective change to Terms and Conditions and therefore needed negotiation.  
**Action: ER Team to raise the possibility of Trade Union consultation around the proposed Fitness Test for Tornado Dog Handlers with Andy Hewitt and Sarah Ashcroft in HMPPS.**
- 12.3 Concerning Sudbury personal officer work, the POA reported that the Governor there was asking staff to put this in their SPDR despite the fact that the local dispute remained on-going. They pointed out that Phil Cople had advised that there should be no poor performance marking of staff while the dispute was ongoing.  
**Action: Andy Heppell, ER Lead on disputes, would investigate the situation at Sudbury concerning personal officer work.**
- 12.4 Mick Pimblett of the POA asked to come and meet the ER Team in due course.  
**Action: Kate Stock to liaise with the ER Team and POA about Mick joining the ER Team for a half-day.**

## Minutes POA HR Special Whitley – Reward - Thursday 26 July 2018 10.00am – 12.00pm Rooms 1&2, Clive House

Apologies – as above

### Annual Leave (Berryman case)

- 2.1. DM opened the meeting by stating the purpose was Holiday pay; a draft discussion document had been sent. All are aware of the Berryman Case – it was successful at the Employment Tribunal - and the Dudley ruling around holiday pay. That is not in dispute. We need to introduce and apply the holiday pay ruling and make two years' back pay. This meeting is about working with the Union to understand how to implement it and to agree timescales. We have a proposal on how we do it and how to implement it for consideration today.
- 2.2 The TU noted that the HMPPS holiday pay proposal was based on the ruling outcomes including Berryman and applies to the statutory 20 days but the government had said 28.
- 2.3 JP explained that the judgement and ruling had all spoken of the first 20 days. Working time regulations was one of our parameters; the objectives of that ruling. We were working the costs on that basis. If 28 days criteria were to be used, we would need approval from the Treasury.
- 2.4 The TU stressed that the reason they were here is they had been speaking of this for two years. If a policy of 20 days is brought, the Union would go back to court to have our policy criteria overturned. The TU requested that HMPPS go back to the Treasury for approval to apply the 28-day ruling
- 2.5 DM restated the HMPPS position of applying the statutory 20 days but noted the Union's position and agreed to take it away. Approval is needed for the 2 year's back pay and HMPPS will need to go back to the Treasury.
- 2.6 The TU spoke on the second point of implementation, it should be retrospective, going back to the start of the year – March 1<sup>st</sup>. The 2 years compensation should be paid back to 1<sup>st</sup> March 2016. DM agreed with the proposal and

potential effective date but reminded the POA that implementation would be unlikely until October so the back pay would cover a more generous period than the flat 2 years.

The TU raised the concern of TOIL (Time off in lieu) not being included in the calculations.

- 2.7 JP stated that the calculation is an average of the pay earned up to 12 weeks before the holiday. Three of the cases dealt with voluntary overtime but there was no reference to TOIL
- 2.8 The TU pointed out that there are many hours worked for which they are not paid, for some it could be up to 36 hours. TOIL is a consolidated payment. Like annual leave, one can take it or carry it over. In more than one establishment, Toil has been bought back.
- 2.9 PD noted that if TOIL is paid as an additional time and claimed through payroll then the criteria for holiday pay would be applied but if it is taken as time at a later date it is part of regular pay and would therefore additional holiday pay would not be applied. DM added that if it is taken off it is not included in the calculations. JP further added that were there is a cash payment it would follow the normal process like payment plus.
- 2.10 The TU brought up several examples where staff may be disadvantaged by having to take TOIL where there was no budget for overtime or have built up 36 hours of TOIL over the 12-week period that would not be considered in the calculations. Others may have built up TOIL and have been unable to take it. It is also felt the policy could discriminate against part time workers, those partially retired and those working a reduced week.
- 2.11 DM understands the TUs point on TOIL but noted that some staff want the work as paid, others want TOIL. He acknowledges that some TOIL is forced but some is voluntary.
- 2.12 The TU stated that they want TOIL to be considered in the 12-week window. It can be averaged. It could be added from In Vision, as payment plus is recorded, and put onto SOP locally, then minus the hours from the next month.
- 2.13 DM discussed the proposal to pay as you claim rather than go back on a rolling 12 week or 12 period using the 7.66 premium payment which would be applied for every claim paid. This would be beneficial and cheaper from an administrative/data collection point of view for SSCL and is our preferred way of implementing it in favour of 7.66 is pay as it is claimed.
- 2.14 The TU asked if someone worked an average of 8 hours payment plus per week and was on long term sick after an assault would they get compensation for that? On the CS pension scheme, if you get an allowance or add on pay, you will receive it for 3 months if you are off sick. If you have 6 hours overtime and are assaulted, you should get the average of overtime for the entire time. In the policy, did you factor in the additional payment if someone is assaulted and off sick?
- 2.15 DM replied that if it someone was off sick generally then we would not be open to applying holiday pay, however if a member of staff was assaulted and were off sick then yes, that is reasonable. We would need to work out how we would know if someone was off sick because of assault but agree in principle with the proposal.
- 2.16 The TU noted that in the draft holiday pay policy on bullet point five, it says 'staff are required to submit overtime forms promptly to line managers' it should be 'additional hours paid'. It should also be amended to 1<sup>st</sup> March 2018. How will those who are leaving or have retired how will they be dealt with will they be paid?
- 2.17 DM those who have left or retired since the cut off will be paid.
- 2.18 The TU are happy to put a notice in Gatelodge that if you have left between the particular dates. Had you thought of a one-off payment?
- 2.19 JP said it would have to be taken establishment by establishment as the amount would vary from Durham, where they took away payment plus and is fully staffed, to further south where it would be seen a lot more. Using an equation like  $24 \times 7.66\%$  - leave loading £50; We have made the assumption, as an organisation, that it is done regularly, it would need to be a cost the organisation must bear and Treasury must approve.
- 2.20 The TU suggested £500 for everyone rather than pay individuals actual amounts and they would agree collectively on behalf of the Service.
- 2.21 DM said they might consider it and summarised the main points:

### **Summary of main Holiday Pay Points**

1. POA have requested we use 28 days as the criteria for the holiday pay as the agreed leave period, HMPPS position remains the 20-day criteria that was applied with Dudley and the Berryman case. HMPPS will consider the request and give further consider the criteria.
2. 7.66% pay as you go route for applying the holiday pay premium was agreed by the POA and would be applied

as claims are made rather than apply a rolling 12 weeks or 12-month period

3. POA and HMPPS agreed an Implementation date of 1<sup>st</sup> March 2018 with 2 years back pay. This has to go through formal governance for agreement and it may be 1<sup>st</sup> September or October before we can actually implement the change meaning the back-pay period would be longer and more beneficial to staff
4. HMPPS agree with the POA point on sickness through assault or industrial injury and would be prepared to apply holiday pay based on previous work patterns but definitely would not entertain applying this for periods of general sickness.
5. HMPPS will consider the TOIL point made regarding paying as the hours are accrued. HMPPS position is that if TOIL is accrued and individuals claim the time back via a pay claim then the 7.66% would be applied. Generally accrued TOIL that will be taken off at a later date should not qualify for holiday pay and HMPPS agreed to reconsider the position.
6. Amendment to Point 5 in the draft Holiday Pay Policy. POA have provided wording
7. Payment to Individual Cases – POA have suggested an alternate approach and offer an opportunity to agree a blanket settlement for staff of c£500 or a figure to be agreed rather than apply actual back pay calculations by individuals.
8. POA agreed that they would not support further individual claims from staff whilst the work to calculate the back pay and implement the policy are worked through
9. Agreed a further meeting will be held in September once approvals and work has been progressed.

### **3. Pension deduction – Tornado pay**

- 3.1 JP advised the attendees that Tornado pay is holding as pensionable on SOP but the Unions have said it should not be. HMPPS are working with SSCL and will let you know when has been turned off. The pension contributions will be returned to staff back to February 2017. There is an average of over £41 but for some it is £800. The total employee contribution is £70, 000, and we will need to confirm the data, ensure the switch off and then will pay back the money through the payroll.
- 3.2 The TU noted that NTRG had been affected the most. The TU would prefer the overpayment to stay in the individual's pension pot because there are concerns it will affect calculations later.
- 3.3 JP said they would take that away for consideration.

### **4. ACHP from closed grade band 3 and 4 instructors moving into F&S**

- 4.1 JP informed the attendees that, as a result of grievances from workers in Laundries, gardens and workshops, it has been identified that there are 270 people in 30 establishments who were formerly on closed terms in receipt of ACHP. Referring to an agreement struck with the PCS, normal working hours would be 37 hours for workshops. People in the role working 37 hours would not be entitled to ACHP but two years pay protection was in place. The first grievance was rejected and it came to me on appeal. It became clear that they had continued to work 39 hours. In the laundry they worked shifts and there had been no change to how they had been working. The grievance was upheld because it was right to raise it.
- 4.2 I have seen the shift pack and I saw it was wrong so, for the policy provision, if they continued to work 39, the letter would be rescinded and they would continue to work 39 hours. If they leave the job or new people come in, they will be on 37 hours. Not everyone raised a grievance. Some may be working 37 hours so the letter is okay, but we have to recognise that for some people working 39 hours, it may be a requirement to work 39 hours. I am still going through the list, so may have to rescind the letter.
- 4.3 In response to a question, JP confirmed that he will communicate with the individuals and that they should work through HRBPs and line managers.
- 4.4 The TU will communicate the information to their members and ask them not to raise a grievance. A circular will be drafted to allay fears and as long as they fit the criteria, they should work with their HRBP and line manager. It was agreed that if the individuals can deal with it as a local issue, for example if the governor says 37 hours only but they say 39.

### **5. OSG/Officer issues on payslip**

- 5.1 The TU explained that the current payslips do not show the additional hours worked only the monetary amount. There is no breakdown of hours worked so a lot of employees do not know how many hours they are working

nor is it clear what they are being paid for as there is no breakdown e.g. for Payment Plus or bed watch. The payslip was the only way to account for hours due to shift problems.

5.2 PD stated that a new law will be out next year, or one could do a work around. JP added that the SOP System only provides a standard payslip.

5.3 The TU replied that if there is the potential of rectification next year, they could have a Chief Clerk record the hours until then. If there is no change it will have to be looked at.

# SECURITY AND CUSTODY SECTION

## Security and Custody Sub Whitley Annual Report 1/1/18 – 31/12/18

### Introduction

The NEC progressed Conference Policy adopted in May 2018 with the Department and other organisations. Reports on the progress of policy will be contained within the Annual Report Back Booklet which will be presented to Conference in May 2019. Further reports will be issued to the membership by way of circular.

Several key issues arose in 2018, which affected the wider membership of the Union.

Other policies subject to review which impact on Security and Custody are being dealt with in the first instance through de-regulation.

The following agreed minutes set out the issues which have been progressed on behalf of the membership under the Whitley Structure.

### HMPPS Security and Custody Sub Whitley - 22 March 2018 14.00 - 16.00

#### 2. Minutes of the previous meeting:

The minutes of the December 2017 meeting were agreed as correct once an amended line is added regarding segregation policy. All agreed.

#### 3. Actions:

7.1 – Outstanding – Deputy Director's office to contact the POA and arrange for either the restraints to be brought to the next meeting or for a demonstration to be given to the POA before then. When the demonstration is given HMPPS will provide slides to the POA on SPEAR training.

20/09 4.1 – Complete – POA invited to searching and intelligence project working group in January 2018

20/09 8.1 – Complete – meeting between POA and HMPPS to discuss incident management took place.

19/12 5.1 – Outstanding – Deputy Director's office to provide details of the Head of the National Intelligence Unit to the POA to discuss the operational and non-operation staff in the new regional units.

19/12 5.2 – Complete – POA and HMPPS are discussing opening of separation centres and media handling.

19/12 6.1 – Complete – PAVA stock take meeting between POA took place.

19/12 7.1 – Complete – POA and HMPPS met to discuss staffing segregation.

19/12 8.1 – Complete – HMPPS has met with each member of staff in the National Dog Technical Searching Group with regard to staff relocation.

19/12 9.1 – Complete – HMPPS gave update on leather cuff inserts further into the meeting, confirming the decision against mandating them or including them as an optional piece of equipment available to Governors for purchase. There are risks to security in using these and no identified need has been established.

19/12 10.1 – Complete – POA are feeding concerns to HMPPS around use of batons in the open estate as part of the Use of Force Review.

19/12 11.1 – Complete – POA and PGA attended the Crime in Prison working day in January 2018.

19/12 12.1 – Complete – HMPPS Security and Equalities teams met to discuss the policy around searching transfer prisoners and staff. New action to be taken forward to notify POA of outcome of discussions.

19/12 13.1 – Complete – HMPPS confirmed powers and processes of swabbing to POA.

19/12 14.1 – Outstanding – HMPPS will reiterate the policy to Governors around evidence handling, particularly in respect of throw overs, perhaps in a Senior Leaders' Bulletin.

#### 4. Operational Security Update

Security Projects and Procedures

A new categorisation tool was being worked on which will enable prisons to make safer decisions around categorisation using a breadth of data from various sources. HMPPS will check with MoJ that the POA are invited to the right working groups to ensure their views are fed in.

HMPPS has commenced work on a review of segregation procedures and will ensure POA views are fed in. The POA suggested that a reintegration unit could be considered. HMPPS confirmed that the preference was to manage prisoners on an individual basis, but welcomed the POA's views.

**22/03 ACTION 4.1 – HMPPS to consult with POA during segregation review**

HMPPS expected five prisons to go live with mobile phone blocking solutions over the next few months. The National Dog Technical Support Group (NDTSG) were being trained in using the equipment to allow us to apply for Telecommunications Restriction Orders (TROs). HMPPS has disrupted 150 phones to date, however the current kit is too old. The new kit will lead to large numbers of mobile phones being carefully disrupted.

The Crime in Prison working day held in January 2018 was a success. HMPPS will meet with Jason Hogg of the National Police Chiefs' Council to strengthen relationships with local establishments. HMPPS have begun to pilot a crime in prison data tool to monitor instances of crime in prison.

**Operational Resilience and Response Group**

A new branch for National Tactical Response Group (NTRG) has been established with volunteer committee members in place and is engaging with management on current issues. There is an administrative issue to be resolved between the local committee and NEC to ensure the branch is legitimately established through a ballot process. Management will continue to engage with the committee of volunteers in the interim and this is working effectively. Control and restraint equipment have been tested and procurement is progressing through final stages of commercial consideration. Plans are being developed to support the rollout of rigid bar cuffs this summer. Focus is on the policy implications and training curriculum. Once EMC have agreed this rollout can commence. This applied to the whole adult male estate.

HMPPS has begun a programme of work to transition from existing personal protection training to SPEAR techniques and training. SPEAR (Spontaneous Protection Enabling Accelerated Response) is an advanced system of PP based on human response. NTRG C&R trainers will provide SPEAR training to local instructors and POELT trainers (Prison Officer Entry Level Training) who will cascade training to all staff over 18 months to 2 years. Subject to implementation arrangements being in place, rigid bar cuff training could be delivered at the same time. A piece of work is ongoing by HMPPS to update the control and restraint training manual to reflect these upgrades and to develop policy guidance alongside.

Operational Guidance has been approved and will formalise approval for tactical drones to be flown over prisons by NDTSG operatives. This authority will come into effect on the 1<sup>st</sup> April 2018.

A new drugs taskforce has been created to help 10 prisons assess and tackle their vulnerabilities through funding and support. HMPPS will continue to send communications to prison estates to help address drug use in prisons.

**5. National Security Group**

**National Intelligence Unit**

Regional Intelligence Units (RIU) have supported prisons to develop local TACT assessments. Funding has been allocated to recruit numerous analysts to undergo an accreditation pilot. The POA queried whether it was a Governor's choice that the analysts were operational or non-operational. HMPPS would investigate and confirm the position.

**22/03 ACTION 5.1 - HMPPS to confirm if RIU analysts will be operational or non-operational.**

With regard to the Searching and Intelligence project, most prisons will receive part of the £8.2m funding. The project's recommendations will be presented to the Public Sector Prisons directorate and then HMPPS will be able to provide the POA with the final conclusions on spend. In the next financial year, £4m of funding should be forthcoming out of the £8.2m allocation.

### National Security Delivery Unit

Any further funding for corruption work would be confirmed in April 2018. HMPPS will advise the POA if any funding has been awarded.

**22/03 ACTION 5.2 - HMPPS to confirm if any further funding for corruption work will be awarded.**

HMPPS' Secretary of State gave a recent speech outlining £14m of funding for Serious Organised Crime. Organised crime units have recruited almost all posts. The head of SOC Units will provide an update at the next security Whitley meeting in June 2018.

**22/03 ACTION 5.3 - HMPPS to invite head of SOCU to June security Whitley meeting.**

HMPPS has begun to recruit five regional covert activity teams who will provide Regulation of Investigatory Powers Act (RIPA) support to prisons.

### Joint Extremism Unit

A second separation centre had opened, holding three prisoners. HMPPS welcomed the POA to contact them in the event that the POA receive any media enquiries. The third separation centre is on track to be opened. HMPPS has submitted a bid of between £2-3m to a Home Office funding scheme and if awarded is anticipated to support a case management model for the Pathfinder process and training Imams to do more dedicated de-radicalisation work with offenders.

A new slide deck was in the process of being created to provide an update on the directorate's work and will be sent to the POA in April for their internal use only.

**22/03 ACTION 5.3 - HMPPS to send updated slide pack to POA.**

### **6. Use of Force Review (to include PAVA)**

The Use of Force review was progressing well. HMPPS organised a round table last week with a wide range of internal and external stakeholders and the feedback was positive. HMPPS continued to work on a response to the Lammy review and was revising current policy. There were some legal issues to resolve around law and professional practice of use of force. POA are also preparing a draft policy proposal which they intend to share with HMPPS to inform revision work.

HMPPS was almost midway through the PAVA pilot. Over 600 staff have received PAVA training and were carrying the spray, with over 20 instances of where the spray has been either drawn or deployed. An increased number of governors were in favour of using PAVA and HMPPS was devising a national rollout plan in the event that the pilot progresses

### **7. Standard and Rigid Bar Cuffs**

Rigid bar cuffs had been covered earlier in the meeting. HMPPS confirmed that issuing leather cuff inserts to wear inside standard cuffs during escorts would present a range of challenges. It makes the cuffing less secure and sets precedent that prisoners could pursue. We could not allow prisoners to use them as it would bring a significant security risk of cuff slippage. The available data did not suggest that there is a significant need to mandate the provision of leather cuff inserts across the country.

**22/03 ACTION 7.1 - HMPPS to contact private prison manager to discuss cuffs.**

### **8. OSG's Working in the Segregation Unit**

HMPPS confirmed that Prisons' Directorate were meeting with the POA concerning segregation and Operational Support Group staff working at night in those units. This item was agreed to be carried into the meeting with Phil Cople (due for today).

### **9. Body Worn Video Cameras for Female Staff**

The POA raised that some female officers were experiencing difficulties with their body worn video cameras filming the ceiling due to their body shape. A uniform project was ongoing and the two current options appeared to be a belt or waistcoat solution. HMPPS would feed the POA's concerns into the uniform project.

**22/03 ACTION 9.1 - HMPPS to contact uniform project team and relay POA's concerns on body worn video**

**cameras and attaching to uniform to be effective for varying body shapes.**

## **10. 2017 POA Annual Conference Motions**

HMPPS will respond formally to the 2017 POA annual conference motions by April 2018.

**22/03 ACTION 10.1 - HMPPS to construct letter to the POA containing formal response to the 2017 annual conference motions by April 2018.**

### **1. AOB**

HMPPS advised that an update on spit kits would be provided at the June security Whitley meeting. The POA asked for an update to be provided before May 2018 around spit kits and hoods.

**22/03 ACTION 11.1 - HMPPS to provide update to POA on spit kits and hoods by May 2018.**

The POA raised three items which had been transferred from the Health and Safety (H&S) Whitley meeting which were: Ceramics and razors – HMPPS would review current work undertaken on ceramics and razors used by prisoners in the high security estate and consider what further actions could be done to tackle them.

**22/03 ACTION 11.2 - HMPPS to review and report back to the POA on ceramics and razors.**

Leather cuff protectors – this had been discussed earlier in the meeting.

Rollout of radios – this project was owned by the Business Development Group (BDG) team. HMPPS would contact BDG on behalf of the POA.

**22/03 ACTION 11.3 - HMPPS to contact BDG regarding radios.**

In addition, the POA advised that B2 Operational Support Group staff were being asked to complete Public Protection Intervention Risk Assessments (PPIRA) in one of the establishments however understood that such work was the responsibility of a B3 officer. HMPPS confirmed that they would contact the Offender Management team and ask for clarification of the above.

**22/03 ACTION 11.4 - HMPPS to contact Offender Management team about B2/3 guards undertaking PPIRAs.**

## **HMPPS Security and Custody Sub Whitley - 14 June 2018 14.00 - 16.00**

### **2. Demo of MRI cuffs:**

DE demonstrated how to use the MRI cuffs. The cuffs were a version of a waist restraint belt, however were not escape proof, so should be used as an early warning system. Escort staff fit the belt to the prisoner and the prisoner will be secure at all times. The cuffs have been approved by medical doctors who approved the HOMES (Home Office Manual for Escorting Safely) package. HMPPS will note the lifespan of the materials (currently five years) in the guidance for use.

**ACTION 14/6 2.1 – HMPPS to amend guidance around MRI restraint cuffs with lifespan of materials.**

HMPPS confirmed that training was issued through standard prison officer Control and Restraint training and on an “as-needed” basis.

### **3. Actions/Minutes:**

7.1 – demo of MRI scan restraints to be given to the POA – completed at this meeting.

19/12 5.1 – provide Head of the National Intelligence Unit’s details to the POA regarding regional hub staff – complete.

19/12 4.1 – reminding establishments how to deal with evidence handling at a local level regarding throw-overs – complete and issued through Senior Leaders’ Bulletin.

22/03 3.1 – relaying outcome of discussions around updating the policy around searching transgender prisoners to the POA – complete and transgender PSI will be updated by this November.

22/03 4.1 – consulting with the POA during the segregation review – complete as update given further into meeting.

22/03 5.1 – clarifying whether Regional Intelligence Unit analysts will be operational or not – complete, largely non-operational with a few operational posts for intelligence officers.

22/03 5.2 – update on corruption funding – outstanding as POA to meet HMPPS representative separately this meeting.  
22/03 5.3 – Head of the Serious Organised Crime Unit to attend this meeting – complete.  
22/03 5.4 – updated HMPPS SOCT slide deck to be sent to POA – complete.  
22/03 7.1 – HMPPS contacting private prisons to discuss cuff inserts – outstanding. Private prisons use ratchet cuffs which has a leather part on the wrist, rather than using leather cuff inserts. HMPPS will further investigate the risk assessments of the private prisons and update the POA.  
02/03 9.1 – relaying POA concerns regarding body worn video cameras on various body shapes to uniform team – complete.  
22/03 10.1 – HMPPS formally responding to POA 2017 annual conference motions – complete.  
22/03 11.1 – update on spit hoods/testing kits – complete, update given later in meeting.  
22/03 11.2 – reviewing how to tackle ceramics and razors in the High Security Estate – outstanding, a paper had been recently submitted to Phil Copple, Executive Director of Prisons and HMPPS were seeking an update. HMPPS confirmed that this action does not form part of the Security Whitley meetings and would investigate the correct forum (perhaps the Health and Safety Whitley meetings) with Jenny Rees, Joint Head of the Safety Team, on behalf of the POA.  
22/03 11.3 – contacting the Business Development Group on behalf of the POA regarding the rollout of radios – complete, name provided to the POA.  
22/03 11.4 – contacting the Offender Management Team regarding B2/3 guards completing PPIRAs (Public Protection Intervention Risk Assessments) – outstanding as previous confusion around whether guards were completing or collating the reports. The POA confirmed that guards were completing the assessments, so HMPPS to progress action further.

#### **4. National Security Group Update**

##### **4.1 – National Security Delivery Unit (NSDU)**

HMPPS confirmed that Serious Organised Crime (SOC) regional teams were place with only a few vacancies outstanding. HMPPS will work with establishments to determine how to prioritise SOCT nominals and build general capability around managing them. A strategy was in place to tackle SOC/gangs in prison and HMPPS were investigating how to undermine nominals' activity, as opposed to simply moving them to an alternate prison.

##### **4.2 – National Intelligence Unit (NIU)**

HMPPS advised that the Intelligence and Searching project has been completed. The project recommendations to increase resource to our intelligence and searching capability have been agreed by the Public Sector Prisons' Senior Management Team. Funding has been allocated to Public Sector Prisons', Long Term High Secure Estates' and Wales' Executive Directors to deliver the recommendations. The Implementation board chaired by Stephen O'Connell will track the implication of resource ramp up.

##### **4.3 – Joint Extremism Unit (JEXU)**

HMPPS advised that the review of extremism management was nearly complete and was shortly to be piloted in probation and the youth estate. Any increase in workload would be absorbed by JEXU staff and the programme is anticipated to be rolled out nationally in September.

#### **5. Operational Security Group Update**

##### **5.1 – Operational Resilience and Response Unit (ORRU)**

HMPPS talked through the details of the proposed change developed in response to the Gold Review conducted by Adrian Smith and the additional review by an external forensic psychologist commissioned to help us better understand the personal and emotional impact on individuals working in command suite during incidents. A Project Board was formed to consider 96 key recommendations from both pieces of work, which identified a number of necessary changes to our existing policy and practice. They have been split into five work streams, the detail of which has been provided for consultation.

##### **5.2 – Security Project and Procedures (SPaP)**

Mobile Phones – HMPPS advised that 5 blocking installations had been completed in 2017/18 and we had been successful in attracting £6m in capital funding this year to invest in phone blocking and body scanners.

Body scanners – HMPPS advised that they had been working closely with the Home Office on the possibility of using

their contract for body scanners to be used in overseas airports to detect drug supply. However, in view of the impressive results provided by the scanner at HMP Belmarsh, HMPPS would be commencing their own procurement for these types of scanner in the near future.

Drones – HMPPS is setting up a procurement process for drone detection tracking and identifying technology should funds become available. HMPPS were continuing to work across government on counter-drone technologies, including working with the Home Office, the Department for Transport and others on the DfT Drones Bill and increased police powers to tackle illegal drone use.

Cyber – HMPPS confirmed that a new cyber unit had been set up within the Security Projects and Procedures team. The team was working on a revised policy around permitting the use of certain games consoles.

Segregation – HMPPS had temporarily paused the segregation review and will re-invite POA comments when it restarts.

### **5.3 – Security Risk Unit (SRU)**

MC provided an overview for SRU in CK's absence. He confirmed that it was a new forward-thinking unit supporting prisons, with CK as Head of Unit. SRU had three functional strands, being risk management, risk resilience and security practice. The team valued ongoing input from a range of stakeholders to help contribute to successful outcomes and knowledge-sharing.

### **6. Use of Force Review (to include PAVA)**

HMPPS advised that the PAVA pilot is in its final stages this month. The summer months will see data collection, evaluation of the pilot and suggested next steps, which will be submitted to the Executive Safety Committee currently in mid-September. A total of 50 uses (warnings and deployments) have been recorded. HMPPS added that PAVA will remain in the pilot sites while next steps are considered. Data will still be collected from pilot sites.

With rigid bar cuffs, HMPPS confirmed that procurement methodology is in place and the associated training package had been produced. The cuffs provide increased functionality and will replace ratchet cuffs. Rigid Bar Cuffs enable the more rapid resolution of violent incidents with all the benefits that come with that and are proven to reduce injury to staff and prisoners.

The New Personal Safety Training package (based on Spontaneous Protection Enabling Accelerated Response) will increase staff confidence and competence to deal with violence. HMPPS suggested that a demonstration of the cuffs and SPEAR training, once approved, be given at a future POA Security Whitley meeting.

**ACTION 14/6 6.1 – When ready, HMPPS to provide a demonstration of rigid bar cuffs and SPEAR training.**

### **7. Update of spit hoods/DNA testing kits**

Spit hoods – HMPPS recommended not to issue prisoner spit hoods at this present time. They inhibit communication with prisoners; are largely impractical, and; probably breach human rights with regard to inhumane and degrading treatment. HMPPS advised that the evaluation of police findings was being monitored, as evidence suggested that any action which is degrading/demeaning was likely to further provoke the situation. HMPPS agreed we need to challenge prisoners' behaviour when spitting is an issue.

Spit DNA testing kits – HMPPS advised that Transport for London (TFL) has used kits since 2003 with successful convictions, however the longest conviction was four weeks. The Crown Prosecution Service (CPS) was investigating this further with their forensic department. If a prisoner was caught spitting on a body-worn video camera, CPS would be more supportive of this used as evidence in a case. TFL advised of some issues around ensuring evidence preservation but the introduction of the kits did appear to make staff more forensically aware. HMPPS would continue working with CPS and the Chair suggested that this issue should be raised at the next Crime in Prison Working Group.

**ACTION 14/6 7.1 – HMPPS to continue discussions with CPS.**

**ACTION 14/6 7.2 – HMPPS to raise this issue at the Crime in Prison Working Group.**

### **8. Staff Assaults**

HMPPS advised that police forces were not always able to progress staff assault cases as they were experiencing difficulty with obtaining witness statements. HMPPS was working through ways of raising staff awareness and supporting/encouraging staff to give statements. A plan of action will be worked through between HMPPS and the Police. It was suggested that Sarah Rigby attends the next Crime in Prison Working Group meeting.

**ACTION 14/6 8.1 – HMPPS to invite Sarah Rigby to the next Crime in Prison Working Group meeting.**

HMPPS advised that two prisoners have both received a two-year sentence for a potting offence. These were separate incidents but were in the same court so the Judge sentenced these together. A learning bulletin issued by the Security Risk Unit will be issued this month highlighting the cases and the Judge's comments.

HMPPS also confirmed that the Crime in Prison data tracker had been launched which prisons will update and will show a wide range of data being collected.

### **9. Motions from POA Annual Conference 2018**

HMPPS noted the motions arising from the POA 2018 Annual Conference and confirmed that a written response would be issued. HMPPS queried Motion 5 around bed-watches and asked the POA to send across a few bullet points around what is causing an issue.

**Action 14/6 9.1 – POA to send lines to HMPPS around specific concerns with bed-watches and to issue a formal response to the 2018 POA conference motions**

### **10. Proposed Release on Temporary Licence (ROTL) Policy Change**

The POA advised that a line in the new policy for ROTL was not clear in meaning. HMPPS will relay the following policy line to colleagues:

“...clarify that staff accompanying offenders on ROTL must be staff employed by the establishment who are deemed competent for the role by the governor but are not required to be operational staff.”

**ACTION 14/6 10.1 – HMPPS to relay the queries around the ROTL line in the policy guidance around staff being operational.**

Official sensitive

HMPPS confirmed that rigid bar cuffs' training was ready to be rolled out to staff and would begin as soon as the project team (managed by the safety programme) confirmed that implementation plans were in place to ensure establishments were ready to order, store and issue cuffs locally. Training will be delivered using a train the trainer model and will be offered to instructors attending the revalidation course over the next 12-18 months. HMPPS were in the process of finalising wider arrangements, such as equipment storage, issue, usage policy etc. The POA requested that all staff be issued with the cuffs. HMPPS confirmed that a decision would be made in October.

Security Project and Procedures (SPaP)

On the Drugs Taskforce and their work in the 10 prisons, HMPPS were working on the tender being issued this month to purchase X-ray body scanners this financial year. The quality of some (previously discarded) Chinese scanners was said to have improved and if HMPPS deem them acceptable, will explore the option of linking up with the Home Office Border force tender. HMPPS had been awarded funding to purchase another seven scanners to install across the long-term high secure estates.

On the guidance for incentivised substance-free living, HMPPS anticipated that this would be shared with and hopefully adopted by the 10 prisons working with the Drugs Taskforce. HMPPS was also working on a minimum offer to prisons, including a scanner, the guidance and a minimum staffing offer, and that communications were anticipated to be issued in the coming months.

On drones, the tender for drone detection in all prisons will commence in October and evaluated in early 2019. HMPPS confirmed that HMPPS would not adopt the same system currently in place in Guernsey as it was not legal and could be easily circumnavigated.

The cyber threat and digital innovation team were working on a strategy around prisoner misuse of authorised IT, such as games consoles, to traffic drugs. The team was reviewing offering realistic alternatives rather than simply removing the consoles. A secure platform for prisoners to view digital evidence to be used in their court cases had also been implemented.

Security Risk Unit (SRU)

HMPPS confirmed that recruitment in SRU was continuing and anticipated that the team was due to be fully staffed before the end of the calendar year. Ministers were currently considering a security catalogue and three learning bulletins had been issued to date. Work was also continuing on a secure platform for HMPPS to communicate with prison security departments, rather than via e-mail or the Senior Leaders' Bulletins.

#### 6. Use of Force Review (to include PAVA)

HMPPS advised that the PAVA pilot completed in June and the draft evaluation had been constructed over the summer. Valuable learning arose from the pilot, which will be shared with the POA.

ACTION 20/9 6.1 – HMPPS to share PAVA learning with the POA.

#### Official sensitive

HMPPS was preparing PAVA proposals and recommendations for consideration by Operational Readiness Assurance Board. A meeting is scheduled with POA NEC on 28th September. The POA expressed concern around the management of use of PAVA at the pilot sites. HMPPS confirmed that PAVA is subject to local governance by the Governors of pilot sites and that pilot operational guidance remains extant. PAVA is in use at the four pilot sites until a decision about wider rollout is made. HMPPS will liaise with the pilot prisons to keep them updated.

ACTION 20/9 6.2 – HMPPS to keep pilot prisons updated with PAVA decision progress.

HMPPS advised that the Use of Force policy was being reviewed and operational guidance to support the use of PAVA will be updated once a decision rollout is made. HMPPS explained that a piece of work has been commissioned to explore the tactical capabilities and gaps in NTRG and to identify potential ways of filling those gaps. A controlled pilot of less lethal weapons including TASER were being considered. If approved this would be strictly limited to NTRG and subject to governance at Gold Commander level of authority.

#### 7. Swabbing of Staff Vehicles

HMPPS confirmed that the primary application of the swabbing kit was not to swab staff cars, but to detect drugs via post.

The POA raised concern that prisons were using mail swabbers to swab staff's hands for traces of drugs. HMPS clarified that the swabbers should not be used for that purpose and guidance was being circulated to prisons confirming which RapiScan tools should be used in various scenarios.

### **HMPPS Security and Custody Sub Whitley - 20 September 2018 14.00 - 16.00**

#### **2. Actions/Minutes:**

22/03 7.1 – Contacting private prisons regarding introduction of leather cuff inserts – complete. HMPPS confirmed that there was insufficient evidence on health and safety ground to introduce the inserts and that they would pose a security risk. Some staff were purchasing the inserts in private prisons; however, they were not issued as standard. HMPPS will look into this further, as this is against policy. The POA clarified that this action originally concerned the death of a prisoner and the cuffs causing an issue with treatment. HMPPS confirmed they would also investigate this matter.

**ACTION 20/9 2.1 – HMPPS to consider what additional safeguards are needed to ensure that escorting staff are able to manage emergency situations where a handcuffed prisoner requires defibrillation.**

22/03 11.2 – ceramics and razors review – outstanding. Item will be discussed either at HMPPS Safety team meeting/Operations Whitley. The POA asked for written confirmation from seniors which specific meeting this item will be discussed at.

22/03 11.4 – Band 2/3 public protection risk assessments – complete. Completion of the assessments should be undertaken by a member of staff at band 4. The POA requested that this be communicated to staff. The Security Risk Unit bulletin was suggested as a potential medium. HMPPS to discuss further with Offender Management colleagues and a new action to be created.

**ACTION 20/9 2.2 – HMPPS to communicate Band 4 completion of risk assessments to staff.**

14/6 2.1 – Addition of lifespan of MRI cuffs to be added into guidance for use – complete.

14/6 6.1 – demonstration of rigid bar cuffs and use of force/SPEAR training – outstanding. SPEAR training is being finalised and it was anticipated that a demonstration would be ready for the December POA Security Whitely meeting. Dog handlers, repatriations staff and NTRG have all been trained on how to use rigid bar cuffs, but no rollout has commenced.

14/6 7.1 and 7.2 – potential use of spit DNA kits – complete. LF had liaised with the CPS and the police around whether use of the kits would increase the chance of successful prosecutions. Their view was that it would not and that CCTV and body worn cameras would be more effective. LF would investigate whether spitting is deemed to be common assault.

**ACTION 20/9 2.3 – HMPPS to confirm whether spitting is deemed to be common assault.**

14/6 8.1 – Inviting Sarah Rigby of the POA to the next Crime in Prison Working Group – complete. Sarah Rigby and Jackie Marshall are attending the next meeting. The POA requested that a new action is opened around the issue of obtaining witness statements from staff.

**ACTION 20/9 2.4 – HMPPS to continue to support staff with providing witness statements.**

14/6 9.1 – HMPPS to respond to POA 2018 Annual Conference – complete.

14/6 10.1 – Clarifying Releases on Temporary Licence (ROTL) proposed policy wording around “operational” staff – complete. The POA expressed concern around the consultation procedure of the policy change and the change itself, that HMPPS should not use ROTL policy as a way to circumvent any shortage of operational staff to take prisoners on secure escort. HMPPS confirmed that this was not the case and that the policy lead could provide clarity on the consultation process and working.

**ACTION 20/9 2.5 – HMPPS to clarify ROTL policy consultation process and wording.**

### **3. National Security Group Update**

Serious Organised Crime Unit (SOCU)

HMPPS advised that the SOCU was almost fully staffed. It has been awarded funds to assist with tackling drugs in prison, which will be used in part to recruit more staff into the regions. Their role will be to support tackling drugs in prisons, and tackling serious and organised crime in prisons.

The unit was also developing a policy framework and supporting guidance which will be considered at the HMPPS Operations Committee meeting in December. The POA will have the chance to provide input through the consultation ahead of December.

National Intelligence Unit (NIU)

HMPPS advised that a new Financial Investigations Unit (FIU) will go live in October, staffed by two seconded police officers and two HMPPS staff. The FIU will start investigating financial transactions between prisoners and people on the outside, which do not meet the standard investigation threshold. The POA queried what happens to successfully seized funds. HMPPS advised that the law states that the police and HM Treasury receive half each, but we had an ambition to explore whether the FIU could become self-funding in time.

Joint Extremism Unit (JEXU)

HMPPS advised that the Pathfinder review is underway, that the resource impact on operational staff is next to nil; the change was more around how regional and national teams work together. The POA was concerned that this was a further burden on overworked security staff and compounds the problem of violence in prison. HMPPS said the change would be set out in the policy framework, which would be shared with the POA for consultation in the normal way and so give them opportunity to comment.

**ACTION 20/9 3.2 – HMPPS to provide the POA with a copy of the pathfinder policy framework as part of OPS consultation.**

With regard to the Case Management System, HMPPS was in the process of bidding for more funds from the Home

office.

On staff corruption, HMPPS undertook a review of how funding was spent. Each regional area will now have a team of four staff supporting prisons, with rollout planned for February 2019. In addition, the policy framework will be coming around for consultation and HMPPS will continue to push for investment.

#### **4. Staff Assaults – crime in prison**

HMPPS explained they were in the process of revising the Crime in Prison protocol and would present it to the next Crime in Prison Working Group. HMPPS is looking to develop some additional guidance to include case studies around adjudications and police involvement. The POA's view was that the current guidance was sufficient and that staff have the right to refer a case to the police, whether there is a realistic prosecution outcome to their case or not. The POA was also concerned about seeking advice from the national team as they have previously legally challenged a police force if they have not proceeded with a case. HMPPS confirmed that the approach to the protocol/guidance would be discussed at the next working group, with POA attendance.

HMPPS had launched the Crime in Prison Tracker to see which cases were being referred to the police, but it will take some time to collect the outcome data to see the concurrent sentences. It appeared that 96 referrals regarding staff assaults had been rejected as they were deemed not in the public interest, with seven cases currently recorded as taken forward.

HMPPS will be attending a Police Crime Commissioner's event at the end of October to promote the importance of crime in prison. Evidence handling training was also anticipated to be rolled out to frontline staff in 2019.

HMPPS, with POA input, were developing an eight-point staff assaults plan, as suggested by Jason Hogg, together with posters for prisons. The POA asked that impact statements are completed for each case of staff assault. HMPPS had previously contacted the POA around seeking views from their members on the current approach to crime in prison. The POA members present asked for a copy of the last Crime in Prison Working Group to be sent to them and would follow up further.

**ACTION 20/9 4.1 – HMPPS to send POA members present a copy of the last Crime in Prison Working group minutes.**

**ACTION 20/9 4.2 – POA to seek members' views on e-crime in prison.**

The POA were concerned about reviewing footage taken from body-worn video cameras. They explained that the footage should only be reviewed from an incident angle and used for no other purpose. The POA queried whether it was mandatory to wear body-worn video cameras, as they had seen conflicting information. HMPPS would verify the position with Phil Copple's office.

**ACTION 20/9 4.3 – HMPPS to verify whether it is mandatory to wear body-worn video cameras and to revert to the POA.**

The POA confirmed that it would be helpful for their members to receive a copy of the myth-busting information surrounding body-worn video cameras. HMPPS will send a copy to the POA.

**ACTION 20/9 4.4 – HMPPS to send POA myth-busting information around body-worn video cameras.**

#### **5. Operational Security Group Update**

##### **Operational Resilience and Response Unit (ORRU)**

HMPPS confirmed that the proposal for putting in place reasonable and fair recompense for on-call periods worked by ORRU staff was due to be considered at the People Sub-Committee next week. HMPPS were also pressing SSCL for a fix to the unintended pension deductions from tornado payments. HMPPS had contacted Shared Services on numerous occasions to rectify the position. Both HMPPS and the POA agreed that the pension position was not acceptable and HMPPS had been pressing P&R with regard to issuing communications to staff.

**ACTION 20/0 5.1 – HMPPS to issue communications to ORRU staff around pension issues.**

With regard to Tornado dog course – the POA suggested that a new requirement to pass the advanced level fitness

training was an amendment to terms and conditions. HMPPS explained that Tornado training was a voluntary course, the same as advanced C&R training and that it was for everyone's health and safety that all staff deployed under tornado conditions were fit and capable of fulfilling their role. The dog and associated PPE kit is extremely heavy and the work is incredible physically demanding. HMPPS said that staff are being supported to pass the level 3 fitness test, with time to train during the working day and as much supervision and support as is required.

HMPPS confirmed that rigid bar cuffs' training was ready to be rolled out to staff and would begin as soon as the project team (managed by the safety programme) confirmed that implementation plans were in place to ensure establishments were ready to order, store and issue cuffs locally. Training will be delivered using a train the trainer model and will be offered to instructors attending the revalidation course over the next 12-18 months. HMPPS were in the process of finalising wider arrangements, such as equipment storage, issue, usage policy etc. The POA requested that all staff be issued with the cuffs. HMPPS confirmed that a decision would be made in October.

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# OPERATIONS SECTION

## Operations Sub Whitley Annual Report 1/1/18 – 31/12/18

### Introduction

The NEC progressed Conference Policy adopted in May 2018 with the Department and other organisations. Reports on the progress of policy will be contained within the Annual Report Back Booklet which will be presented to Conference in May 2019. Further reports will be issued to the membership by way of circular.

Several key issues arose in 2018 which affected the wider membership of the Union and other unions who sit on the Operations Whitley.

Other policies subject to review which impact on Operations are being dealt with in the first instance through de-regulation.

The following agreed minutes set out the issues which have been progressed on behalf of the membership under the Whitley Structure.

### Minutes for HMPPS Operations Whitley Sub Committee (Joint Bodies) 21 February 2018 2-4:30pm

#### 3. Minutes of the last meeting

3.1 Minutes of the previous meeting were agreed as a true record.

#### 4. Update on Actions Log (Francis Stuart)

4.1 FS reiterated the POA's request from a previous meeting for a discussion on the Action Log to ensure there was agreement on an accurate record of actions. (Subsequent to this meeting a discussion took place between Andy Hewitt, ER Lead, and the POA to clarify the situation.)

4.2 It was confirmed that the Terms of Reference (TOR) would be agreed before the next meeting.

4.3 Concerning the action (6.1(2)) from the February log where HMPPS made the point that it was hoped that the safety dynamic would be improved by improved staffing and this continued to be addressed. There had been a net increase of 1255 full-time prison officers at Bands 3-5 between end of October 2016 and September 2017. The POA were keen to isolate the statistic around Band 3 Prison Officer recruitment. ER Team agreed to ascertain (with Tanya Papchuck – Recruitment and Retention Lead at MoJ) what the specific net increase was of Band 3 Prison Officers, not just the overall band 3 to 5's. Separately, ER Team agreed (action 6.1(3) from February log) to share with NTUS and the POA the breakdown of B3 prison officer new starter attrition rates within the first 12 months between each establishment - subject to data availability (to request from Tanya Papchuck, Recruitment and Retention Lead at MoJ).

**Action: Francis Stuart suggested a dedicated meeting with the POA could be agreed to cover the Actions 6.1(2) and 6.1(3) from the February Log concerning Workforce Statistics – where data could be shared in the room. In addition, the POA requested that Gender, Age and Experience of new recruits be included by establishment (where possible)**

4.4 NTUS thought there was an issue regarding the timing around recruitment of Instructional Officers (IOs). These roles were not being advertised in good time to take account of staff leaving so a gap emerged before a new member of staff could start.

**Action: NTUS representative would send to the HMPPS NTUS ER Lead specific examples around late recruitment of IOs so that the ER Lead could share the concerns on recruitment timings for IOs with the relevant HRBPs and respond accordingly to NTUS.**

4.5 It was confirmed that Conference Motion 45 was responded to by HMPPS Business Development Group in November 2017: *That conference instruct the NEC to negotiate with NOMS, to increase the non-effective percentage beyond 20% to reflect the profiled work lost to maternity, paternity and adoption leave and back to work plans.* FRANKLAND – Carried.

4.6 The POA were concerned that the response provided did not take into account issues like the increase in prison training requirements and sick absence levels and they recommended an increase to Non-Effectives of around 25 – 26%. The Chairman noted the POA's concerns but shared that the organisation was not funded for a blanket increase on Non-Effectives. Also, HMPPS did not want to signal that we needed to provide extra funded resource for sick leave rather than continuing to challenge the business to reduce sick absence.

**Action: Concerning Conference Motion 47, Rupert Bailie, Head of Custodial Health and Social Care Services, would respond formally to the POA.**

4.7 An outstanding action (ref 6.1.11) from the February Log concerning a meeting with the Trade Unions on Mandatory Drug Testing (MDT) with a focus on Psychoactive Substances (PS) was raised. On the advice of FS this meeting would now be rolled into one with the National Lead for Drugs Strategy providing a Strategic update (see item 7.5 further down with action) as well as a statistical overview.

4.8 The POA felt more work needed to be done on ACCT, integrating operational and policy issues.

**Action: It was agreed that a meeting would be arranged by the ER Team between POA and the Prison Safety Team to focus specifically on ACCT.**

4.9 Regarding outstanding action 14 on the February Log on "Toe-to-toe" and the Shannon Trust, the POA were concerned that some establishments were putting this work out to CRCs though traditionally Prison Officers took on this voluntary role. Some places used Civilian Instructors and others were not well enough resourced to field anyone.

**Action: Linda Hennigan would discuss the POA concerns about Establishments deviating from the use of prison officers on Toe-to-Toe and the Shannon Trust with Dave Todd (POA) and would find out and share the reasons for this as identified by the establishments concerned.**

## **5. Operational Update (Chairman)**

5.1 The Chairman was content with the draft Terms of Reference (ToR) suggesting only a minor amendment to the *Purpose* section so that it said: *...to provide the opportunity for a strategic dialogue between HMPPS and the recognised Trade Unions...* It was agreed that these would now be put in-place for the next Operations Whitley.

5.2 While there was significant pressure on the prison population through the spring and summer of 2017, this pressure reduced somewhat during the autumn and more significantly during the Christmas period. The simplification of the HDC process has certainly helped this reduction. It was more the norm now for those prisoners handed sentences of less than four years to go on HDC. Clearly this did not apply to sex offenders. This had led to a reduction of nearly 200 prisoners during January and February. The female population rose slightly over the period but had reduced during February. At the time of this meeting, the overall prison population stood at 84,000.

5.3 The Chairman advised there had been some operational challenges concerning recent prisoner indiscipline at Nottingham, Swaleside, Guys Marsh and Chelmsford. The POA pointed out that at Chelmsford the issue was not due to just one-on-one violence but that the Governor advised staff to unlock 20 prisoners at once. At Birmingham, there were some 17 stability concerns where G4S requested HMPPS' help by closing part of the prison and reducing that population there by 116. Wandsworth had been placed in special measures and 170 prisoner places had been taken out of use. There were similar issues at Liverpool due to unfit cells. Woodhill fire safety work also led to reduced places at that establishment. Additional staff had also been deployed on Detached Duty to a number of the above prisons to provide stability.

5.4 The Chairman also touched on the recruitment of Prison Officers and mentioned that there were POELTS in the pipeline for Wandsworth and the Thames Valley cluster. There was significant and sustained improvement an improvement in the recruitment of Prison Officer Grades with significantly more Prison Officers now compared to October 2016, but acknowledged that current Prison Officer numbers were still lower than they were in 2010. There would be further increases in 2018. NTUS asked whether retention of newly recruited staff remained an issue. The Chairman advised that while this varied in different areas and prisons, generally with larger numbers of newly recruited staff there were also higher attrition rates.

5.5 The Chairman remarked that violence levels in prison remained a serious concern. There were 70 self-inflicted deaths in 2017 compared to 120 such deaths in 2016. Whilst this was a welcome reduction the Chairman recognised that this was still too high. General levels of violence in prisons had increased in 2017.

5.6 There were 200 Prison Officers on voluntary detached duty; this would reduce to 150 in Mid-March. Most of these were in London and the South East and some in Winchester, Guys Marsh and High Point.

5.7 The POA had some concerns regarding the application of RMPs. They asked what we considered a clear safe

search benchmarking. They felt there should be more guidance from the centre. HMPPS advised that while Governors still had the same funding levels as previously, they had more freedom to determine the regime on a particular day. The POA requested that we noted that they did not consider this a safe practice. The Chairman was clear that this had already been through a governance process and we were not going to take local regime decisions away from Governors.

## **6.2 Improving Living Conditions (Bryan Clark)**

6.1 Current situations at Liverpool and Nottingham establishments were extreme examples of where things had gone wrong concerning living conditions. BC acknowledged HMPPS managers do need to gain better control of managing cleanliness in prisons. Discussions with the current contractor on establishing stock and assets continued.

6.2 On the liquidation of Carillion, HMPPS were prompt in their contingency planning. There were 2.5 years remaining on the Amey contract: the issue remained - what was to be done once the contract ended. BC set out the four-track process HMPPS needed to focus on:

- i) Continuity of prison supply - an urgent necessity;
- ii) Compliance. This was proceeding at pace – we would know by end of February where any gaps were in-order to take immediate corrective action;
- iii) Prioritisation of FM Work. There was a list of prisons where there were issues and these would be dealt with immediately: Liverpool, Pentonville, Wandsworth and Wormwood Scrubs. Other candidates for prioritisation included: Bristol, Channings Wood, Exeter, Guys Marsh, Hewell, Maidstone, Norwich and Winchester;
- iv) The future. Given the mixed quality of prison maintenance over recent years, we would potentially be looking at a new building programme and capital investment money. The estate was large and no “one size fits all” solution was possible therefore there needed to be some push down to regional level to take into account local conditions. Some contracts however would need to be national.

6.3 NTUS wanted to place on record that HMPPS unions had warned HMPPS that this would happen, thought the situation was a prime example of why privatisation did not work and suggested that in future HMPPS needed to listen to the Trade Unions. The POA noted that they had heard Governors ask if they could be rid of the Facilities contract as part of their empowerment. They also enquired as to the cost of the four-track process? BC pointed out that this was more about the outsourcing element rather than privatisation – HMPPS required so much specialist expertise and this would be impossible to bring in-house. In terms of costs, BC confirmed a £4m budget for 2017/18 (with a roll-over for 2018/19) for the first track of the process. Beyond that, a business case was required for the future.

6.4 BC assured the Trade Unions that there would soon be further engagement on the future of HMPPS FM and the work of improvement to living conditions and make prisons clean and decent.

**Action: ER Team to liaise with Mark Taylor regarding arranging a dedicated meeting between BC, the POA and NTUS as part of the engagement process on the future of Facilities Management.**

## **7. Update on Drugs Strategy (Ian Blakeman)**

7.1 A Ministerial priority had been to establish a taskforce to deal with Drugs in prison. There were three strands to the approach HMPPS was taking: demand reduction (resilience); recovery (support); supply reduction (reduce the supply coming into establishments).

7.2 The Taskforce was focussing on the 30 prisons and probation centres where MDT reported the highest levels of abuse. More funding would be made available to these, and all prisons. IB advised that for these 30, they were looking at improving the detection of impregnated paper, carrying out entry searches and employing more technology as required. The POA requested a list of the 30 prisons and IB advised these would be published soon.

7.3 Some particular issues that needed focussing on included: i) the risk to staff (e.g. at Holme House) and where greater understanding of drugs issues was required; and ii) what HMPPS would do to reduce drugs use. Diagnostic tools would be introduced to assess particular vulnerabilities and there would be locally owned action plans with law enforcement behind those. For example, HMPPS would look at what resources could be introduced for each visiting time, the use of scanners and the replacement of grills, netting and windows. HMPPS would be bidding for more money to carry this work out.

7.4 NTUS raised the issue that there was a lack of training for Instructional Officers on secondary exposure to drugs. The PCS were producing guidance for their members but this had not been published yet. The Chair said HMPPS had put out comprehensive guidance on the issue and had engaged with the Trade Unions before publishing – though the focus had been prison officer grades.

**Action: Linda Hennigan would send NTUS (Jeff Lowe of PCS) a copy of the guidance HMPPS had produced concerning secondary exposure to drugs. Additionally, LH would make Governors aware through the Senior Leaders Bulletin that this guidance was for non-operational staff also.**

7.5 The POA asked whether there would be a stability assessment for each prison e.g. looking at areas like organised crime, how prisoners respond to the strategy etc. IB advised all indicators would be taken into account. The POA would like to agree a framework with IB.

**Action: Ian Blakeman welcomed an opportunity for a dedicated meeting with POA and NTUS to discuss the Drugs Strategy and Statistics. ER Team to organise this meeting.**

## **8. Prison Safety Programme Update (Jenny Rees)**

8.1 The Stability Tool work was still being piloted in 15 prisons. The Analytic Team would be talking to establishments who had piloted the tool in due course. There were over 40 safety audits by the Operational and System Assurance Group (OSAG) completed now, who were also developing a number of thematic reports on themes from the audits including on effective practice. The Safety Team had undertaken a Mental Health Training Needs assessment: there were about 700 responses from establishments that we would work into the Safety Programme. On the issue of Debt, we were developing a debt strategy that sought to boost prisoner resilience to debt, and had amended the key worker training to include information on debt. We were also developing a toolkit for establishments to use on debt.

8.2 The Chairman advised that HMPPS was bidding for Capital funding to improve safer cells. There was a plan for how we could use safer cells which included, for example, a risk reduction response.

8.3 The POA welcomed the above but made the point that on the issue of violence reduction the changes made so far were not having an effect. For example, prisoners were still assaulting prison officers in order to pay off debts, potting continued to be an issue and verbal assaults were not being reported properly. Prisoners needed to know what the consequences of their actions would be. The POA suggested there should be more signs up in prisons stating verbal abuse was not acceptable. There should be some mechanism where staff were able to report verbal abuse to their line managers and managers should be able to challenge prisoners if abuse is consistent. JR agreed to discuss these issues further in the Trade Unions safety working group meeting.

**Action: Jenny Rees to include the issue of dealing with verbal abuse from Prisoners as an agenda item in the Trade Union Workshop.**

## **9. Smoke Free Prisons (Linda Hennigan)**

9.1 88 prisons had gone smoke free with 70,000 smoke free places. This should be a good news story but the Chairman thought we should not get ahead of ourselves at this stage – let's wait and see. The POA were positive about this development but wanted to point out that for them this was only about going tobacco free because the issue of smoke remained around psychoactive substances.

## **10. Purposeful Activity Hours for Workshops (NTUS)**

10.1 Since 'empowerment', the majority of Cat B Local or Cat B/C Trainers had reduced their activity windows to ensure that what was promised was achievable. What NTUS were concerned about was that Governors were reducing the regime hours because they could not line the route for the official start times and, as a way of making up the labour hours, they were putting more Prisoners in the workshops thereby trying to make up the production targets. This practice was putting Instructors at risk because the workshops were going over the safe number of Prisoners according to the Risk Assessments and, once the route was closed, there was no way of sending the excess Prisoners back. An example of the route being shut was at Wealstun at 3pm on 19 February. This caused delays to staff and overtime having to be worked.

**Action: The Chair asked Francis Stuart to send a note to him to ensure this was included as an item for discussion in his bilats with the PSP Directors to in-turn ensure they checked on these issues during their visits to establishments.**

## **11. POA Late Items**

11.1 The POA submitted a number of items concerning a recent Open Estates meeting: PEIs RAD Centres; Batons for the Open Estate Review of PSO 1600M; Non-Completion of OASIS; Staffing on Nights; CM's on Nights; 24 Hour Healthcare; OSG's on Nights; Segregation on Nights; Escorts on Nights; Intruders on Nights; NPS on the Open Estate;

POA Conference Motions report back.

11.2 The POA also pointed out that there did not seem to be, in the short-term, a review process when a prisoner came from the closed estate to the open one. Additionally, the POA also thought that there was a problem with drugs on the Open estate – however the Chairman did not think this was a severe enough situation.

**Action: ER Team would organise an additional two-hour Operational Sub-Whitley meeting to discuss the above issues concerning the Open Estate. We would involve Linda Hennigan in this too who knows about the issues.**

## **Minutes of the HMPPS Operations Whitley Sub Committee (Joint Bodies) Held on 6 June 2018, 10:30am – 1:00pm,**

### **2. Opening Remarks - HMPPS Chair and TUs (Joint Bodies) Vice Chair**

2.1 The Chair brought forward item 5.1 below (the Operational Update). He advised that there had been lower levels of self-inflicted deaths in establishments from April to date with a percentage figure of 0.8%. This year reflected figures that were similar to the same period last year. Whilst still a cause for concern this did suggest some progress.

2.2 Similar concerns remain around the increases in self-harm and violence figures more generally over this period despite our efforts to reduce this. There had been net Prison Officer recruitment gains and attrition rates were being stabilised. It was hoped these improving trends would help stabilise the incidents of self-harm and violence.

2.3 The Secretary of State has announced a new Employment/Education Strategy. The Chair gave a summary of the work being done on this Strategy – known as the New Futures Network.

2.4 The Chair advised we would cover the Urgent Notification Protocol later in the agenda.

2.5 The Chair explained that there had been one very serious incident at New Hall which the Health and Safety Executive (HSE) were investigating. The wider impact of the situation would be considered across the Estate. A recent homicide of a prisoner by other prisoners at Woodhill was also mentioned. Apart from that there had not been any major incidents of indiscipline.

2.6 The prisoner population was currently running at 83,000 which is a recent reduction. The Chair listed those establishments where some accommodation was currently out of use due to refurbishments and lack of staff: Wandsworth; Liverpool; Birmingham; Exeter; and Chelmsford.

2.7 Prison Officer Recruitment was improving. There were targeted campaigns for London and Springhill: London recruitment was slow and it was proving difficult getting the numbers of the right quality of POELT. Other prisons like Wandsworth, Woodhill, Belmarsh, the Mount, High Point and Winchester were receiving more money to help improve recruitment numbers. The requirement to Detached Duty shifts were reducing. This currently stands at 250 and is entirely covered by volunteers.

2.8 NTUS expressed concern regarding the continuing increase in self-harm and violence and, concerning the New Futures Network, which they thought would require appropriate resourcing if it were to be more than just a statement of intent. NTUS advised that there was not enough training for Instructional Officers and wondered where the roll-out of future training was.

**ACTION: Learning and Development (through Alison Hamer) to provide a written update to the PCS (via Dave Vickers) on progress in respect of a dedicated training course for new Instruction Officers (covering Jail-craft etc).**

**ACTION: ER Team would share an early draft of the Operations Action Log with NTUS and POA and, one month prior to future meetings, the ER Leads and Support would discuss actions progress with NTUS Chair and POA Vice-Chair.**

2.9 The POA welcomed the news that self-inflicted deaths had reduced but stated that even one death in custody was one too many. However, staffing and safety remained a critical issue - the statistics at one establishment showed that there were 71 Staff at Band 3 with less than one year's experience which was only 40% of the target staff-in-post figure. Some of these newer staff did not know about the guidance on ACCT or Cuffs. At another site, there were 32 staff acting-up, even to CM level, with less than two years' service. Six staff on detached-duty were being sent there to help cover the lack of experience. The POA were also aware of Prison Officers still on probation who were doing detached duty and bed watch duties.

2.10 The POA also advised that at one pop-up POELT training site there had been 18 different trainers over a short period of time. Additionally, too much of the training seemed to be reliant on power point rather than practical. They

also felt there was not enough physical mentoring of new staff. Additionally, some of the training sites did not offer hot meals. Concern was also expressed regarding POELTS being allowed to volunteer for Detached Duty.

2.11 The POA made the point that perhaps had PAVA spray been available the POA thought that the recent homicide might have been avoided. They advised that they would be writing to HMPPS concerning the above issues.

**ACTION: FS to share POA observations about certain quality aspects of the POELT training with Alison Hamer and for a response to go to the POA on these points**

3. The minutes of the last meeting (held on 21 February 2018) were approved as a true record.

#### **4. Update on Actions Log – Francis Stuart**

4.1 Concerning Action no1 (ref 4.4 in 2p1 Feb minutes), ER Team would provide PCS with HMPPS' 2018/19 Business Plan on its release expected in June 2018.

4.2 Concerning Action no2 (ref 4.6 in 21 Feb minutes), concerning HMPPS' response on POA Conference Motion 47 regarding Healthcare Provision. FS thought this had been received by the ER Team and we would share it with the POA as soon as possible.

4.3 Concerning Actions 3 and 4 (ref 7.2.1 and 7.2.2 in 21 Feb minutes), the Chair had agreed that David Frattaroli would be invited to the next Operations Sub-Whitley meeting concerning the scoping paper re Physical Education (PE) review. However, this was dependent on the outcome of a discussion the SMT had had on PE. Depending on this outcome, it may be a dedicated meeting was required.

4.4 Concerning Actions 5 and 6 (ref 4.3 in 21 Feb minutes) on recruitment/retention data. FS explained that some of this had not been available until recently but ER Team was looking to arrange a dedicated meeting with Jim Heavens and Becky Dodd as well as a Data Analyst in due course.

**ACTION: ER Team to arrange a dedicated meeting with the POA, Jim Heavens, Becky Dodd and representative from DASHRAS to discuss Prison Officer recruitment statistics.**

4.5 The POA mentioned that despite the telephone conversation that was had, they did not feel the issue of Toe-by-Toe (and not "Toe-to-Toe" as previously set out) was resolved and should revert to on-going on the Action Log.

**ACTION: The Toe-by-Toe action on the Action Log to revert from a completed action to an ongoing action.**

**5.1 Operational Update – Phil Copple** (this item was dealt with at 2.1 above)

#### **5.2 Prison Estate Transformation Programme and Facilities – Brendan Christie and Clive Beard**

5.2.1 BC advised that the current prison population was reasonably stable at 83,000, the lowest figure since 2011 and with projections suggesting it would remain at this level for the rest of 2018. The reason for this drop might have been linked to changes in sentencing behaviour in remand and short sentences. BC thought however that this was not a long-term downward trajectory.

5.2.2 Completion of the latest construction work at Stocken would be ready late in the year ready for prisoners in November/December 2018. Initial conversion work at The Verne would be completed in July and, while a second stage of work was still taking place, 170 low-risk prisoners would move there. Completion of the second stage of work would allow full occupancy of the site and a wider range of prisoners (for example those with health-related issues). BC confirmed The Verne would be a Category C establishment. Concerning new prisons, demolition contracts had been signed for Wellingborough and Glen Parva prior to the next round of business case approval being sought from HM Treasury this summer. NTUS asked if there had been a decision on whether the Public Sector would be running these establishments in the future but BC confirmed not yet.

5.2.3 CB confirmed that Simon Boddis had taken over responsibility for Facilities Management as Director of PETP from Brian Clarke. The priority remained continuity of supply and compliance. Clearly levels of service were not as good as they should be. Gov Facilities Services Ltd (GFSL) was set up to carry on the work of Carillion and it would be treated as a provider like Amey. GFSL were still learning the business but a process of performance reporting on Facilities Management was starting so we could hold them to account.

5.2.4 The POA pointed out that Chelmsford had some 2,000 small repairs outstanding and wondered how these were progressing. CB admitted that no headway had been made yet on this because there were statutory and mandatory standards and targets to meet first – these had to be the priority. However, HMPPS would consider the overall levels of basic maintenance which Carillion had failed to address. CB advised that under the new contract HMPPS had the option to bring in additional contractors where Amey and GFSL were unable to carry out the work.

5.2.5 The POA raised the issue of Band 3 prison officers at two sites in the northwest (Garth and Risley) being asked by Governors to utilise any trade skills they might have to carry out maintenance when off-duty. Was this appropriate? NTUS believed not under the Secondary Employment principles? The Chair however thought that the issue actually hinged on whether there was a conflict of interest: so long as Governors approved the work and HMPPS were not paying prison officers for the same hours as Amey/GFSL. The Chair and Trade Unions agreed to disagree on this issue. **ACTION: HR to look into the circumstances and offer to Band 3 Prison Officers (with a trade) at Garth and Risley to work on prison maintenance and small repair work and to advise whether correct secondary employment procedure is being followed.**

5.2.6 Both Trade Unions reiterated the point that poor Facilities Management had contributed to worsening prison safety for prisoners and staff as well as worsening local trade union relations.

### **5.3 Performance Measures and Assurance – Linda Hennigan**

5.3.1 LH confirmed there were currently 12 establishments in Special Measures (SM) with two under the Urgent Notification (UN) process and one other entering Special Measures soon. HMPPS was working on an approach on Assessment with Organisational Development and Business Planning Teams. We developed an approach at Nottingham and Liverpool using workshops involving the Senior Management Teams (SMT), Functional Leads and colleagues from Prison Safety and Drugs Teams. This was aligned with a workshop we developed that allowed us to speak to Directorates' SMTs about the definition of "Assurance" (e.g. what was the difference between management and assurance?).

**ACTION: LH would provide the Trade Unions with a written briefing concerning the work on Assurance and Urgent Notifications, Special Measures, an Improvement Plan and a National Action Plan.**

5.3.2 The POA wondered how the above fitted in with Governor Autonomy. HMPPS confirmed that the Governor remains in control when an establishment enters SM or UN and the centre would support Governors e.g. in-terms of functional plans etc. The Chair confirmed that there would be no change to current operational lines.

5.3.3 LH advised there was no update on Smoke Free Prisons now that, apart from Open Prisons, they are now all smoke free. NTUS asked if prisoners could vape in cells. LH confirmed that yes, they could – vapes could be bought in canteens and staff can vape in designated areas. NTUS also asked if staff were entitled to receive sports and training support in the same way as prisoners to help them stop smoking. LH advised no – staff already had access to smoking cessation services in the wider community.

5.3.4 The POA welcomed progress on smoke free prisons. They felt this was a vindication of their pursuit of the issue since 2007 and had only wished HMPPS had engaged sooner with them on the issue. The POA felt they were a major contributor and should have been mentioned in the recent Intranet article on the subject. The Chair agreed that this was a collective effort with local POA representatives.

### **5.4 Prison Safety Programme / Rehabilitative Culture Project Update – Jenny Rees**

5.4.1 JR confirmed that in response to action 6.3.1 work on razors had been undertaken and that a letter had been sent from Phil Copple to governors on 11 April setting out the requirements for establishments to have a safe system in place for the management of razors. Work had also commenced on electric razors and ceramics and updates would be available at the Safety meetings Jenny's team were organising with the Trade Unions. An ACCT meeting was also taking place in July.

5.4.2 Jenny outlined the seven key themes on safety that would be considered in the Safety Programme this business year: OMiC; Rehabilitative Culture; Establishment Support; Managing risks on safety; Targeted cohorts including self-isolators; gangs prolific self-harm; and Women. Additionally, the Safety Team would be looking at Debt and Staff Capability and Wellbeing.

5.4.3 The Prison Safety Team were providing support to a number of establishments identified as Prisons of Concern for safety and those establishments where a cluster of self-inflicted deaths had occurred. They were also working with the new Prison Group Directors and Group Safety Leads on these issues.

5.4.4 JR advised that a new safety diagnostic tool had been developed to support establishments in managing prisoner risks to safety. The tool includes live data on violence, self-harm and finds and includes a violence predictor known as Viper which identifies those prisoners who are mostly likely to be violent. The tool is being rolled out following a successful pilot in a number of establishments. The revised Suicide and Self-Harm (SASH) Training had now been delivered to over 15,000 staff.

5.4.5 JR advised that around 50 Safety Audits have been completed so far, with the remainder to be completed by the end of the year. She advised that the work with Security, Order and Counter-Terrorism (SOCT) colleagues concerning

PAVA spray was ongoing.

5.4.6 The POA raised a concern around the maintenance of Safer Cells. The lack of maintenance on some of these meant that these could not be used as Safer Cells in reality. This put POA members at risk if they believed a cell was classified as safe when it was not. If anything went wrong the risk of legal action was real. HMPPS advised that there was a substantial specification that allowed cells to be classed as safer and that a lot of work was ongoing to put right cells that did not meet this. However, JR noted the POA's concerns. The Chair advised that no staff should be liable if they were following the SMT's instruction.

## **6. Interim Items**

6.1 Smoke Free Prisons Update – Linda Hennigan. This item was covered in paragraphs 5.3.3 and 5.3.4 above.

6.2 Civil Fire Contingency

6.2.1 The Chair queried why this item was on this agenda rather than the OHSF Sub-Whitley meeting. NTUS advised that they raised the item in relation to the maintenance of fire equipment which was something an Operational Director should lead on. On the issue of Improvement Notices from the Regulator, the Chair advised that HMPPS had been pressing Amey to ensure this met the standard.

## **7. Prison Retail Outline Business Case – Nick Drewett and Dennis Valentine**

7.1 ND advised the DHL contract to provide canteen services in establishments was due to expire at end of 2018. HMPPS were looking to extend this contract for a further six months while they sought to award a new contract.

7.2 Feedback from establishments says the current national model for providing canteen services works well but improvements could always be made. ND advised that HMPPs would like to maintain the self-financing service. Governors would like to see some flexibility in a future contract e.g. an extra delivery each week to better meet prisoner needs.

7.3 Concerning the "Final Mile" (where currently DHL or prison officers carry out the final distribution of goods) There were implications for resourcing of prison officers and business hubs concerning an extra delivery, work which could be streamlined perhaps using IT.

7.4 DV updated attendees on the Retail Operational side. Stakeholder engagement had been positive with the suggestion that we could improve price ranges and availability.

7.5 NTUS requested that they could be kept informed of progress concerning the re-tendering of the contract. The POA asked, if canteen services were self-financing and was one of the options to bring them back in-house? DV confirmed that this was one of the options under consideration however there were hidden costs that might make this option less favourable.

**ACTION: Nick Drewett to ensure that HMPPS trade unions are suitably kept up to date on the progress of the Prison Retail contract review as it progresses.**

7.6 The POA also asked if the smoking ban had had an impact on retail sales. DV confirmed that there had been a 30 to 35% increase in total sales volume but Vape sales had not decreased sales volume significantly.

## **8. TUS (Joint Bodies) Additional Items**

8.1 Lack of Trade Union Consultation and Disclosure of Information by Management at local level (as per NTS 19/2016). (PCS)

8.1.1 NTUS advised that in some places Managers were recruiting Instructional Officers (IOs) without any consultation with the Unions and recruiting them without any work or even, in some cases, without having a workshop set up for them to move in to. IOs had been promoted and moved in to new jobs without their jobs being advertised. NTUS thought a Notice to Staff reminder from Prison Group Directors should go out. The Chair asked the PCS to let HMPPS know at which sites this was an issue and we would deal with it through the usual operational line.

**ACTION: FS would draft a note from Phil Copple to go to Governors to remind them of the requirement to consult with the PCS on Instructional Officer staffing compliment/role changes, and the need to use only appropriately qualified IOs for skilled workshops and to carry out appropriate risk assessments.**

8.2 Lack of Consultation for Opening, Closing or Re-Designating Industrial workshops (as per PSI 05/2012). (PCS)

8.2.1 NTUS explained that shops were being closed and changed for different types of work to be carried out without any consultation and Workshops had been opened without the appropriate social care, risk assessments and health

and safety checks done. The PCS requested there be communications through the Operational line or a PSI reminder. Again, the Chair asked the PCS to let HMPPS know at which sites this was an issue and we would deal with it through the usual operational lines.

**ACTION: PCS to provide more specifics on which establishments were closing shops and changing them for different types of work to be carried out without consultation and opening Workshops without the appropriate social care, risk assessments and health and safety checks. HMPPS would then address these issues through the operational line.**

8.3 Using Instructional Officers as Rotational Grades. (PCS)

8.3.1 NTUS advised that establishments were moving Instructional Officers in Specialist Grades to work in different Specialist grade workshops when IOs were non-operational and non-rotational grades and were Specialist grades within their grade.

**ACTION: HMPPS to send out a reminder to Governors regarding the Industrial Officer role and the need to comply with the New Ways of Working agreement in respect of flexibility.**

8.4 Lone working and singleton posts - without conducting risk assessments. (PCS)

8.4.1 NTUS raised the issue of lone-working and singleton posts (without conducting risk assessments). Due to Instructor shortages, establishments were opening workshops with only one instructor where normally there were two or more, they were doing this without conducting risk assessments and were sometimes making instructors work alone against their will.

8.4.2 NTUS asked that firstly Instructors were given a choice and if they decline, they should not be forced; secondly, HMPPS and the Trade Unions should produce a jointly agreed risk assessment template based on Health and Safety Executive (HSE) guidance.

8.4.3 The Chair said that there needed to be a communication around Assessment more generally. He agreed that a workshop that usually has a number of IO staff should not move to singletons. However, the Chair thought that there might have been changes to workshops that meant singletons could do the work there that was previously done by more.

**ACTION: HMPPS to produce a communication reminding establishments of the need to conduct appropriate risk assessment, of lone-working and singleton posts and workshops to ensure appropriate staffing numbers and safe systems of work are in place.**

8.5 Staffing on Nights (POA) in respect of Fire Safety

8.5.1 Concerning the POA's Business Change Requests (BCRs) for staff on nights, the POA said they had been knocked back by Business Development Group (BDG) in getting these. The Chair advised that the instruction to test Night Contingencies was being considered but HMPPS had not accepted that this increase was necessary. The Chair was aware of some prisons in Wales that were responding with interim measures but there was no overall review. The POA asked for clarification on what happens if there is a shortfall in staffing on nights – is that not cause for a BCR? The Chair replied that the CPIG remit is to tell us how to improve our plans but not to tell us what our staffing levels should be.

8.6 CMs on Nights (POA)

8.6.1 The POA would like to see more Custodial Managers (CMs) on Nights. The Chair did not agree with this and felt there were other ways to deal with the issue though most establishments do have CMs. The Offender Management model may well have more CMs on Nights in the Open Estate.

**ACTION: Business Development Group (BDG) would be commissioned to consider the issue of CMs on Nights.**

8.6.2 Separately, in-light of concerns raised at HMP Wandsworth, the POA raised the issue of staff working excessive hours.

**ACTION: ER Team (Francis Stuart) and PSP would review Payment Plus guidance before recirculating to Governors.**

8.7 OSG's on Nights (POA)

8.7.1 The POA thought that OSGs should not be used on Segregation Units on Nights.

**ACTION: PSP (through Stephen O'Connell) would look at PSO 1700 re Segregation Units on Nights to consider the appropriateness of using OSGs.**

8.8 Segregation on Nights (POA) – see paragraph immediately above.

8.9 Escorts on Nights (POA)

8.9.1 The POA raised a concern around the guidance developed for Escorting on Nights as they felt it did not deal with more extreme incidents, e.g. masked intruders at Sudbury – which could have been handled by prison officers if they had been allowed to carry batons on the open estate. They felt the guidance required an assessment. The Chair thought that this type of concern should be raised locally and, if necessary, after that, it could be escalated nationally.

8.10 Intruders on Nights (POA) – see paragraph immediately above.

8.11 NPS on the Open Estate (POA)

8.11.1 A meeting was organised for the 26<sup>th</sup> June concerning Drugs Strategy and Statistics across the estate. The Trade Unions thought it would be useful if data could also be provided on PS in the Open Estate and if this could be an agenda item.

**ACTION: ER Team to ask Ian Blakeman to discuss the latest data and intelligence on psychoactive substances (including PS in the open estate) at the forthcoming meeting on 26 June.**

8.11.2 NTUS made the point that at Sudbury three officers were affected by secondary inhalation of PS within two weeks. The Chair was concerned for the staff and made the point that HMPPS had issued guidance, developed with the Trade Unions, about the immediate response to such a situation. The Holme House project would allow us to consider the next steps concerning this issue. The Chair commented that the recent POA conference motion emailing Prison Officers who felt they had been affected by secondary PS inhalation to volunteer for a test was helpful.

8.12 24 Hour Healthcare (POA)

8.12.1 The POA requested that a trained First Aider be available on Nights. At Sudbury they advised that a Night Orderly Officer was overcome by PS but that there was no one available to help at the time. This individual recovered but subsequently left the Prison Service. The Chair advised that NHS England provided such assessments and not HMPPS.

8.13 Rigid Cuffs (POA) – this item was deferred to the Security and Custody Sub-Whitley.

8.14 Not completing OASys (POA)

8.14.1 AC advised that the OMiC Team were monitoring OASys backlog. In the former keyword pathfinder prisons, there was a general reduction in the backlog following the increased numbers of staff. The new OMiC Model moved resources for OASys from local prisons to the training and resettlement estates. The POA also raised the issue of the HMPPS CEO stating at the POA conference that we were moving from 1:30 to 1:20 ratio. AC said she believed this referred to the additional staff being recruited under OMiC which inevitably meant the levels of staff to prisoners nationally would increase, rather than a specific ratio.

8.15 Safer Cells (POA) – this item was considered at paragraph 5.4.6.

8.16 Urgent Notification Process (POA) – this item was considered at paragraph 5.3.1.

8.17 Special Measures (POA) – this item was considered at paragraph 5.3.1.

8.18 Performance Improvement Plans (POA) – this item was considered at paragraph 5.3.1.

8.19 Conference motions (POA)

8.19.1 The POA advised that they would be putting out updates to their members on the progress HMPPS were making on the 2018 Conference Motions between now and the end of the year. FS advised that the ER Team had now circulated these too key HMPPS stakeholders and, where appropriate, dedicated meetings could be arranged.

8.20 Update on works contract to replace Carillion and staffing (POA) – this item was considered at paragraph 5.2.3 to 5.2.6.

8.21 Prisons in special measures copy of local action plans (POA) – this item was considered at paragraph 5.3.1.

8.22 New Futures Network (POA)

8.22.1 The Trade Unions would be consulted concerning work on the New Futures Network. The Chair also gave a summary of this work at paragraph 2.3.

## **Minutes of the HMPPS Operations Whitley Sub Committee (Joint Bodies) Held on 31<sup>st</sup> October 2018, 2:00 – 4:30pm**

### **2. Opening Remarks**

2.1 The Chair advised we would bring forward some of the Agenda items. Additionally, NTUS items 8.2 (*Operational staff filling non-operational posts*) and 8.4 (*Operational Managers insisting that the way officers have policies applied to them being applied to non-operational staff*) would be considered through the NTUS HR forum.

**Action: ER Team to put NTUS items on Operational Staff in non-Operational roles and of policies applied to non-operational staff on the next NTUS HR Sub-Whitley meeting.**

2.2 Concerning the Terms of Reference, it was agreed that the interim standing item *Competing the Delivery Services Contract* should be renamed *Facilities Management*. There was discussion about whether the interim item, *Smoke Free Prisons*, should be removed from the Terms of Reference as the programme had been rolled-out across the closed estate. The Chair pointed out that the Trade Unions could always raise this under their items in future. NTUS and POA agreed this could be removed. An updated copy of the Terms of Reference can be found at **Annex A**.

2.3 The NTUS Vice-Chair thanked the Chair for HMPPS' continuing engagement and the support over the years of Chief Executive Officer Michael Spurr. They wished him all the best for the future. The Chair advised that the role of HMPPS Chief Executive Officer was now being advertised and it was expected that a suitable candidate would be identified by January 2019.

3. The Minutes from the 6<sup>th</sup> June 2018 Operations Sub-Whitley meeting were agreed by NTUS and the POA as a true record.

#### **4. Update on Action Log – Andy Heppell**

4.1 Concerning Action 1 from the Log (Shannon Trust – Turning Pages Scheme), BDG Group in HMPPS were awaiting an update of specific establishments from Dave Todd at the POA. POA attendees would follow this up.

**Action: POA to either confirm the action regarding Shannon Trust – Turning Pages Scheme is closed or to provide further details to BDG.**

4.2 Action 4 from the Log (Workshop changes, closures), it was agreed with NTUS that Governors at Garth, Hewell and Wymott were providing an update on the issues raised. Where there were no local Trade Union branch representatives available to take up the issues then these should be escalated to regional representatives. This action could be closed.

4.3 On Action 5 (Custodial Managers on Nights) the POA commented that there was a wider issue concerning Disputes, OMiC and the Open Estate. The Chair advised that the OMiC Team would be engaging with Trade Unions concerning the development model on the Open Estate. OMiC on the Open Estate would be an agenda item on future Operations Sub-Whitley's. HMP Sudbury would be treated separately from the other Pathfinder prisons.

**Action: OMiC to be added as a Standing Agenda item to future Operations Sub-Whitley meetings.**

4.4. On Action Point 7 (OSGs and Segregation Units at Night), a letter from Stephen O'Connell had recently been sent to Dave Todd of the POA explaining HMPPS' position.

#### **5. Standing Items**

5.1 Operational Update – Phil Copple

5.1.1 On the issue of Safety the Chair advised of the 20% rise in assaults and serious assaults on the estate compared to this time last year as set out in the recent quarterly statistics release up to the end of June 2018. There had also been a 20% increase in self-harm cases compared to this time last year and the decrease in self-inflicted deaths we saw in 2017 has not continued for the same period in 2018. Overall, there had been 87 self-inflicted deaths in a 12-month period up to end of June 2018. The POA and NTUS had already been briefed at a meeting concerning the recent Safety in Custody Statistics release. The POA stated that despite all the different strands of work the overall rest is fine.

5.1.2 The Chair made the point that HMPPS remained open to improvements concerning Safety strategy but that our current approach was ongoing. Given time, he believed the increased recruitment of Prison Officers and their gained experience would improve the safety situation. HMPPS would be in-touch with the Trade Unions concerning a forum which would be held with colleagues to consider the evidence on what is driving the increase in prison violence.

**Action: HMPPS to hold a forum on violence in prisons to which HMPPS Trade Unions will be invited.**

5.1.3 Concerning *Prison Population* (standing item brought forward from 5.3 on today's agenda), there was a noticeable decrease to below 83,000 at this time. Fewer people were receiving custodial sentences from the Courts though unclear why. We had 1,000+ prisoners on Home Detention Curfew and this had helped by allowing us to close and refurbish elements of the estate and ease pressure on those more burdened prisons, e.g. Berwyn, Birmingham, Wandsworth.

5.1.4 HMPPS were surprised by the inspections that led to Urgent Notifications at Bedford and Birmingham. We had been working closely with contractors through the appropriate mechanisms to bring improvements there. At Birmingham the three oldest Victorian wings were being closed and 30 more detached-duty staff and a Public Sector Governing

Governor had been brought in to oversee the day-to-day management. HMPPS were looking to return it to G4S eventually.

5.1.5 The Chair stated that since the last meeting there had been a small number of serious incidents to report across the estate: on 16 September concerted indiscipline on a wing at Bedford had taken place and subsequently brought under control. At the end of September a similar situation arose at Long Lartin with some resultant damage to the wing. Operational staff at Lindholme had taken action after two serious assaults on Prison Officers. On 14 September POA members had taken action across the estate and Gold Command arrangements had been put in-place. Staff returned to work in the afternoon of that day.

5.1.6 Concerning *Smoke Free Prisons* (standing item brought forward from 6.2 on today's agenda), the Chair advised that a National lessons learned workshop has taken place and all SPOCs and key stakeholders were invited. HMPPS continued to explore alternative suitable vaping devices to offer a choice as well as different flavours and nicotine strengths of refill cartridges. The number of prisoners purchasing tobacco products nationally has dropped from 56,000 in August 2015 to just 1,300, all in the open estate. Further air quality tests had been commissioned to review the impact of smoke free in the original sites and would form part of the project evaluation report and we were now just awaiting the confirmation date of when these would take place. Contact had already been made with Governors to notify them of this taking place.

5.1.7 Concerning an *Update on PSP Transgender Prisoner Policy* (item brought forward from 7.2 on today's agenda), the Chair advised that PSI 17/2016, the Care and Management of Transgender Offenders, was being refreshed and would be produced as a Framework policy document. The safeguards within the current PSI would be strengthened, including where transgender prisoners were held in the Women's estate. Improved supporting guidance for staff would also be produced. It was anticipated that the formal 21-day consultation period on the new Framework would commence in November.

5.1.8 A formal review had commenced on a recent high-profile case and how it was managed and was due to report in November. Learning from this case would be incorporated into the new Framework. Additionally, a qualitative review of all self-declared transgender prisoners had taken place across the men's and women's estate and learning from this would inform the new Framework. The Chair also advised the Searching of the Person PSI was owned by SOCT Directorate and they were refreshing their section on searching of transgender prisoners. Separately, further work was planned to develop HR policies for staff who were transgender. More consultation with the Trade Unions would take place in November.

**Action: ER Team would arrange a dedicated meeting between Ann Snowden, Head of Probation Equality, EIOPB, Public Sector Prisons and NTUS/POA to discuss the Transgender Framework.**

5.1.9 Concerning an update on *Civil Fire Contingency* (item brought forward from 6.4 on today's agenda), the Chair advised that the Crown Fire Premises Inspection Group (CPIG) had raised concerns around the risk of violence in multi-occupancy cells during the night shift in the event of fire. HMPPS was considering what the safety balance should be: additional staff vs procedural approaches and equipment were under consideration. There was an issue getting prisoners out of a cell during an evacuation and ways were being considered of how to ventilate cells safely during these times. HMPPS would share approaches in a few weeks' time.

**Action: HMPPS to update Trade Unions on the PSP Response to CPIG review into issue regarding multi-occupancy cells during a night shift fire evacuation through the Health and Safety Forum.**

5.1.10 Concerning an update on *Assault Definitions* (item brought forward from 7.3 on today's agenda), HMPPS were currently reviewing these as there had been concerns around the guidance at local level – particularly injuries in the course of Control and Restrain incidents and how these were reported. The current definitions in technical notes were possibly vague and should be properly defined as per the law. The POA stressed that they considered the increase in deaths in custody to be due to management failures which included failed adjudications, over-reliance on IEP, prisoners not afraid to pay debts through violence and not fearing the consequences of their actions. After three years no corner was being turned, Detailed analysis was needed over the use of IEP and we needed to create appropriate accommodation for violent or at-risk prisoners. The POA welcome the Fire work HMPPS is doing but greater scrutiny around deliberately set fires should be considered.

5.1.11 The POA said that the Management of Crime in prisons Protocol did not need changing. They were particularly concerned that the changes HMPPS were making to this Protocol might make the situation worse and had taken a view from their legal experts. The POA had written to SOCT about their concerns in late September but had not received a response.

**Action: ER Team to liaise with SOCT to progress a response to the POA letter regarding their concerns on the review of Management of Crime in Prison Protocol.**

5.1.12 The PCS expressed discontent that recent sentences for crimes committed by prisoners were lenient. The Chair advised sentencing was not in HMPPS' remit. Concerning the *Definition of Assaults*, the PCS were concerned that some of their members (specifically Instructional Officers at HMP Ranby) were being discouraged from intervening to resolve conflict between prisoners in Workshops. The Chair asked the PCS to email him with details of the people involved and the dates this happened. The POA advised they would also investigate the situation at Ranby.

**Action: The PCS to write to Phil Cople about the situation with Instructional Officers at HMP Ranby who were being discouraged from intervening to resolve conflict between prisoners in Workshops. They would provide Phil with details of the people involved and the dates this happened.**

5.2 Prison Safety Programme update: Drugs reduction strategy – Ian Blakeman

5.2.1 The Drugs Strategy was high priority. The taskforce was looking at supply, reducing demand and recovery. Formal Trade Union engagement would begin on the draft drug strategy from November before it was introduced in establishments. The strategy was built on the Drug diagnostics from the Ten Prisons Project.

**Action: Drugs Strategy Programme to formally engage with HMPPS Trade Unions and share draft Drugs Strategy guidance.**

5.2.2 Concerning Searching Mail, a draft document about handling prisoner correspondence and detecting PS in impregnated paper had been produced jointly between the Taskforce and SOCT.

5.2.3 The Ten Prisons Project was considering drugs supply restriction. We needed to see that the investment in this project was having a meaningful impact before we could take this approach out to the rest of the estate. For example, we were exploring the wider use of X-Ray scanners for drugs and phones (currently only be used on suspicion); also, the use of rafi scans for paper and other items; and a greater use of Drugs dogs. The POA felt the pilot scheme as it stood was not enough: we needed to consider other elements, e.g. Lockdown searches, which is an effective way of picking up lots of illegal items. IB agreed and advised that we were investing in national capability re full and targeted searches, both funded and being developed in-order for us to have that capability.

5.2.4 IB advised that Jim Noonan, HMPPS National Lead on Health and Safety, had now shared with the Trade Unions the *General Report on Pilot Projects to Monitor Synthetic Cannabinoids (SC) Secondary Exposure at Holme House Prison*. We were in the process of writing to Governors about this. NTUS asked if this report could be sent through to them again as they were not clear they had ever seen it.

**Action: ER Team to provide the Holme House PS Report to NTUS.**

5.2.5 Concerning a general update on the National picture, IB explained that we had seconded police into HMPPS to help build stronger relations with crime fighters. A unit had been set up to look at Organised Crime and Corruption. The POA were keen to know if steps were being taken by HMPPS to acquire a percentage of the funds recovered from illicit crime (as is done by the Police). IB would investigate this and respond.

**Action: IB to investigate the position concerning HMPPS ability to acquire a percentage of the funds recovered from supporting the police in identifying and tackling illicit crime.**

5.2.6 Concerning an update on POA item *Policy on Methadone in Prison* (item brought forward from 8.8 on today's agenda), IB was interested to find out what the issue was but there was no view from POA attendees on this. It was agreed this would be considered outside the meeting.

**Action: The POA agreed to write separately to Ian Blakeman regarding their concern/query in respect of Methadone in prison.**

5.2.7 Concerning an update on NTUS item *PAVA* (item brought forward from 8.1 on today's agenda), NTUS requested a dedicated meeting to discuss the roll out.

**Action: ER Team to organise a meeting with NTUS and PSP to update/brief on the PAVA spray roll out.**

5.2.8 Concerning the Assessment, Care in Custody and Teamwork (ACCT), a new plan and guidance were being produced ready to be piloted early next year. The POA apologised for being late with the submission on the draft guidance. The POA felt we needed to be clear around the mandatory instructions regarding the maximum number of ACCTs that can be managed on a wing particularly at night.

5.2.9 Concerning the update on POA item *PSI 04/2017 Body Worn Video Cameras* (item brought forward from 8.1 on today's agenda), the POA requested greater clarity on the policy as some establishments were not adhering to this. The Chair pointed out that the policy was clear that local management should decide the approach bearing in mind the National policy which was a minimum requirement of two staff with BWVC at unlock time at each establishment on the

closed estate. The Chair was clear that the wearing of BWVC was not voluntary. He had written to Governors about this at Easter 2018 and the letter had been shared with the TUs. Jenny Rees said she would speak to the BWVC and FMI National rollout lead.

**Action: The POA would provide Phil Copple with specific examples where they felt problems were arising concerning the use of Body Worn Video Cameras.**

**Action: Jenny Rees to consider the POA point regarding clarity on the use/wearing of BWVC with Sarah Daniels who was leading on the FMI & BWVC National rollout. Governors should be adhering to Phil Copple's Safety Letter of April 2018 (shared with the TUs). ER Team would feedback outcome of the enquiry to the POA.**

5.2.10 Concerning the update on POA item *Allocation to the Open Estate* (item brought forward from 8.7 on today's agenda), the POA were concerned that the risk assessment process was not picking up prisoners who were then causing trouble when entering the open from the closed estate – based on anecdotal evidence.

**Action: PSP would look at providing some analysis on the recent impact of offenders allocated from the closed estate to the open estate to see whether there is any evidence to suggest that these were more troublesome and why this might be - to be shared at the next Operations Sub-Whitley.**

6.1 Rehabilitative Culture Programme (brought forward from 6.3 on today's agenda) – Terry Williams provided a full brief at **Annex B**. Some key points are provided below.

6.1.1. The Rehabilitative Culture Handbook had been revised and updated as a guide for both Public and Private sector prisons across the estate and published in February 2018. The culture web exercises completed by establishments had now been analysed. A summary of the key outcomes given at the *Rehabilitative Culture in Practice* event on 11 September 2018 included suggestions of how use the outcomes to further develop a Rehabilitative Culture. A more detailed analysis paper with recommendations has been circulated with the papers for the Rehabilitative Culture Board meeting on 7 November 2018 for discussion and consideration of any further action. This strand of work has now been completed.

6.1.2 HMP Wakefield, Wymott and Styal were the pilot sites for the development of the evaluation tool which used existing measures and a Structured Professional Judgement approach. A report of the findings was scheduled to be delivered to the Rehabilitative Culture Board by 31 March 2019. In addition, a Rehabilitative Leadership seminar was held 10 July 2018, Rehabilitative Culture in Practice event 11 September 2018, Empowered Conversations pilot completed and will be offered to PGD's as an option for all staff. The first Regional Rehabilitative Culture Representatives meeting was held on 13 September 2018, again it was well attended and the focus on the meeting will be to improve communication, understanding and awareness, disseminate good practice and encourage innovation and identify establishments in need of support.

6.2 Prison Estate Transformation Programme (item pushed back from 5.3 on today's agenda) – Stacey Tasker

6.2.1 A decision had been announced during the Budget by the Chancellor of the Exchequer to retire the Private Finance Initiative for future projects across the Public Sector. He also announced that HMP Glen Parva would also be funded with public capital in addition to HMP Wellingborough (previously announced). The Secretary of State remained committed to building up to 10,000 new places and HMPPS was exploring alternative finance methods for the remaining four prisons.

6.2.2 There were planned reductions in populations at Downview and Foston Hall allowing maintenance work to take place. More places were becoming available at Berwyn, Stocken and The Verne. Plans to reconfigure the estate were continuing to correct the imbalance between too many local prison places and not enough training prison places. Video Conferencing links to the Courts had been set up at Durham and Wandsworth saving on resources transferring prisoners and making the process more decent for the men concerned. New Builds were progressing for Full Sutton and Wellingborough. A new site was being considered in South Wales. A reconfiguration was necessary where there were too many local establishments at Cat B and C which actually needed to be regional.

6.3 Competing the Service Delivery Contract - to include current FM provision (this item pushed back from item 6.1 on today's agenda) – Steve Ruddy/Mark Taylor

6.3.1 MT advised that we had recently seen the best performance from GFSL who had inherited a legacy of issues from Carillion. The focus had been on compliance and we had developed new maintenance standards with appropriate audit baselines.

6.3.2 SR advised that we had introduced 52 standards where the biggest risks were audited on the basis of priority using A, B, or C categories. Every month a full audit would be carried out on one standard.

6.3.3 Amey had a new management team in place with governance at a very senior level and their situation was

improving. There was greater transparency of Amey's performance and better value for money for HMPPs. A full 52 standard audit had taken place at Wandsworth and there had been robust action over maintenance issues with GFSL at Long Lartin and Newhall.

6.3.4. SR advised that a National Compliance Head had been appointed with six audit staff at Band 7 and more at Band 8. A £16m upgrade budget had been announced for 21 sites which would include 500 cells and 26 shower blocks.

**Action: Steve Ruddy and Mark Taylor to keep the Trade Unions updated on FM progress/developments.**

7.1 Rollout of Location Monitoring – Jenni Borg/Oli Rodi

(Please see separate attachment of slides for this presentation)

7.2 Home Detention Curfew (HDC) update and overview – Greg Riley-Smith

(Please see separate attachment of slides for this presentation)

8.1 Prison employed staff being used to substitute for DHL staff in their workshops due to vacancies or absences. (This NTUS item brought forward from 8.3 on today's agenda)

8.1.1 NTUS were keen to understand the scope of the DHL contract in situations when the contractor failed to deliver a service – this would allow managers and staff to take appropriate action. Should public sector staff be drafted in to cover the contractor's work and would HMPPs be compensated. The Chair agreed this was an important issue because decency and stability could not be compromised.

**Action: Andy Heppell to establish with Commercial colleagues what the current guidance says in respect of how we cover the non-availability of DHL staff due to contract failure. To also discuss what is a reasonable contingency in the context of NTUS concerns on the use of public sector staff and the need for a pragmatic operational contingency.**

8.2 Contingency plans for when there are reduced numbers of operational staff for example during POA protests. (This NTUS item brought forward from 8.5 on today's agenda)

8.2.1 NTUS felt there should be local contingency plans / guidance for non-operational staff during action by Prison Officers at establishments.

**Action: Andy Heppell would share the current guidance around local contingency planning and what duties and obligations were considered in respect of non-operational staff support during Industrial Action by Prison Officers with Phil Copple. ER Team would feed this back to NTUS.**

8.3 HMP Liverpool, staff refused to enter the establishment because a manager could not say for the definite that it was safe to do so. When staff had received assurances that it was safe, they entered but now have had pay stopped. (This NTUS item brought forward from 8.6 on today's agenda)

8.3.1 NTUS felt it was unfair that there was a loss of pay for those members who stayed outside establishments on the recent day of Prison Officer Action due to a lack of advice from managers on safety concerns. The Chair advised that by non-Operational staff staying outside the prison at Liverpool they were not making themselves available for work. The establishment had been safe given prisoners were locked in their cells. Phil Copple advised HMPPs would stay consistent on this point and would provide NTUS with the position.

**Action: ER Team would share with NTUS HMPPs' position concerning the loss of pay on the recent day of action.**

## Annex A

### HMPPS Operations Whitley Sub Committee (Joint Bodies POA and NTUS) - Terms of Reference

#### Introduction

This term of reference sets the terms of reference of the HMPPS Operations Whitley Sub Committee (Joint Bodies POA and NTUS).

#### Objectives

- 2.1 The purpose of the meeting is to provide the opportunity for a strategic dialogue between HMPPS and the recognised trade unions about national operational concerns, issues or proposals.
- 2.2 The meeting will be held on a quarterly basis. HMPPS Employee Relations will make full arrangements and will provide an appropriate minute taker.

- 2.3 HMPPS/Trade Unions retain the right to call a dedicated meeting on any major operational issue requiring urgent resolution or discussion.

#### **Attendees**

- 3.1 The Executive Director of Prisons will chair the meetings. In the absence of this individual, the meeting will be chaired by a suitable Operational Director.
- 3.2 The POA and NTUS will provide at least two representative officials each.
- 3.3 HMPPS attendees will include the Head of Employee Relations, Senior ER leads for NTUS and the POA, and other colleagues as appropriate on an ad-hoc basis to address particular agenda items.

#### **Preparation**

- 4.1 Unions and HMPPS should normally provide agenda items at least fourteen days in advance. Exceptions will be made for unforeseen and compelling national operational issues which arise subsequent to this and which necessitate discussion.
- 4.2 When agenda items are supplied, rather than simply listing the items, a short explanation with some detail should be provided.
- 4.3 The agenda should normally be circulated at least 7 days prior to the meeting.
- 4.4 The action log should also be circulated 7 days prior to the meeting.

#### **Scope**

- 5.1 As the meetings are considered to provide a strategic operational update, the agenda shall be split into:
- (i) Standing agenda items that will remain indefinitely
  - (ii) Interim standing agenda items which are subject to change pending updates/review/completion of a project
  - (iii) HMPPS additional items
  - (iv) Trade Union additional items
- 5.2 Standing Agenda items are as follows:
- (i) Operational update
  - (ii) Safety update - Drug Strategy
  - (iii) Prison Estate Transformation Program (PETP) and Population update
  - (iv) Offender Management in Custody
- 5.3 Interim Standing Agenda items will be periodically reviewed. Currently, these are:
- (i) Facilities Management
  - (ii) Rehabilitative Culture Programme
  - (iii) Civil Fire Contingency

#### **Minutes**

- 6.1. First drafts of the minutes and action log will be shared within 14 days of the meeting with a view to agreed versions being completed within 28 days.

## **Annex B**

### **Rehabilitative Culture Update**

Rehabilitative Culture Handbook and Culture Web: The handbook has been revised and updated as a guide for both Public and Private sector prisons across the estate with a forward from Michael Spurr. It was published on the intranet in February 2018 and hardcopies have been printed and distributed to all Public and Private Sector establishments.

Jenny Tew, Ruth Mann and Rosie Travers have analysed the culture web exercises completed by establishments. A summary of the key outcomes given at the Rehabilitative Culture in Practice event on 11 September 2018 included suggestions of how use the outcomes to further develop a Rehabilitative Culture and a more detailed analysis paper with recommendations has been circulated with the papers for the Rehabilitative Culture Board meeting on 7 November 2018 for discussion and consideration of any further action.

This strand of work has now been completed.

Measurement and Evaluation: HMP Wakefield, Wymott and Styal are the pilot sites for the development of the evaluation tool which used existing measures and a Structured Professional Judgement approach. A report of the findings is scheduled to be delivered to the Rehabilitative Culture Board by 31 March 2019. Jenny Tew (took up post as Head of Psychology at HMP Long Lartin on 1 10 2018) will continue to her work at Wakefield until December 2018 and Melanie

Hunter has been replaced at HMP Wymott working one day a week by Glenda Liell.

Relationships that support Rehabilitative Relationships, Policies and Processes: FMI and Body Worn Video Camera implementation completed. Restorative Practice was approved by the Safety Programme Board on 30 October 2018. Input into revised adjudications National Framework and rehabilitative Adjudications pilot in the NW, Procedural Justice and awareness of the positive impact has increased across the Estate.

Rehabilitative Leadership: Rehabilitative Leadership seminar held 10 July 2018, Rehabilitative Culture in Practice event 11 September 2018, Empowered Conversations pilot completed and will be offered to PGD's as an option for all staff, Rehabilitative Leadership handbook in draft form, what Reward and Recognition for Rehabilitative Leadership should look like under development, review of the current assessment process for future leaders paper is being presented to the Rehabilitative Culture Board by Su Davies on 7 November 2018, incorporation of HMPPS rehabilitative values into Civil Service Success Profile Framework awaiting Cabinet Office approval.

Activities including Wellbeing and Desistance: In conjunction with UCLAN expanding land based and Green on the outside of Prison activities, identification of good practice and ideas to support and develop recovery communities in prisons, identifying ways to improve and develop inclusive and holistic exercise for all to improve physical health and wellbeing.

Health: Collaborative Commissioning guide for use by Governor/Directors and NHS England commissioners produced, all health specifications being reviewed to ensure they incorporate health promotion and focus on contributing to a Rehabilitative Culture, setting up a working party to oversee and develop a work plan to deliver Priority 8 of the National Partnership Agreement, the Board is asked to agree the governance arrangements for this work.

Rehabilitative Environment: In conjunction with Academics and key stakeholders' production of Clean, Respectful, Enabling and Decent handbook now in draft form, CRED programme developed by HMPPS, GFSL and Amey to support cleaner and more decent prisons with prisoners engaged in improving the environment they live in.

Richard Booty attended the Working Party meeting on 24 October 2018 to give us an update on the Families and significant others plus Lord Farmer report update.

Kieran Lynch, PHE Alcohol, Drugs and Tobacco team discussed the work he is currently involved in at Holme House and given the contribution abuse of substances makes to the likelihood of debt and violence he will continue to have a link with the Health work strand.

The Rehabilitation in Practice event on 11 September 2018 was well attended and a number of people volunteered to assist with future events which will take place in the New Year. The first Regional Rehabilitative Culture Representatives meeting was held on 13 September 2018, again it was well attended and the focus on the meeting will be to improve communication, understanding and awareness, disseminate good practice and encourage innovation and identify establishments in need of support. The meeting will be held quarterly with the next on being 6 December 2018.

Neil Gredecki has approved the linking of Trainee Forensic Psychologists to support research for the Rehabilitative Culture Working party and we will discuss at our next meeting how best to take this forward.

Annex A's were issued to all Unions on 3 September 2018 to notify of the intention to recruit on secondment a B3 Rehabilitative Culture Administrative Support, B5 Rehabilitative Culture Delivery Manager, B7 Rehabilitative Culture Engagement Lead and B8 Rehabilitative Culture Project Management Support. Sarah Ferguson replaces Louise Green as B3 Administrative Support. Interviews for the B8 on 30 September 2018 and 1 November 2018, B7 interviews 19 and 29 November 2018 with date yet to be confirmed for B5 interviews.

# HEALTH & SAFETY SECTION

## Health and Safety Sub Whitley Annual Report 1/1/18 – 31/12/18

### Introduction

The NEC progressed Conference Policy adopted in May 2018 with the Department and other organisations. Reports on the progress of policy will be contained within the Annual Report Back Booklet which will be presented to Conference in May 2019. Further reports will be issued to the membership by way of circular.

Several key issues arose in 2018 which affected the wider membership of the Union.

Other policies subject to review which impact on Health & Safety are being dealt with in the first instance through de-regulation.

The following agreed minutes set out the issues which have been progressed on behalf of the membership under the Whitley Structure.

### **Whitley Occupational Health and Safety Accommodation Sub Committee 21 March 2018, 11:00 – 13:00**

The POA asked why violence was not on the agenda. KB said that Violence was included in the Safety Programme item and that Jenny Rees would be dialling in for this item. KB also requested that the meeting discussed item 8 first so that the guests who had come for that item only could leave promptly. This was agreed.

### **8. Relocation of Staff to Southern House**

CP said that he had raised concerns with the HMPPS CEO. Those concerns were around a number of incidents where members of the public had been able to access Southern House. He said that there were real concerns regarding information security and safety for staff.

PR was able to confirm that there had been 4 major and a number of other minor incidents. He added that an ex-offender had been able to enter Southern House.

DB introduced IP who provided an overview of the current situation which he accepted was not without issues to be resolved. He said that a security assessment was being produced which would be shared. CP noted that the security report that he had seen was not fit for purpose and he trusted that the security assessment IP was referring to would be a higher quality report. IP commented that MoJ estates team accepted that there are outstanding security issues at Southern House and that they had already spoken to the landlord about the possibility of installing pods. IP confirmed that MoJ Estates are considering all the options including secure barriers and additional security guards. IP said that the intention was to install a secure barrier at both entrances to the building. He accepted that this measure would increase the cost of the move however this would not prevent the project being completed.

IP acknowledged that there had been some complaints received about the quality of the guarding at the entrances and he had heard of instances where people have reported getting into Southern House without any checks taking place on their identity. IP also acknowledged that the level of services provided at Southern House need to improve to make the user experience more pleasant.

IP said that Charles Stephens, who has a Facilities Management background will be joining the team shortly.

CP said that effective security measures must be put in place prior to any more staff moving into Southern House. IP confirmed that MoJ estates were taking the issues raised seriously and that additional security and an upgrade to the level of service available would be taking place.

DB welcomed the commitment by MoJ estates to introduce security barriers so that access could be effectively managed and confirmed that as an agency HMPPS would now be looking at timescales. She said that a paper would be going to the HMPPS Executive Management Board who will consider the options however without appropriate security in place DB suggested that a delay in timescales might be necessary.

There was a general discussion regarding priorities for the Southern House move. CP said that he would like to see a revision to the risk assessments following the incident with the ex-offender gaining access. KB welcomed the commitment to improving the existing levels of security as outlined by IP. Discussion then moved onto the fire safety aspects of Southern House and JS confirmed that HMPPS' National Fire team had completed a fire risk assessment. The assessment confirmed that as a result of the size of the exit routes (i.e. the stair cases) it was important that the maximum number of staffs on each floor was not exceeded. If it was, a safe evacuation would be compromised. DB said that she had not been assured of how HMPPS could monitor the number of people on their floors without the installation of fixed barriers. DB was also concerned to ensure that when rooms were booked for meetings HMPPS was in a position to manage this so that the number of people on their floors remained at a safe level. The general consensus was that without a way of measuring footfall into the building the fire safety design could not be assured.

DA asked if chairs allocated to staff with particular needs would be counted in the overall numbers planned per floor. DB agreed that this would be the case.

**ACTION: IP confirmed that a security review/assessment and a Facility Management Assessment is being completed on Southern House by Katherine Lane and John Nicholson which will be shared with DB.**

## **2. Minutes of last meeting/Action Log**

The minutes were reviewed and Fari Taherinia was noted to have attended the meeting, the minutes would be amended accordingly. A typing error was also amended on page 4. The minutes were then agreed.

### **Action Log**

#### **Outstanding Actions:**

**Action JS:** RPE – dates for POELT training were now available and would be shared.

**Action Phil West:** The action owner was amended to Phil West. A letter will go to Fari Taherinia and Debbie Davis at the POA regarding the involvement with the Commercial Team and the retender of the RPE contract.

**Action complete:** The issue of leather wrist protectors when wearing handcuffs has been taken up at the Security Whitley.

**Action complete:** The safer cells issue and the issue of verbal assaults being included on the VDT have been taken up at the Operations sub-Whitley.

**Action complete:** The issue of ceramics and razors should now lie with the Security and Custody Whitley. KB said that she would check that this is the case. There was a general discussion around this subject including the way that they are recorded on RIVO. JN emphasised that there had been no rise in the recorded use of fabricated weapons. KB said that she was content that there was no value in raising the matter within this forum again. It was suggested by DA that Kevin Verner should be contacted to find out why certain ceramic items were still available for purchase via DHL. KB agreed but said that this was an issue for the Security and Custody Whitley to consider

**Action complete:** JN confirmed that he had reviewed the SIP data and was now using the pro rata figures – complete and ongoing.

**Action PW:** The information around the Sharps Advice Line was now available and would be shared again with TU colleagues.

**Action complete:** Sharps line/Hep B Shortage would be covered under the relevant agenda item.

**Action complete:** The stress pilot in Liverpool was now up and running and the survey had been completed.

**Action complete:** KB confirmed that the HMPPS OHSF Executive sub Committee received reports by exception where there were reported HSF issues in private sector prisons however HMPPS HSF Team did not have detailed BAU fire data from private sector prisons.

**Action complete:** The head of safety (Jenny Rees) was due to dial in to the meeting.

**JR rang in to the meeting so item 14 was taken next.**

#### **14. Violence**

J Simpson said that what the POA were requesting from HMPPS/MoJ was a separate violence policy that was dedicated to violence against staff. JR said that she was happy to seek clarification from POA colleagues and to meet with them to discuss exactly what their concerns/requests were. PCS and PROSPECT union colleagues said that they would be happy with a separate policy dedicated to address violence against staff.

IC asked what they could expect to see happening in order to address the continued high levels of violence. JR said that strategies and various work strands were being developed to improve data capturing around violence towards staff. She added that training for staff was also being developed. JR said that the developments were being shared with Phil Cople for dissemination out to Governors.

The phone line was not very clear and KB summarised saying that JR would be invited to the next meeting. It was agreed that a meeting with the TUS would be scheduled following JR attendance at the Operations Whitley.

Action: Jan Webb to arrange a follow up meeting with JR, KB, POA, PCS and PROSPECT following the next Operations Whitley.

#### **9. Medical Ill Health Retirement**

CP said that this was being dealt with outside this meeting.

#### **3. Update from the Occupational Health and Safety Section:**

**National H&S Arrangements:** JN said that the National H&S Policy had now been published as had the Post Incident care Policy. There was some discussion around what constituted a Safe Systems of Work and it was agreed that there may be a training need around the contents of the daily team talks for staff.

**HS Data:** JN shared the current data. He said that the overall number of incidents remain static. The number of accidents is falling however number of near misses is increasing which is primarily as a result of the number of reported second hand exposures to psychoactive substances. AB said that staff were not reporting many of these incidents as they had become common place. JSimp asked for figures relating to injuries sustained as a result of planned prisoner removal. JN agreed to look into this.

**ACTION: Jim Noonan to provide recorded figures of staff sustaining an injury during a planned prisoner removal.**

**Psychoactive Substances (PS) Working Group:** AB said that an update had been given at the NEC. JN confirmed that while progress is being made in arranging for the collecting and testing of samples there were still some technical difficulties with the equipment. AB said that sick leave excusals were being refused in some instances following reported exposure to PS. JN said that this was a local matter but the results from the pilot at HH may assist to clarify the position.

**HSE Visits:** The planned prison visits have now been completed. PC confirmed that the reports would be going back to the individual Governors.

**HSE Stress Pilot:** KB confirmed that all the questionnaires had been sent out and the pilot was progressing. The plan is to roll out from HMP Liverpool to a wider area.

**HSF Realignment:** An Annex A had been shared on the posts related to the re-alignment including a Band 6 data manager post. CP said that the Banding was being disputed as the union felt it met the Band 7 criteria.

**OH/EAP:** PW reported that Public Health England had now indicated that supplies of the Hep B vaccine would be available from spring 2018. JM asked if POELTs were being vaccinated. PW said that it was difficult to implement this during training. She went on to give an overview of the revised influenza strategy which involved a wider promotion of the vaccination programme, there was a general discussion around the barriers to the current programme and the use which could be made of the intranet. PW requested support from the unions and the POA agreed to share information and support PW's flu campaigns.

**Structured Professional Support:** PW said that there would be a series of roadshows to publicise the support available to staff exposed to distressing information. This was not the same as the counselling service already provided for staff via EAP but along the lines of a debriefing for staff affected. She also gave details of the new

training package for Care Team Leaders and said that as part of the Post Incident Care PSI that had been published all prisons now had to have a Care team and the care team members must attend a minimum of 2 meetings a year where information and support would be provided to them.

**Action: PW to provide information to POA for their web site promoting the services available and also the flu immunisation when appropriate.**

**4. Update from the Fire Safety Section:** JS circulated the latest data DT asked for information regarding the number of successful prosecutions following an arson incident. JS and JN said that this information was currently only held locally.

**5. Update on the Smoke Free Prisons Project:** As of 16<sup>th</sup> March 2018, 94 prisons were smoke free and the project was entering its final phase. There has been international interest in the project. Cell fires have significantly reduced.

**6. Update on the Safety Programme:** This item had been covered by JR earlier.

**7. Delivery of FM/GFSL:** PR reported that the facilities management delivery in the South was now with the new government company (GFSL) and that Steve Ruddy was overseeing the delivery of services in the North and South on behalf of HMPPS. Additional resources had been identified to assist with the management of the providers whose performance was still not acceptable.

**8. Medical Health Retirement:** A separate meeting to look into this matter had been arranged following the meeting with the Cabinet office and HML in January 2018. It was agreed this matter would be discussed there.

**10. PPE:** JS wanted the provision of 'boots and shoes' to be referred to as the provision of PPE. There was a general discussion around the topic and it was agreed that another meeting of the working group would be arranged.

**ACTION: PR to set up a Footwear Working Group.**

**11. RPE training for OSGs.** IC said that this required a dedicated meeting as the subject required some detailed work.

**12. Q&A RPE Training.** After hearing of some examples seen during recent NEC visits it was decided to include this in the meeting that was being set up to discuss item 11 above.

**ACTION: JS to set up a meeting to look at the RPE training issues raised by the POA.**

**13. Roll out of Body Worn Cameras, handcuffs and radios.** IC said that, as previously determined by this meeting, these matters had been transferred to the HR Whitley. Francis Stuart had responded to the effect that the matters should more properly be raised at the Security and Custody Whitley.

**ACTION: IC to raise the matters as agenda items with the Security and Custody Whitley.**

**A.O.B:**

JS noted that he had sent out a pro forma to prison Governors to complete in relation to their responsibilities around civil contingencies and working with their local Fire Chief in order to ensure that there is an effective fire management system agreed and in place. JS noted that this request had come from Ministers and that interim returns were due back in May, with final returns due back in August. The POA said they would raise the issue with Governors at a local level to discuss their preparations and to support them where necessary.

## **2. Minutes of the last meeting/action log**

2.1 The minutes were agreed as a true account.

2.2 The action log was updated and is attached separately.

2.3 CP formally asked for a copy of the MoJ Fire Risk Assessment Around Southern House, Croydon and assurance that the building is compliant with the current Workplace Regulations. This was agreed.

**ACTION: Perry Rudd to provide the Trade Union side with the MoJ Fire Risk Assessment Around Southern House, Croydon**

2.4 CP asked who would be responsible for fire safety at Southern House. JS confirmed that Crown Premises Fire Inspection Group (CPIG) would be involved.

KB requested that items on the agenda be taken out of order as some staff had to leave to attend other meetings. This was agreed.

## **4. Fire Safety Update & New HSF Structure in PSP**

4.1 KB introduced the 2 Band 10 Fire Safety Leads for the North and South. She said that JS now reports directly to Michelle Jarman-Howe as he was led for the South and Ian Oakes reports direct to Alan Scott as he was led for the North.

4.2 JS said that they would be co-ordinating with PGDs and trade unions to deal with their most significant concerns. PW said that the new structure would provide more consistency and that he would be working closely with JS as he would still be maintaining a role in fire safety across HMPPS.

4.3 KB said that the plan was to set up a single national Health, Safety, Fire and Litigation Dashboard which could be drilled down to a variety of levels.

4.4 CP welcomed the changes and suggested that the meeting terms of reference be updated.

4.5 FT asked who would be replacing JS. KB said that Mark Simpson had been appointed as the Senior Fire Advisor and would work together with Jason until a decision had been made regarding the recruitment into the head of Fire safety role.

4.6 IC asked how violence reduction would be reported on in the meeting going forward. JS said that while the Safer Prisons meetings lead on violence reduction there was a place for H&S within that meeting. IC said that he would welcome a dedicated meeting on Violence Reduction to establish the link between H&S and violence reduction.

**ACTION: Invite Jenny Rees to the Meeting being organised by JW (see actions log)** add the link between risk management and violence.

4.7 Regarding the circulated Fire Safety Update CP asked that HMP Peterborough and Thameside (no POA presence) should provide fire data. MS said that he would look into the matter.

4.8 JS took the meeting through the data in the update. He said that the training package was being reviewed.

## **10. Business Change Request, Night Fire Safety and BDG**

10.1 JS gave an overview of the update given to Executive Directors. He said that the directors accepted that the risk needed to be reviewed however they were clear that staffing was a decision for HMPPS to make and not CPFIG. He said that a full survey re: night staff and their ability to respond to a fire incident is being undertaken for the next Exec meeting.

10.2 AB said that at the Operations Whitley Linda Hennigan had reported that she had received no Business Change Requests for more staff on nights and that the unions would reserve their opinion and look into the matter further.

10.3 KB said that this would clearly be an ongoing issue.

## **3. OHS Update**

**3.1 HSE Stress Pilot.** RM and PK took the meeting through the progress of the pilot. See Annex A. KB suggested that PAM and the HSE could work together on the Stress project as there was some work that clearly overlapped.

3.2 CP said that the unions were exasperated by the length of time taken to get the survey completed. He called for an action plan focussed on better outcomes for staff.

3.3 The meeting discussed the project and RM said that he would be happy to take any questions after the meeting.

**3.4 OH/EAP & Structured Professional Support** DC gave an overview of the PAM services offered to staff. She said

that PAM would be happy to give a presentation to staff following their move to Southern House.

3.5 AB said that it was important to acknowledge the difference between OH and PAM. DC agreed and said that she would welcome union support in making this clear to staff.

3.6 SR said that union representatives would appreciate the opportunity to receive the one day training that DC had spoken about. DC said that this could be arranged.

**3.7 HS Data** KB said that JN had provided a spreadsheet but that she had asked IO to undertake some work around Accidents and Incidents in Industries. IO circulated the data (see Annex B).

**3.8 Psychoactive Substances Pilot** KB said that the urine sampling and air monitoring were now complete. She clarified a POA conference motion which called for staff urine sampling following a reported exposure. She said that this would be a helpful move as it would enable staff to be tested at a point in time when exposure could be tested. KB confirmed that staff at HH were paid one-hour payment plus to allow the samples to be given.

**3.9 HSE Report** KB said that the overarching report had been sent to the POA. She said that there were 5 reports in total. One overarching report and one each for the four establishments that had been visited. The reports highlighted some actions for HMPPs and the establishments which she has sent to the relevant Governors. She has asked the Governors to share the reports with their local TUS and to put together an action plans in conjunction with their SMT and for those to then be sent through to her, via the band 10s.

**4 Update on Smoking Project** KB reported that all closed prisons are now smoke free.

**6 Update on the Safety Programme** This item will be covered at the separate meeting to be arranged on violence/safety programme.

**7 Delivery of FM/GFSL** PR said that Steve Ruddy has now established a team and PR will send JW an organogram to share (see Annex C).

7.1 CP said that they had been told that there were no FM backlogs. KB said that she would raise the matter at the forthcoming board to clarify the matter.

**9 Lone working and Singleton Posts in Workshops** KB asked if the issue had been raised at the local H&S Committee. JJ said that incidents have been raised but that the matter is becoming more frequent. KB said that the matter should be raised at the forthcoming Violence Reduction meeting. Following a suggestion from CP it was further agreed that JJ would provide further information and the OS would consider, and where applicable raise through the operational line.

**Action. Jeff James to provide OS with information on these incidents including the responses from Local H&S Committee / Local Management**

**11 (& 12) Response to the revised H&S Checklist and proposals around 2018/19 inspections and assurance visits** KB said that she would like to include the issues raised by Phil Cople and review the checklist more thoroughly. She said that she hoped to have the Assurance section completed by 15<sup>th</sup> June and meet again week beginning 18<sup>th</sup> June.

11.1 IC said that he would be pleased to receive the KBs proposals.

**13 HS Qualifications and Development** IC said that a H&S taster was being proposed. He said that he would need to approach Employee Relations for additional facility time to deliver the sessions to staff. KB said that she would support the approach.

**14 NTS 14/2018 Fitness Test** IC said that this should sit with the Ops Whitley.

**15 Suggestion for Change** AB said that this was raised at HMP Dartmoor in relation to the NTS around psychoactive drugs. Staff had asked for PPE which would protect them on entering a cell. KB said that JN had produced a report which sets out the problems with PPE available. KB said that she would not expect staff to put themselves at risk.

### 3. Update from the OHS Section

Stress pilot – this is progressing and the focus groups have been completed. The recommendations are being drafted up and will be shared once completed. Consideration is being given to increasing the number of prisons involved in the pilot.

Structured Professional Support – There has been a higher take-up from the prison service rather than the NPS although take up over all is still disappointing.

**ACTION: Pricilla Wong to circulate information about SPS and any available Management Information regarding SPS.**

HS Data – Jim Noonan shared this data. Discussion took place about use of force figures. The RIVO (Sphera) figures were showing a slight reduction which the POA were concerned indicated that their members were not using it as they were concerned about being disciplined. Jim said he would compare the data on Sphera with the data on the National Hub. It was noted that there had been some success in prosecutions over potting.

**ACTION: Jim Noonan to look at the National Use of Force figures to compare with the corresponding data from Sphera.**

Psychoactive Substances Pilot – The Chair said that the report was going in front of the Directors prior to a meeting that would be held specifically about PS and future work that is proposed. The POA asked to see a copy of the report. HMPPS Action Plans following the HSE visits have now been sent to the HSE

**ACTION: Kathryn Ball to resend the HSE reports as TU colleagues reported not receiving them.**

Move to Southern House – Perry Rudd provided an update. All moves are due to be completed by end November 2018. Implementation of Realignment/NWOW HSF&L Function – The POA said that they understood that Band 4 staff were undertaking safety checks. They said that this was duplicating work recorded in the Daily Diary. There was a general discussion around this point. The Chair offered a meeting to the POA to discuss the matter further if required.

**ACTION: Jason Sunley to recirculate the information regarding the Realignment of HSF&L Function and NWOW.**

### 4. Update from the Fire Safety Section

Mark Simpson shared a report on fire safety. The POA asked that the number of arson prosecutions to be recorded nationally. Mark said that this data was not recorded nationally at present but he would look into it.

The current training for POELTs was discussed.

**ACTION: Kathryn Ball to contact Alison Hamer to request a copy of the current POELT training course content.**

### 5. Smoke/Tobacco Free Project Update

All establishments are reported now to be tobacco free.

Prior to the smoke free project was agreed to go live there were a number of prisons that had their air quality monitored. Re-testing in those prisons has been agreed. The smoke free project will remain open until the re testing of the air quality is completed.

### 6. Delivery of FM/GFSL

Perry reported that Amey/GFSL are still working on improving their performance related to the delivery of statutory maintenance.

#### NTUS Items for discussion

It was agreed that the FDA issues would be dealt with via correspondence. Other matters had been raised and dealt with earlier in the meeting.

#### POA items for discussion

Fire Testing Contingency Plans: The POA said that they believed that the plans were being deliberately tested at night.

**ACTION: Fire Testing Contingency Plans to be listed for discussion at the next meeting.**

Violence in the Workplace: The POA restated their request for an HMPPS policy for staff which would protect them

from prisoner violence. The Chair asked that the matter be raised with Jenny Rees. The POA said that this had been done and that they had been advised that the OHSF Whitley meeting was in fact the correct forum.

**ACTION: Kathryn Ball to write to Jenny Rees to ask whether a Policy to protect staff against violence was being considered and to note the POA request.**

Hep B Vaccination Shortage: Priscilla noted that there was no longer a shortage and prisons have received communication regarding staff vaccinations. They have also been advised around safe refrigerated storage of the vaccine.

# EQUALITIES SECTION

## Equalities Sub Whitley Annual Report 1/1/18 – 31/12/18

### Introduction

The NEC progressed Conference Policy adopted in May 2018 with the Department and other organisations. Reports on the progress of policy will be contained within the Annual Report Back Booklet which will be presented to Conference in May 2019. Further reports will be issued to the membership by way of circular.

Several key issues arose in 2018 which affected the wider membership of the Union and other unions.

Other policies subject to review which impact on Equalities are being dealt with in the first instance through de-regulation. The following agreed minutes set out the issues which have been progressed on behalf of the membership under the Whitley Structure.

### POA Equalities Sub-Whitley Meeting – Wednesday 7<sup>th</sup> March 2018

#### 3. Updates on Actions Log – Andy Hewitt

3.1 Concerning action ref 7.1 from the November meeting (the searching of transgender prisoners) once a meeting between the Chair and Susan Roberts (Policy Lead for Searching Procedures) and Ann Snowden had happened, this issue would return to the Equalities Sub-Whitley for further consideration.

**Action: ER Team to organise a meeting between Francis Stuart, Susan Roberts and Ann Snowden to consider amendments to the current searching procedures.**

3.2 Concerning action ref 4.3 from the November meeting (BAME Prison Officer Recruitment) the Chair was able to provide a short update. He advised that the Lammy recommendations had rightly placed a renewed focus on ensuring that we recruit a properly representative number of BAME applicants into HMPPS roles. The recent Prison Officer campaigns had highlighted that as distinct from the number of applicants, insufficient number of BAME applicants were being appointed in prison officer roles. This has led to a review of the process. Lammy brings a requirement to have a five-year plan to improve recruitment and retention of BAME staff. This also had implications for the cultural issues of the organisation and also staff processes such as staff appraisals, where we know that SPDR markings are disproportionately high for unacceptable for BAME staff and disproportionately low for outstanding markings.

3.3 The POA believed one of the reasons we were not attracting a good mix of new staff was that the Prison Officer role was not seen as a professional service. Therefore, we needed to see how we could reduce these barriers. The recruiters, for example, needed to reflect those they were trying to recruit: sometimes a uniform put groups off and pay remained an issue compared to other uniformed services. Abdurrahmaan Anderson advised that we were developing better marketing outreach to BAME communities concerning the available professions in HMPPS, e.g. doctors and dentists etc. AA reiterated his request for the POA's ideas on making improvements.

**Action: following on from action ref 5.7 from the July 2017 meeting and action ref 4.3 from the November 2017 meeting, ER Team would organise a dedicated meeting where the POA could share their ideas concerning promoting recruitment of BAME Prison Officers and OSGs (and from all other candidates with protected characteristics) and in improving promotion of BAME staff into Custodial Manager and more senior roles with AA. This would also involve the Staff Networks. A representative from MoJ recruitment team would also be invited.**

3.4 Previously we asked HRBPs to advise us of any issue with granting flexible working to staff in establishments but were advised of none. The POA felt that HRBPs were not best placed to be aware of this issue and that we should go to Governors direct. They felt there needed to be an Impact Assessment carried out whenever a Governor said flexible working was not in the best interests of the business. The POA also thought the Invision Staff Detailing Tool could be used for this work.

**Action: It was agreed that the POA would write to the Chair if possible, with specific examples of where an**

individual had requested flexible working and this has not been granted. Even if specific examples were not set out the Chair would welcome a letter from the POA so that he could propose to Phil Copple (involving AA and Ben Smith) that HMPPS consider providing Governors with further guidance.

#### **4. Equalities Update (Abdurrahman Anderson)**

4.1 AA provided a succinct briefing on the Lammy Review recommendations. The 10 key priorities linked to these recommendations and the Equalities Strategy had not been published yet as they needed to be approved by the relatively new Ministerial team. Much work was on-going on the recommendations e.g. Recommendation 28, the prison system should be expected to recruit BAME staff in similar proportions to the country as a whole; and Recommendation 29, where Sarah Lock was leading on the work to improve the success rates of BAME staff being promoted into senior leadership positions over the next five years and beyond.

4.2 AA was working with Sarah Ashcroft on Recommendation 25, the ethnic diversity of Use of Force (UoF) Committees and letters to Governors setting out the approach had gone out. Security, Operations and Counter-Terrorism (SOCT) were working to replace PSO 1600 on UoF by the end of 2018. The POA commented that any changes would have to be handled sensitively. The Chair agreed and added that relevant unions (including the POA and PGA) would be fully consulted.

4.3 Concerning Recommendation 24, improvements to the fairness and effectiveness of the Incentives and Earned Privileges (IEP) system, it was agreed we should consider this in greater detail at the next meeting which should include Dave Ferguson, Senior Equalities Manager, who is leading on this work. The POA did not think the current IEP system worked very well as a tool. Not enough was being done to punish prisoners who broke the rules. AA agreed and thought it was not enough to just move troublesome prisoners.

**Action: In-order to consider the changes being made to the IEP system in greater detail (in the context of helping staff to apply IEP fairly), ER Team would invite the IEP Lead, Dave Ferguson, to the next Equalities meeting to expand on the considerations and work to date.**

#### **5. Staff Networks (Kate Jones)**

5.1 KJ reminded attendees of the names for the three Staff Networks: DAWN (Disability, Advocacy, Wellbeing Network); PiPP (Pride in Probation and Prisons); RISE (Racial Inclusion and Striving for Equality).

5.2 Concerning the Lammy Review and its recommendations, the Networks had been assisting in the organising of representative interview panels when recruiting.

5.3 Craig Simpson advised that RISE were working with various departments re Accelerated Development Programmes, working on capturing staff experiences when on these Programmes or being recruited to them.

5.4 Stephen Davies mentioned the work that was taking place on the Workplace Adjustments Passport and would be content to discuss in more details separately with the POA.

5.5 KJ said a recruitment process would begin for a new PiPP National Lead shortly and PiPP places for the Regional Boards had now been filled. SD advised that for DAWN half the regional rep places in the North East, South West and London had yet to be filled. CS said that RISE had to find regional reps to fill gaps in South Central and North East Prisons, North West Probation Centres and Wales. The POA said they would encourage their members to participate.

**Action: the POA extended an invitation to the Staff Networks to attend future POA national events and the network leads agreed to make separate contact with the POA to organise.**

#### **6. The Fitness Test (Sarah Lock)**

6.1 SL thought that the menopause issue had been handled sensitively for those women taking the Fitness Test. The Chief Medical Officer had stated this was not a medical condition in itself. However, the POA asked for something to be set out in the Fitness Test policy that acknowledged the menopause could have an impact on some of those taking the Test - leading to the OH process. SL advised that an Impact Assessment had been carried out on the Fitness Test and that there was now an on-going Equalities Analysis process, specifically on the change from Bike to Treadmill. AA confirmed an EA should be carried out on a national basis. SL to retrieve a form of words which had previously been shared and agreed with the POA on the menopause and it was agreed this could be incorporated into relevant guidance.

**Action: As the Fitness Test Policy pre-dated the Equalities Act, The Chair agreed to further explore with the Equalities Team and relevant HR Policy Lead the feasibility of when to organise an Equalities analysis on the wider policy. The POA would be engaged in such a review.**

**Action: The current HR Policy Lead to share the previously agreed wording in relation to the menopause with**

the POA (at the EA meeting in 2017). The final agreed version to then be incorporated into guidance for these assessing the process.

**Action:** The POA asked for statistics on the percentage of eligible staff completing the fitness test on an annual basis. The Chair nominated Andy Hewitt, ER Lead, to take this forward with relevant stakeholders to assess whether this information is readily available and, if not, how easy it would be to attain.

## **7. Update on the Disability Survey results (Ann Snowden)**

7.1 3,300 HMPPS staff completed the Staff Disability Awareness Survey. Out of these, 59% were from Establishments; 29% were from the Probation Service; 8% were from HQ; 4% did not state where they were from. Of the 3,300, 45% of staff had one or more disability.

7.2 Part 1 of the survey was aimed at all staff. Over half of those surveyed agreed that it was harder for disabled staff to manage their work/life balance, looked positively on reasonable adjustments and considered disabled staff to be valuable to the workplace. Over half the responders at this stage were comfortable/confident working with disabled staff.

7.3 Part 2 of the survey was specific to disabled staff. Over half of the responders said they had declared a disability to their Line Manager. Similarly, over half said their achievements had been recognised but also said they had not received adequate support to advance. Over half the responders said they had found it easier to approach their Line Manager and OH. A minority of responders at this stage said they had not approached the Staff Networks for support – AS acknowledged that these had only just been set up at the time the survey went live.

7.4 AS acknowledged the low completion rate for this survey and that we needed to consider why this was. Also, we needed to explore why the declaration rates were low. The POA thought that staff were worried in Establishments that they might be got rid of by Governors who immediately put them through the OH process. They also felt the Fitness Test was an issue.

7.5 The next Staff Disability Awareness Survey would run as part of the Equalities Strategy. It would be more tailored to the different elements of HMPPS - the Prison Service, the Probation Service and HQ. We would work closely with the DAWN Staff Network on this new Survey.

**Action:** AS to clear a short report reflecting today's update on the Staff Disability Awareness Survey and this would be sent out to the POA (email to Carol Strahan: [carol@poauk.org.uk](mailto:carol@poauk.org.uk)).

7.6 The POA raised the issue that Control and Restraint (C&R) guidelines were not flexible for some staff with disabilities. This led people to leave the Prison Service on medical retirement grounds. Where staff did stay on, reasonable adjustments could sometimes lead to a significant reduction in pay for those on the front-line. The POA wondered if C&R could be treated in the same way as Fire Safety regarding the number of front-line staffs who had to be trained e.g. 90% of staff trained for this rather than all of them. This would provide some leeway for staff with short-term illness or those who were disabled. SD thought that a cultural change was needed in how disabled staff or ill staff were seen and that downgrading was not always the answer. A case at the Home Office had shown that disabled persons did not have to perform all the elements of their job. AS' view was that there was scope for improved sharing of good practice, educating senior staff and Governors.

## **8. Development Programmes (Sarah Lock)**

8.1 SL focussed on Recommendation 29 of the Lammy Review, that the prison service should set public targets for moving a cadre of BAME staff into senior leadership positions over the next five years. Work was going ahead to improve the diversity of senior leadership (Band 9 and above) over the same period. It was hoped that the Accelerated development Scheme would play its part in increasing BAME senior managers, but we would need to encourage more applications from staff from a BAME background and we might need to consider carrying out a BAME-only recruitment process if there were not enough applicants in the Open Scheme.

8.2 It was suggested that one of the reasons why BAME staff did not always apply for these sorts of schemes was that they did not want to be seen to be given what might appear to be an unfair advantage over their colleagues. SL advised that she was working with RISE and HRBPs on this issue. Governors were being asked to encourage BAME staff to apply. The POA thought the current SPDR approach was unhelpful – it should be for the Line Manager to complete these, not the staff where staff could exaggerate their successes. SL countered that there was no evidence to suggest this was the case. SL confirmed that no Governors were in a position to block applicants to these development programmes and blind sifts for selection were carried out regionally.

8.3 SL advised that we were seeing more women than men entering development programmes but the age groups were mixed. Of the 24 recruits from the Direct Entry Scheme into Functional Head roles, 19 were women. Less than six of these had come from non-HMPPS backgrounds. We are looking to attract more men for this Scheme.

8.4 The Unlocked recruitment scheme had brought in 52 graduates when last run, 20% of which were from BAME background and retained 48 of these on its leadership development programme. Some of these 48 had come off the programme but remained as Prison Officers. 115 new graduates would be starting onto the programme in July 2018.

8.5 The Accelerate scheme had not had great success within PSP, but this might be due to the low number of candidates on this programme from PSP.

8.6 SL agreed with the POA that HMPPS needed to show long-term commitment across the development schemes, and the more recent Apprenticeship scheme, currently on offer so that some meaningful evaluation could be carried out as to their effectiveness.

## **9. Social Care in Prisons (Julian Hosking)**

9.1 JH shared the view that the Care Act had disadvantaged Prison staff in not allowing them to deliver social care directly to prisoners. There was frustration from staff who had to wait for carers to come in to prisons from outside to tend to these prisoners. There were elements of care that the Care Act allowed prison staff to provide but there was a gap in knowledge that JH was working to address by improved communication, guidance and training. This included Mental Health training. JH acknowledged that prison staff were already doing a huge amount of training in other areas. In comparison with the UK for example, Norway trained its Prison Officers for two years, including work-based training for acclimatisation, to do the job.

9.2 The POA wondered if there was any way to get the local authority to transfer the budget, they controlled for prisoners with social care needs. This would help HMPPS in better managing these prisoners' needs. Additionally, could HMPPS approach local authorities (there were 52 of them) to request they provide social care training to Prison Officers, particularly in dealing with mental health issues.

**Action: ER Team to provide JH with the POA email contacts so that they can discuss issues of prisoner social care further and work together to better understand the Care Act a how to better equip prison staff to help prisoners with social care needs.**

## **Minutes of the POA Equalities Sub-Whitley Meeting - Thursday 21 June 2018, 14.00 – 16.00hrs**

### **Matters Arising - Actions Log (Francis Stuart)**

3.1 There were four ongoing actions on the Log. The first concerned a request from HMPPS to the POA for their suggestions on how to improve BAME staff representation in the Prison Service (ref 3.3 in the June Log). A meeting had been organised for 5<sup>th</sup> September between HMPPS and the POA to consider this issue.

3.2 Concerning ref 3.4 in the Log, Flexible Working policy, on ER Team advice a meeting was due to be organised between Jim Heavens and the POA to discuss progress on policy development. In addition, Ben Smith, working on the Flexible Working PSI advised that a Flexible Working policy was in final draft format. He had received comments from all national unions and would be writing out to all of them in the coming weeks. The Annex A period had now concluded so he would be working the policy up over the next couple of weeks. No implementation date had yet been agreed for this policy but he would communicate this well in advance once it is known. The policy aimed to encourage staff to consider flexible working arrangements and assist managers in considering such requests. It recognised that a better work-life balance could improve employee motivation, performance and reduce stress. The organisation was committed to the principle of flexible working arrangements, provided that the needs and objectives of both the organisation and the employee could be met. If a flexible working request could not be met fully then managers and staff should look at alternatives which might be meeting the initial request partly.

**Action: ER Team to check that Ben Smith responded to the Trade Unions' response to the recent Annex A consultation exercise.**

3.3 The POA sought assurance that new proposals made to the Prison Service which would give staff the opportunity to increase their permanent hours would not impede staff seeking to reduce their hours, for example, in seeking partial retirement.

**ACTION: The Chair said he would raise the above issue of partial retirement and FTE becoming FTH with Ben**

### **Smith working on the Flexible Working PSI.**

3.4 Concerning ref 6.1 in the Log on the Fitness Test policy and work to conduct an Equalities Analysis. AS confirmed the initial meeting with the Attendance Policy Lead had taken place on 20 June and the Trade Unions would be involved in the scoping of this work.

3.5 The POA asked if the policy around Physical Education Instructors (PEIs) fitness levels could be considered as part of any Equalities Analysis on the Fitness Test. PEIs are mostly male and they were interested in what would come out of any Analysis. Sarah Lock advised that she would go back to the *People Sub-Committee* with new suggestions around this issue. SL advised the POA would be kept informed.

**ACTION: Sarah Lock would keep the POA informed in-respect of any developments from an Equality perspective regarding Fitness Testing for PEIs.**

3.6 Concerning ref 7.5 in the Log on the Staff Disability Awareness Survey, the POA advised they would consider the Power Point Presentation sent to them on 20<sup>th</sup> June.

### **4. Equalities Update (Eila Davis)**

4.1 ED advised that HMPPS was making progress with the formal programme established against the 10 priorities in the HMPPS Equality Strategy and the 13 Lammy recommendations. Each month progress with the Lammy recommendations is formally reviewed by the Lammy Board which reports to the Equality Sub Committee. The Equality Sub Committee meets quarterly and reviews progress with the ten strategic priorities as well as the thirteen recommendations with ongoing monitoring at the regular Checkpoint meetings. Therefore, HMPPS had a system in place to drive this overall programme of work forward.

4.2 ED explained that Equalities data gathering continues to be a challenge. It had proved difficult to get sufficient resource to collect and analyse data but the situation was improving.

4.3 Concerning Lammy Review recommendation 25 on the Use of Force, work is now underway to provide guidance by the end of the year. HMPPS is developing proposals which focus on resolving the disproportionate use of force against BAME prisoners.

4.4 More work was being done to improve BAME prison officer recruitment. The Chair noted that MoJ had provided some staffing resource to consider and analyse this issue to see what improvements could be made.

4.5 One of the ten strategic priorities in the HMPPS Equality Strategy is to for 'All professional development to embed equality in design content and delivery.' To deliver this the Learning and Development Group is systematically reviewing the content of all training and the ways in which it is delivered, including the physical environment to ensure it is consistently inclusive.

4.6 It was noted that Tanya Robinson has taken on a new role as Head of Equalities and Lammy Delivery.

4.7 The issues concerning Searching of the Person in relation to Transgender Prisoners and Staff was now with the POA Security Sub-Whitley.

4.8 More generally, the POA stated that the Prison Service attracted lots of press coverage concerning Transgender prisoners, often negative, and wondered how we could move away from the sensationalism of the press and find better ways to integrate rather than separate Transgender prisoners in the system and to bring the press "on-board". AS advised that the Government Equalities Office have said HMPPS Transgender guidance is the clearest it could be. ED thought the appropriate use of sanctions against negative attitudes toward Transgender prisoners in establishments was important. The POA thought this was more difficult when dealing with a large group of prisoners. As at November 2017 there were 125 Transgender prisoners over 47 establishments though these prisoners were not always declaring. The next data release was November 2018. HMPPS was reviewing the care, management and searching of Transgender Prisoners by November.

### **5. Staff Networks update (Stephen Davies, Craig Simpson)**

5.1 There was a message for the POA from Kate Jones, PiPP Staff Network National Lead, who wanted to thank them for allowing the Networks to have a stand at the recent POA conference and for their ongoing support for attendance at Pride events, most notably at Birmingham, Leeds and Manchester.

5.2 CS advised that he had yet to see the work around BAME recruitment in relation to the relevant recommendations from the Lammy Report. The Equalities Team were looking to develop a National Database of BAME staff who could be drawn upon to be part of future interview and selection panels. Generally, the Lammy work had been positive so far but we would need to sustain the momentum but there were lots of legacy cultural issues to address which meant this would not be a quick process. As part of this on-going momentum the Staff Networks were reviewing their strategy, for

example, they would be focussing on the SPDR process and how it could fit better with the Lammy Review.

5.3 A meeting had taken place with Sikh Chaplains, whose members were from the Prospect Trade Union, and who had raised various concerns. CS and Jim Heavens (Head of HR Prison Reform) are working with these Chaplains to address these issues.

5.4 SD advised that voting was open on his role as the Disability, Advocacy, Wellbeing Network (DAWN) National Lead. In the meanwhile, he would continue to work in this role.

5.5 SD expressed concern that the reasonable adjustments applied to some Prison Officers with a disability were not always correct and suggested that downgrading to OSG shouldn't be the only option. HMPPS would look at cases that were raised as a potential concern. It was noted that the draft policy on a Workplace Adjustments Passport would go the HMPPS Equalities Sub-Committee for consideration in due course.

5.6 Other news from the Staff Networks included the promotion of Networks in the South East and it was welcomed that the cost ceiling had been raised so that staff with disabilities could book rooms with greater accessibility if staying somewhere overnight.

5.7 The POA shared SD's concerns around the downgrading of disabled staff and did not think it fair that Operational staff were put in this position because they could not do the control and restraint aspect. The POA had come across cases where staff with knee or hip replacements were either downgraded or lost their jobs. SD advised that the Workplace Adjustments Passport, which would be owned by the person and not the business, would hopefully stop this from happening. It would allow for an informal meeting with the line manager where adjustments could be agreed on rather than waiting for a formal meeting. The Staff Networks were also considering policy initiatives like Attendance Management.

5.8 The Chair made the point that in all those cases it was the individual circumstances that were important and there would be situations where a re-grading to OSG or an upgrading to a higher grade could be classed as an entirely appropriate reasonable adjustment. All professional development to embed equality and inclusion in design, content and delivery

## **6. Learning and Development (Sarah Lock)**

6.1 SL advised that an Impact Assessment on the Fitness Test would take place in the autumn and that HMPPS would engage the POA in this work. The POA wanted it noted that they were opposed to the current Fitness Test and that a more rounded version was needed that allowed staff to continue working up to the age of 68. They also asked about whether new Fitness Test equipment had been procured as yet? SL confirmed that HMPPS were still looking at funding for new equipment. The POA were also keen that HMPPS investigate why a member of staff was made to carry out two Fitness Tests in two weeks because they had missed the Test the year before. SL agreed this was clearly wrong and plans were in-place to ensure these annual fitness tests were properly sequenced with the correct amount of time between tests.

6.2 SL advised that the Taskforce 10 prison deep-dive was underway. This was a project initiated by the Prisons and Probation Minister where HMPPS focus on ten Establishments that have significant safety and violence issues to see what kinds of resource and support might make a difference. Financial resources had been put aside in order to develop training methods that would provide holistic leadership at all levels in these establishments.

6.3 Those with protected characteristics would receive appropriate support when applying for development programmes and through their assessments. SD asked where publicity could be found for the Accelerate Programme. SL advised this was available on the HMPPS Website but was likely to change later in the year.

**ACTION: As Prison Officers do not always have regular IT access, SL would send SD a document copies of the online publicity for the Accelerate Programme.**

6.4 The POA asked which establishments were in the Taskforce 10?

**ACTION: ER Team would find out which Establishments were involved in the Taskforce 10 and would share these with the POA.**

## **7. Incentives and Earned Privileges (IEP) System update (Dave Ferguson)**

7.1 DF explained the context for the work on IEP: BAME prisoners were disproportionately represented at the Basic rather than Enhanced level of IEP compared to White prisoners across the Estate. HMPPS was setting up an IEP Forum at each establishment and IEP was now a substantial item for consideration on various councils. The most recent guidance and principles could be found in the Senior Leaders' Bulletin. Louise Spencer, Prison Group Director, was

now the Activity Lead for IEP.

7.2 More work was being done to measure the proportion of BAME to White prisoners at the different IEP levels by prison category to see if this differed from the overall picture.

7.3 An external Advice and Scrutiny Panel made of different stakeholders had also been set up to consider the IEP system. Jeremy Crook, Chief Executive of Black Training and Enterprise Group, was the external Learning Liaison Lead for this Panel, supporting its work and advising on improvements.

7.4 The POA asked when the IEP Policy Framework would be ready. It would need to be equal for all prisoners across establishments and would not want to see downgrades, for example, for those prisoners who were moved to a different establishment. DF advised a policy framework was being progressed by the MoJ and AS advised that interim guidance had been circulated and would be put out in the Senior Leaders' Bulletin. The POA advised that this needed to be cascaded down to Prison Officers. ED made the point that HMPPS would need to be sure Lammy is embedded in the policy.

## **8. Update on the Staff Disability Awareness Survey results (Ann Snowden)**

8.1 AS shared the Staff Disability Awareness Survey results with attendees (see Annex for a copy of the survey). She reminded attendees that this was the first time HMPPS had embarked on the survey and part one was for all staff while part two was for those staff with disabilities.

8.2 On part one, the key headline was that staff had a very positive view of their disabled colleagues. The POA asked if a breakdown of the slide figures on page 4 (*Part 1: Perceptions of Disability (a)*) was possible. AS advised not for this time but would be something for a future survey.

8.3 SD was concerned with the use of the phrase "admire staff with disabilities" on page 5 (*Part 1: Perceptions of Disability (b)*). CS thought this was more about people with disabilities being considered as role models in a similar way that BAME staff have role models to look to. All agreed that the wording of that question might need to be clarified.

8.4 On page 6 (*Part 1: Perceptions of Disability (c)*), the first question should read: *HMPPS has a responsibility to provide reasonable adjustments.*

8.5 On page 7 (*Part 1 – Perceptions of Disability (d) Responsibility and Understanding*) the POA were interested in the 74% response to the question "understand the responsibilities of HMPPS in relation to supporting our staff with disabilities" which they thought was high. This could be more about staff saying yes to knowing they have responsibilities but not necessarily knowing the specific policies.

8.6 Concerning page 8 (*Part 1 Experiences of Staff – Caring Responsibilities*), on the question of caring obligations outside of work towards disabled dependents, the POA thought that this should be broader than just disabled dependents. However, SD made the point that this was specifically a disability survey (not a flexible-working one) and that it was important to understand the experiences of staff in relation to this.

8.7 It was encouraging that almost half the total number of participants in the survey had a disability. There was still an issue with declarations on SOP and TU support had been sought to encourage staff to declare. SD confirmed that Michael Lowe in HR was working on promoting support for reasonable adjustments e.g. the OHP system and the Workplace Adjustments Passport.

8.8 Concerning part 2 of the survey, staff were more likely to declare to their Line Managers than on SOP. While this suggested faith in HMPPS management, AS advised that our message remained that staff should be encouraged to declare on SOP. The POA would like to see the breakdown of declaration figures between Operational and Non-Operational staff: they remained concerned that operational staff were reluctant to declare a disability in-case Governors downgraded these with 2 years pay protection. AS said that this would be noted for future surveys.

8.9 On page 13 LDD stood for Learning Disabilities and Difficulties. On page 15, regarding Assistive Technology (AT), it was pointed out by AS that all work needs to be AT compliant before release.

8.10 AS concluded by confirming that Mark Verlot, Head of Prison Equality, is the lead for staff disability and will consider the results of the survey and how this can be developed further in the future.

# NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES SECTION

## National Committee for Secure Health Care Services Annual Report 1/1/18 - 31/12/18

### Introduction

As in previous years, 2018 has proven to be a very busy year for the POA Secure Health Care Services Committee.

Members from the committee have continued to attend meetings of the Joint Negotiating Committee for National Health Service Working Conditions as “observers”, and continue to gain support from other Trade Unions in the quest to gain full membership status.

This aspiration is fully supported by the General Secretary, who continues to press this matter on behalf of the committee at a senior level.

Restructuring within the four Hospital Trusts, which contain the four High Secure Hospitals, continues to cause significant extra work and pressure among the affected POA committees. This could have potentially created some difficulties for them in ensuring that normal responsibilities to their members were met, and it is a great tribute to the commitment of all of the committees that they have managed to absorb the extra work.

The NHS pay awards have been accepted by the workforce by an overwhelming majority in England, Scotland and Wales.

To all of those who constitute the membership of the Secure Health Care Services Committee I wish to place on record, my personal thanks for the extremely hard work that you carry out on behalf of your members. You provide a vital service for both the Union, and its members in your branches.

Once again, my sincere thanks go to Helen Whitaker for her dedication to ensuring that the secretarial support provided to both the committee and myself are second to none. Thanks very much Helen!

### MINUTES OF THE NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES Thursday 4<sup>th</sup> January 2018

#### 4. NHS Staff Side Council Update:

Following the last update from Sean the next Staff Side meeting is next Wednesday, will report back after this meeting.

SG Will be interesting in relation to pay in the NHS, the NHS will have to find the money as no extra money is coming their way. There is an executive meeting next Monday/Tuesday which Steve will be attending.

AH attended the recent STAC meeting. There are holding a pay workshop on 16<sup>th</sup> February.

#### 5. Annual Conference Motions/AGM:

SG ACM's to be in by 31<sup>st</sup> January.

SF suggested motions on pensions and pay from Rampton.

**ACTION: Email Broadmoor and Ashworth to make sure ACM's are in by 31st January.**

SG read out email from Gary Lyon suggesting Stuart Eales as a speaker for our AGM, asked for the thoughts of the committee.

Carstairs have an issue with inviting Stuart due to past problems, Rampton agreed with the views of Carstairs. Unfortunately, Ashworth are not here to put forward their views.

SF stated that if Stuart Eales has important information which could benefit our members then it might be worth considering.

DK or SG to contact Stuart for more information to decide whether he would be an appropriate speaker.

**ACTION: Contact Stuart Eales for more information.**

SG Please ensure conference motions are submitted by the deadline. Consider other possible speakers for the AGM, maybe a shadow minister.

AC suggested inviting Mark Richards, Director of Nursing at Carstairs.

**ACTION: HW to invite Mark Richards to speak at AGM.**

## **6. Current Position at Each Hospital:**

The Chair asked if we had received written reports from Ashworth and Broadmoor. No reports received.

### **Carstairs:**

Sickness – The rolling year to date figure is currently just under 8.69%. Long term 6.59% and short term of 2.1%. Sickness for the month of October was 8.58%.

No members currently suspended, however, usual complaints/grievances/investigations taking place.

Seem to be struggling staffing wise recently through a combination of high clinical activity and high sickness. This in turn has led to us having to work short on numerous occasions in the past couple of months, usually at these times we put contingencies in place (basically putting patients in their bedrooms etc).

Looking to employ another 12 new nursing staff around February.

Issue around vocational areas and historically they have always had a trained nurse in these areas and they want to change this.

With savings etc we have an overspend of around £250,000 at the moment.

### **Rampton:**

Sickness went up over the festive period 6.1% and rising.

Shortages of staff, overtime through the roof, recruitment and retention a problem.

1 suspension now back at work. 4 more suspensions.

Busy with investigations.

Cost Improvement Programmes a problem, hitting badly at Rampton, 5 million cost improvement unachievable by April.

2 million unexpected expenditure.

Sean's position will disappear on 31<sup>st</sup> March, this might be his last meeting!

Met with Executive Director for Forensics, meeting next Tuesday to talk about a new way of dealing with disciplinaries and investigations. Could be promising and helpful.

## **7. Any Other Business:**

SG Pension challenge, got until 10<sup>th</sup> January to complete, would ask if committees can have one last push to tell the membership to register for this dispute, would be very helpful.

## MINUTES OF THE NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES

Wednesday 18<sup>th</sup> April 2018

### 3. Matters Arising:

NC Apologised regarding annual conference motions. SF had asked him to write a motion on pensions but due to personal circumstances he didn't submit it.

GL asked if Stuart Eales was contacted for more information as per action point. He was informed that Stuart was not contacted.

### 4. NHS Staff Side Council Update:

DK and SF have been attending a series of meetings regarding updates and alterations to the framework agreement for agenda for change/pay rise offer. In the original offer 1 day's annual leave was going to be taken off staff, this was withdrawn and the offer revised. The POA has circulated the website address with information and pay calculator. We start our ballot on Friday 20<sup>th</sup> April. Joint union results will be announced on 8<sup>th</sup> June. Our ballot finishes on Friday 1<sup>st</sup> June so we can inform the Joint Staff Council of our result.

SG asked AH about NHS Scotland pay deal. AH reported that this will now transfer to the STAC committee, think they are waiting to see what happens with NHS England. See how this transpires. At the appropriate time the POA will run a ballot within Carstairs.

SG personal view is for the POA to remain neutral on this issue as we only have observer status not a full seat. The only union to oppose this offer is GMB.

The Chair asked what is the view of the committee?

DK stated that this is the best deal under the circumstances. With regards to the GMB, we understand their position on this matter.

GL agree with DK and SF that it's the best deal that is going to be offered. The joint unions stance to call it a 29% rise is disingenuous.

### 5. Annual General Meeting:

SG reported that we haven't got any motions or speakers for the AGM. We need to address this issue throughout the year. Proposing we still have an AGM as it comes under the rules and constitution. Suggest DK gives an update on the framework agreement on agenda for change then Steve closes the AGM.

AH Josie Irwin attended the STAC meeting and told Andy she would be happy to attend the AGM.

DK has spoken to Josie but due to the union ballots on pay they are busy at the moment, not sure if she would be able to attend, it would be a last-minute arrangement.

**ACTION: Contact Josie Irwin to see if she can attend the AGM.**

GL in light of the lack of speakers and motions, can we revisit Stuart Eales attending to speak at the AGM.

SG explained that this was fully discussed at the last meeting and the committees' feelings made clear, do not wish to reopen that debate.

GL respect the views and feelings of the committee.

### 6. Current Position at Each Hospital:

**Carstairs:**

Sickness – the rolling year to date figure is currently 8.47%. Sickness for the month of February was 6.92% with a split of long term 3.59% and short term 3.34%.

Two members currently suspended, usual complaints, grievances, investigations taking place.

We were looking at a deficit of almost £300.00 for the financial year, however, management took the decision in February to basically lock the most difficult patients up, that required care teams.

Decision taken recently to end a seclusion, which resulted in 2 of our members getting injured the next day. We have written to the HSE with our concerns and also to the Health Minister for Scotland, our Chief Executive etc with a vote of no confidence in management who made this decision.

Just employed 10 new starts last week with 8 females and males – gender issues are becoming more evident with a lack of male staff.

Four instances of staff shortages (when we ran short) in the month of March.

### **Rampton:**

Re-election of Nick into position of branch secretary.

6.7% sickness.

No suspensions at present, 1 dismissal last week.

52 staff nurses short.

Large number of young girls applying for jobs. Too many females, going to advertise for male only candidates.

Just relooked at sickness policy and made some tweaks.

Chief Executive retires later in the year.

Currently have a central trust not on site, changing some offices to corporate. This changes the facility for negotiation rights etc.

SG Congratulated Nick on his re-election.

### **Ashworth:**

Sickness is currently running at 14%. Management are complaining how much it is costing them. 65 staff off on long term sick, 484 on monitoring for short term absences.

Good news! 15 blades were found on a ward before they were able to be used. Brought in a dedicated search team who found 15 small blades.

Staffing - regularly running at -23.

Going to put out a gender specific advert and gender specific training.

Movement within the wider trust to bring back lead, struggling to retain staff.

Disciplinaries dropping, most of the work is through sickness absences.

Capital investment - medium secure unit, work starting now.

Talk of a low secure unit being built on site.

## **7. Any Other Business:**

AC raised the pension challenge and asked if we can make this a standing item on the agenda so we can keep on top of it.

***ACTION: Agenda Pension Challenge as a standing item.***

SG informed the committee that we need someone to come forward from the Special Hospitals as the lead claimant. GL volunteered. If there is anyone from Rampton please let us know. DK can then update JS and GT. England and Wales are sorted, need someone from NI, will be chasing up in the coming weeks so every area is represented in IT claims.

SF reported on his own position in terms of his regular job. A paper will be published on the 23<sup>rd</sup> April. Sean's has already seen the paper and his position disappears. He could be gone on the 1<sup>st</sup> June.

SG asked what will happen, will he retire or apply for another job. SF can apply for an instructor position but would be full time, not appropriate for Sean so would mean retirement.

## MINUTES OF THE NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES

### Wednesday 18<sup>th</sup> July 2018 - Linden House

#### 3. Matters Arising:

AP1 Achieved. Wrote to Josie Irwin who couldn't attend the AGM due to the NHS Pay ballot.

AP2 Achieved. Agenda as a standing item.

AGM - disappointing there were no motions from the Special Hospital branches and not to have a guest speaker. Asked for suggestions for the future and revamping the AGM. AH stated it does rely on speakers to engage the audience but was well attended this year. Look at whether we still have an AGM within Annual Conference or look at taking it out of the conference agenda and having an extra meeting per year.

The chair suggested inviting speakers earlier, suggested NHS Staff Council members, Josie Irwin RCN, Sara Gorton UNISON.

It is difficult for Carstairs as they come under Scottish terms and conditions and any issues, they have to take to the Scottish conference in October.

**AP1: Contact potential guest speakers earlier, possibly September.**

DT suggested putting AGM speakers on the agenda of the Conference and Events Committee for them to contact speakers.

Standing orders also come into this with regards to motions.

#### 4. NHS Staff Side Council Update:

The Secretary reported on the NHS pay ballot. The ballot result for the amendments to AFC in England was an overwhelming vote in favour. This was in line with the vote from the POA members eligible to take part in the ballot.

#### 5. Agenda for Change Proposal (Scotland):

AH updated the committee on the Agenda for Change proposals for Scotland. Paperwork circulated with the agenda for information. The POA are running a ballot at Carstairs, then will send out a joint result like we did in England. Result due out in August.

The chair asked about the staffing levels in Scotland. Over the last 6-9 months struggling with a lack of male staff. 30-40% will be leaving over the next few years due to retirement.

The chair asked about staffing at Ashworth. This year they have lost the most staff. They are asking staff retiring if they will come back to the same ward as the same grade and mentor and train new staff.

At Carstairs they have a new agreement through STAC, wrote to 25 people who retired to ask them if they wanted to come back part time, only 2 came back.

DT asked if there is much violence within the hospitals and how is it recorded.

Ashworth explained how the system works within their hospital and how violence is recorded.

#### 6. Pension Challenge:

AC asked for this to be a standing item for an update – Sent paperwork to the General Secretary. Just wanted to know where we are and what's happening.

**AP2: Ask SG for a written update on the Pension challenge to circulate to the committee.**

#### 7. Current Position at Each Hospital:

### **Carstairs:**

Sickness for May was 9.73%. Year to date figure is 8.70% with long term 6.65% and short term 2.05%. Industrial injuries were 3.68%. Carstairs has the highest figures within the NHS for Scotland.

Vote of no confidence in management in April regarding a clinical decision, commissioned an external critical incident review which started earlier this month in July. We should receive an outcome by the end of August.

Currently 2 members suspended with the disciplinary hearings probably in August.

Ran short on 37 occasions for the month of June. Expressed concerns around this and the general theme that this is increasing.

Financial difficulties already relating to sickness, clinical activity and overtime. Overspent already at £160k and worse than last year.

Company called Meridian are coming into the hospital in August to review clinical service model, workforce planning, shift patterns, sickness etc.

### **Ashworth:**

Sickness, not sure of current percentages, on Monday recorded a drop of 10%.

Suspensions – since introduced Just and Learning Culture the figures have reduced. Think there are 2 suspensions, not POA members.

Lorraine Lewis is now the acting Branch Chair as the previous chair has resigned from POA membership. DK is very grateful to Lorraine for stepping forward at this difficult time, temporary fix, pressure from HR at Ashworth. The chair position allows for 5 days facility time. Asked if this can be split between Lorraine and Tony Lynch, Acting Branch Secretary, 3 days for Lorraine and 2 days for Tony. Starting a postal ballot on Friday for the Branch Secretary position, NEC approved a postal ballot due to MerseyCare covering 100+ sites. Hoping this will be the way forward. DK was at Ashworth doing 2 codes yesterday, the result was positive, committee at full capacity. Lorraine stepped in without prompting and we are extremely grateful. This Committee will give support and advice to Ashworth where needed.

### **8. Any Other Business:**

Mark Freeman informed the committee that the Review Team would like to speak to Andy Hogg, Carstairs and Ashworth when the meeting closes.

Pat Cuffe stated that as an observer the structure of the meeting is run very well, chaired well by Duncan in Steve's absence, feedback is excellent and detailed. He asked how does this committee action what a committee member has brought forward, as the POA nationally? Most issues are dealt with through partnership working locally, if the committee require assistance nationally, they contact their national official.

## **MINUTES OF THE NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES - Wednesday 17<sup>th</sup> October 2018**

### **3. Matters Arising:**

AC asked for an update on the pension challenge. On main agenda, item 6.

**AP1 achieved. Emailed Angela to put on the Conference and Events Committee agenda. Written to Josie Irwin and Sara Gorton, no reply received as yet.**

**AP2 - verbal update at this meeting.**

### **4. NHS Staff Side Council Update:**

Defer to next meeting – neither Duncan or Sean in attendance.

**AP2: SG request written update from DK.**

### **5. Annual General Meeting/Annual Conference Motions:**

SG next year is the 80<sup>th</sup> anniversary of the POA. Chase up Josie and Sara regarding speaking at conference.

SG ACM's – expect each branch will be formulating motions. Imperative that each branch considers motions for next year. Get the message to Ashworth and Broadmoor.

AC – pension issue – difficult as Carstairs are under STAC, different terms and conditions to England.

NC – struggling with wards being staffed properly, running 35 short. Female nursing assistants but can't get male staff.

SG worthy of an ACM from Rampton? NC will do a motion on this issue.

DT asked how the specials report/record assaults.

AC explained what they do at Carstairs. Rampton has a very similar system. Every incident reported and police follow up. SG suggested DT visit each hospital possibly with SG.

AH suggested a motion on how the branches have been part of the POA for the last 80 years. Broadmoor was the founding branch.

## **6. Pension Challenge:**

SG pleased to say everything has been lodged, we have lead claimants for every area of the union. This could drag on for the next couple of years. Just a matter of waiting for outcomes. No other unions have lodged protective measures other than us and the FBU. As we get any updates, will put these out.

## **7. Current Position at Each Hospital:**

### **Carstairs:**

Two staff currently suspended, investigations ongoing. Police investigation into the leaks to the press. New Clinical Operations Manager in post. Numerous grievances against him.

External company coming in, Meridian, looking at rotas etc. Assume we will have to ballot the members at some point. Currently work a good shift system.

Last month (September) 30 deficits. Unsafe, unacceptable practice forms. Locking patients up and closing wards due to staffing levels.

Taking on 10 part time staff. 6-8 new starts in the next couple of weeks. 58% males, 42% females.

Night shift working.

Sickness 8.27% for August. 8.9% year to date.

Financial overspend £380,000.

Overtime protocol, limits staff to 100 extra hours per month, 23 hours per week, but some times more like 150 extra hours. Some staff have signed a waiver for working time directive.

Challenging next year for Carstairs, Chief Executive leaving.

Critical incident review due to come out within the next couple of weeks.

**AP3: Ask Thompsons Scotland to look at change in leaks to press, now a criminal offence. Any new legislation, was there any consultation with trade unions.**

### **Rampton:**

Sickness currently 5.7%, lowest it's been for 5 years. Coming to flu jab season and Christmas season.

1 dismissal, female staff nurse. Now wants legal advice. Reported to Counter Fraud and NMC.

1 suspension.

Cost improvement programme ongoing. Looking at a ward closure in January 2019. Need to save 5 million by new financial year.

35 qualified staff, running short nearly every day.

Sweeteners for new staff £1800 over the year, £500 for recommend a friend, relocation £5000. Adverts going out next week.

Sean Farrell is retiring on 7<sup>th</sup> December 2018. Will be looking for a new chair.

SG Sean has been around a long time, invite him to the meeting on 10<sup>th</sup> January or set up something in December, evening meal paid for by the union. NC will speak to Sean about a date and liaise with Helen on suitable dates.

**AP4: Write to Ashworth and Broadmoor asking for a written report on current issues.**

**8. Any Other Business:**

NC raised the ongoing issue of enhancements on overtime that the solicitors were looking into. Asked Steve Gillan to get an update on where we are. SG will speak to Glyn. Iain Burrill was dealing with, SG will get an update, been going on for 3 years.

ACM's need to be written by date of next meeting.

**AP5: Helen to send out reminders to branches re AMC's in November and December.**

# PARLIAMENTARY SECTION

## Parliamentary Annual Report 1/1/18 – 31/12/18

### Introduction

The POA has had a busy year in 2018 within the wider Trade Union Movement and Parliament.

The Executive wish to record the unfortunate and untimely death in February of Union Services founder Simeon Andrews who was a staunch supporter of the POA.

The political work of the POA through Union Services has focused MPs minds on the Criminal Justice System. Below are the edited 2018 reports on our activities. A number of Early Day Motions and Parliamentary Questions were also submitted on behalf of POA members.

The National Executive Committee arranged two Parliamentary Drop-ins and a number of MPs attended NEC meetings. The reports on these were contained within NEC minutes which are available on the POA website.

### Jan to March Executive Summary

Over the course of this report, which covers 12 weeks of parliamentary activity, Parliament rose for the Christmas holidays and for a short break in mid-February. It will next rise on 29<sup>th</sup> March and return on 16<sup>th</sup> April.

This report details the work Union Services has undertaken during this period on behalf of the POA. A successful Parliamentary mass lobby and rally on 5<sup>th</sup> December enabled POA members to talk to dozens of local MPs and the Shadow Justice Team about the dire state of the prison system, while the union executive meeting in Parliament the following day was a good opportunity to look at the issues in greater detail with Shadow Justice Secretary Richard Burgon, who presented the Union Services parliamentary report.

Union Services has continued to work within Parliament to raise the pressing concerns of the POA and its members, including safety, overcrowding, pay and pensions. From ensuring POA involvement in the HMP Nottingham Urgent Notification Process and resulting Action Plan to highlighting the scandalous waste of resources involved in Detached Duty, Union Services has intervened on numerous issues with a variety of stakeholders. We have continued to work with the Shadow Justice Team and backbenchers across the Commons to ensure that POA concerns have been raised in Parliament via Written and Oral Questions, debates and other interventions such as Early Day Motions.

The New Year reshuffle saw a new team in the Ministry of Justice headed by David Gauke, MP for South West Hertfordshire. Gauke is the sixth Tory Justice Secretary since 2010, further evidence of the low importance the Government places on this Department, which has seen budget cuts of 40 per cent – more than any other Ministry. The new team seem more willing to engage with the POA than their predecessors, but it remains to be seen whether this signifies any real shift on issues such as staffing, safety and facilities.

Meanwhile, the dire conditions in prisons continue to deteriorate, with figures released at the end of January showing that assaults on staff, prisoner-on-prisoner assaults and incidents of self-harm had reached record levels. The new Justice Secretary was in the job for barely a week before Liverpool and Nottingham prisons hit the headlines over their appalling inspection reports, resulting in a one-off evidence session by the Justice Select Committee on HMP Liverpool and the first-ever use of the Urgent Notification Process on HMP Nottingham. How Gauke addresses these failings – and others across the prisons estate – will be seen as an early test of whether his new approach goes beyond just repeating his predecessors' pledges to recruit 2,500 new prison officers by the end of this year.

### Parliamentary Overview

The Government's sole legislative concern continues to be leaving the EU, with the clock ticking as we approach "Brexit

Day” on 29<sup>th</sup> March 2019. Reliant on DUP support since her disastrous general election result, Theresa May seems unable to assert her authority over either side of her divided Cabinet, while both Labour and EU negotiators are adding to the pressure on her to spell out exactly what kind of a deal she wants with the EU. There seems little appetite to reintroduce any prison-related legislation in the near future.

Much Parliamentary effort has been made, however, in holding the Government to account for the way it has failed prisoners, officers and the general public. Prisons have been raised at length during Justice Questions, while the Justice Select Committee held an unprecedented one-off evidence session in January into HMP Liverpool’s damning inspection report. A growing number of MPs and Peers are demanding an end to the Government’s cost-cutting approach to the justice system in general, and prisons in particular, with a rising tide of revulsion at companies profiteering from incarceration.

### **Ministry of Justice and Shadow Front Bench teams**

The government reshuffle at the start of the year saw David Gauke promoted from Work & Pensions to Secretary of State for Justice and Lord Chancellor, replacing David Lidington, who now serves as Theresa May’s de facto deputy as Cabinet Office Minister. Making up the rest of the Government’s new Justice team are Prisons Minister Rory Stewart, Courts Minister Lucy Frazer, Philip Lee, Minister for Youth Justice and Victims and the only member to serve under Lidington’s leadership, and Lord Keen of Elie in the Lords.

The new regime seems keen not to be seen repeating past mistakes, with Stewart promising to get “back to basics” by tackling “drugs, cleaning up prisons, fixing broken windows, having basic standards and getting 2,500 prison officers back in” (Westminster Hall debate 31/01/18). Meanwhile Gauke reversed his predecessor’s decision to refuse to reveal how much was spent on Detached Duty – leading to widespread press coverage of this scandalous waste of money – and has showed greater willingness to engage with parliamentarians on matters of concern to the POA.

The Shadow Justice Team remains unchanged, with Richard Burgon at the helm and Imran Hussain serving as Shadow Minister for Prisons and Probation, alongside Yasmin Qureshi focusing on courts, Gloria De Piero on legal aid and Lord Beecham in the House of Lords. Union Services continues to stay in close contact with the team, holding regular meetings and briefing shadow ministers on all issues raised by the POA.

### **Justice Select Committee**

Labour’s Marie Rimmer, MP for St Helens South and Whiston, has joined the Justice Select Committee, replacing Laura Pidcock (who moved to the front bench as Shadow Minister for Labour). The full committee membership is as follows:

Robert Neill (Chair, Conservative), Kemi Badenoch (Conservative), Ruth Cadbury (Labour), Alex Chalk (Conservative), Bambos Charalambos (Labour), David Hanson (Labour), John Howell (Conservative), Gavin Newlands (SNP), Victoria Prentis (Conservative), Ellie Reeves (Labour) and Marie Rimmer (Labour)

The committee has launched its *Prisons population 2022: planning for the future* inquiry to find out:

- Who is in prison and who is expected to be imprisoned over the next five years
- The reasons prisoners are there, why they stay there and why they return
- Whether the Ministry of Justice and prison services currently have a credible approach to accommodating the changes anticipated

The POA submitted written evidence in December but the committee has not yet taken up the union’s offer to provide oral evidence.

The committee also chose not to invite the POA to contribute to its one-off evidence session on 24th January into the HM Inspectorate of Prisons report on HMP Liverpool, despite a request from Liz Saville Roberts and Lord Ponsonby of Shulbrede, co-chairs of the Justice Unions and Family Courts Parliamentary Group, of which the POA is a constituent member – although a POA briefing on the subject was distributed to all committee members on 23<sup>rd</sup> January. However, Saville Roberts was able to raise this oversight with committee chair Robert Neill in the Chamber on 22<sup>nd</sup> February after

Neill presented the committee's report to the Commons, pointing out "it is amiss that the Justice Committee did not take evidence from unions representing frontline professionals".

Having spoken that morning with POA National Chair Mark Fairhurst, who works in HMP Liverpool, Saville Roberts added, "I understand from the POA that the maintenance contractor, Amey, refused to undertake pest control at HMP Liverpool, and the previous governor – who was also not called to give evidence – had to use his already hard-pressed budget."

## Meetings

On behalf of the POA, Union Services has arranged meetings in Parliament with key figures within the Shadow Justice Team as well as supportive backbenchers such as Alex Norris, MP for Nottingham North.

Union Services continues to pursue meetings with the new Justice Ministers, but with numerous urgent issues within the prison system, the POA has had direct access to the MoJ and has been keeping us updated regarding issues discussed and resolutions sought. Going forward, we will continue to meet regularly with the Shadow Justice Team in both the Lords and Commons and will ensure they are fully briefed on issues within the prison system.

## Interventions

Several key interventions have been made on behalf of the POA over recent months and they will be reported in more detail in the Campaigns section of this report as well as in Annex 1. Interventions in the Commons have included contributions to three Justice Oral sessions (5<sup>th</sup> December, 23<sup>rd</sup> January and 6<sup>th</sup> March), a Westminster Hall debate (on mental health in prisons on 10<sup>th</sup> January) and two debates in the Chamber led by Justice Select Committee chair Bob Neill (on prison reform and safety on 7<sup>th</sup> December and HMP Liverpool on 22<sup>nd</sup> February). Peers also used POA information directly to ask questions in the Lords about HMP Liverpool (21<sup>st</sup> December) and the size of the prison population and conditions within prisons (8<sup>th</sup> February).

Interventions of note not covered in the Campaigns section of the report include:

Liz Saville Roberts's contribution to the Westminster Hall debate on 10<sup>th</sup> January, when she insisted that, "by failing to act on the horrifying number of cases of self-harm and suicide in prisons, we are to all effects and purposes condoning haphazard and extrajudicial capital punishment."

Lord Ramsbotham's supplementary question of 24<sup>th</sup> January, when he asked, "In view of the dreadful situation that the Minister has outlined—the chief executive of the Prison and Probation Service has blamed it on his budget being cut by 40% since 2010, despite the increase in the numbers of prisoners—the dropping of the prisons part of the Prisons and Courts Bill and the recent appointment of the fourth Justice Secretary and third Prisons Minister since the 2015 election, how high does prison reform feature in the Prime Minister's list of priorities?"

Lib Dem Lord Lee of Trafford's supplementary question on 8<sup>th</sup> February, when he used a POA briefing to point out that "75 of the 119 prisons in England and Wales have populations in excess of the certified normal accommodation standard" and that "the latest figures show a 12% rise in both assaults and self-injury in prisons."

MPs and Peers who have raised issues of concern to the POA include:

Richard Burgon (Labour MP for Leeds East and Shadow Justice Minister)  
Dan Carden (Labour MP for Liverpool, Walton)  
Bambos Charalambous (Labour MP for Enfield, Southgate)  
Rosie Cooper (Labour MP for West Lancashire)  
Jonathan Edwards (Plaid Cymru MP for Carmarthen East and Dinefwr)  
David Hanson (Labour MP for Delyn)  
Imran Hussain (Labour MP for Bradford East and Shadow Prisons Minister)  
Norman Lamb (Liberal Democrat MP for North Norfolk)  
Robert Neill (Conservative MP for Bromley and Chislehurst)

Alex Norris (Labour MP for Nottingham North)  
Laura Pidcock (Labour MP for North West Durham)  
Ellie Reeves (Labour MP for Lewisham West and Penge)  
Marie Rimmer (Labour MP for St Helens South and Whiston)  
Liz Saville Roberts (Plaid Cymru MP for Dwyfor Meirionnydd)  
Jim Shannon (DUP MP for Strangford) &  
Andy Slaughter (Labour MP for Hammersmith)  
Lord Alton of Liverpool (CB)  
Lord Beecham (Lab) Baroness Corston (Lab)  
Lord Lee of Trafford (LD) & Lord Ramsbotham (CB)

### **April to Aug Executive Summary**

This report details the work undertaken by Union Services on behalf of the POA between April and August 2018. It covers 13 weeks of parliamentary activity, with Parliament rising for the Easter holidays and a short break in mid-May. It rose on 24 July for summer recess and will return on 4 September.

Union Services has continued to work within Parliament to raise the pressing concerns of the POA and its members, including safety, overcrowding, pay and pensions. We communicate regularly with the Shadow Justice Team and backbenchers across the Commons to ensure that POA concerns have been raised in Parliament via Written and Oral Questions, debates and other interventions such as Early Day Motions (see Annex 1).

### **Parliamentary Overview**

During the period covered by this report, the Government's sole legislative concern has been leaving the EU, with the clock ticking as we approach Brexit Day on 29 March 2019. Reliant on DUP support since her disastrous general election result, Prime Minister Theresa May (Maidenhead) seems unable to satisfy either side of her divided Cabinet. Meanwhile her party continues to sink in the polls.

Two heavyweight Brexiteer Cabinet Ministers, Boris Johnson (Uxbridge & South Ruislip) and David Davis (Haltemprice & Howden), resigned shortly after May brokered her Chequers compromise in July, followed by parliamentary private secretaries and the party's co-chairs, who described the plan as "the worst of all worlds". Jeremy Hunt (South West Surrey) and Dominic Raab (Esher & Walton) are the new Foreign and Brexit Secretaries, though May's top Brexit civil servant Olly Robbins is now officially in charge of negotiations.

Crucial customs legislation delayed until session's end scraped through the Commons by just three votes after Remain-supporting Conservative MPs rebelled against May's last-minute decision to accept "hard Brexit" amendments. The PM is widely seen as being "in office but not in power", and is set to use the summer recess to ramp up the rhetoric against a "no-deal" Brexit, which is bound to anger much of her party, from parliamentarians to activists. The Government also used the last day of Parliament to announce unfunded below-inflation (albeit above the 1% cap) pay awards for public-sector workers, meaning yet more cuts to services and real-terms pay – truly the worst of all worlds. Prison officers will receive a 2.75% pay rise (2% consolidated, 0.75% one-off).

One piece of non-Brexit legislation of concern to POA members was Chris Bryant's Private Member's Bill: Assaults on Emergency Workers Bill (also known as the "Protect the Protectors" Bill, see below), which should receive Royal Assent in September. Private Member's Bills normally have little chance of making it onto the statute books, but thanks to Government support this is set to become law.

Government announcements include plans for two new private prisons in Wellingborough and Glen Parva (see Campaigns section), and a new Female Offender Strategy outlined in June, which aims to "break the cycle" of female offending and will see pilots for five residential women's centres across England and Wales rather than any new female prisons.

## **Ministry of Justice and Shadow Front Bench teams**

The government team remains headed by Secretary of State for Justice and Lord Chancellor David Gauke (South West Hertfordshire), supported by Prisons Minister Rory Stewart (Penrith and The Border), Courts Minister Lucy Frazer (South East Cambridgeshire) and Lord Keen of Elie in the Lords. Following Phillip Lee's resignation in June to vote against the Government on the EU Withdrawal Bill, he was replaced as Minister for Youth Justice and Victims by Edward Argar (Charnwood), a former head of public affairs for outsourcing and security giant Serco, which holds £3.6 billion in MoJ contracts despite being under investigation by the Serious Fraud Office for overcharging the Department.

The Shadow Justice Team remains unchanged, with Richard Burgon (Leeds East) at the helm and Imran Hussain (Bradford East) serving as Shadow Minister for Prisons and Probation, alongside Yasmin Qureshi (Bolton South East) focusing on courts, Gloria De Piero (Ashfield) on legal aid and Lord Beecham in the House of Lords. Union Services continues to stay in close contact with the team, holding regular meetings and briefing shadow ministers on all issues raised by the POA.

## **Justice Select Committee**

The Justice Committee membership remains unchanged since the last report, with the full committee membership as follows: Robert Neill (Chair, Conservative MP for Bromley & Chislehurst); Kemi Badenoch (Conservative, Saffron Walden); Ruth Cadbury (Labour, Brentford & Isleworth); Alex Chalk (Conservative, Cheltenham); Bambos Charalambous (Labour, Enfield Southgate); David Hanson (Labour, Delyn); John Howell (Conservative, Henley); Gavin Newlands (SNP, Paisley & Renfrewshire North); Victoria Prentis (Conservative, Banbury); Ellie Reeves (Labour, Lewisham West & Penge); and Marie Rimmer (Labour, St Helens South & Whiston).

The committee launched its "Prisons population 2022: planning for the future" inquiry last year, and the POA submitted written evidence in December. The committee has asked the union to give oral evidence in September.

## **Meetings**

On behalf of the POA, Union Services has arranged two meetings in Parliament with Shadow Justice Secretary Richard Burgon as well as JUFPCG co-chair Liz Saville Roberts and Conservative backbencher Gordon Henderson.

Union Services continues to pursue meetings with the new Justice Ministers, but with numerous urgent issues within the prison system, the POA has had direct access to the MoJ and has been keeping us updated regarding issues discussed and resolutions sought. Going forward, we will continue to meet regularly with the Shadow Justice Team in both the Lords and Commons and will ensure they are fully briefed on issues within the Prison Service.

## **Interventions**

Several key interventions have been made on behalf of the POA over recent months and they are reported in more detail in the Campaigns section of this report as well as in Annex 2. Interventions in the Commons have included contributions to three Justice Oral sessions (24 April, 5 June and 10 July), a Westminster Hall debate on working conditions for prison officers (2 May) and an Estimates Day debate in the Chamber led by Justice Select Committee chair Robert Neill (on 2 July). Peers also asked questions in the Lords about Privately Financed Prisons (27 June) and Treatment and Condition of Prisoners (18 July).

MPs and peers who have raised issues of concern to the POA include:

Richard Burgon (Labour, Leeds East and Shadow Justice Minister)

Liz Saville Roberts (Plaid Cymru, Dwyfor Meirionnydd)

Lord Beecham (Labour)

The Archbishop of York,

Lord Ramsbotham (Crossbencher)

Gavin Newlands (SNP, Paisley & Renfrewshire North)

David Hanson (Labour, Delyn)

Ian C. Lucas (Labour, Wrexham)

Gordon Henderson (Conservative, Sittingbourne & Sheppey)

Alex Norris (Labour, Nottingham North)  
Luke Pollard (Labour, Plymouth, Sutton & Devonport)  
Robert Neill (Conservative, Bromley and Chislehurst)  
Jim Cunningham (Labour, Coventry South)  
Christine Jardine (Lib Dem, Edinburgh West)  
Stephen Kinnock (Labour, Aberavon)  
Alex Cunningham (Labour, Stockton North)  
Dan Carden (Labour, Liverpool Walton)  
Jim Shannon (DUP, Strangford)  
Mike Wood (Conservative, Dudley South)  
Imran Hussain (Labour MP for Bradford East and Shadow Prisons Minister)  
Simon Hoare (Conservative, North Devon)  
Jamie Stone (Lib Dem, Caithness, Sutherland & Easter Ross)  
Mohammad Yasin (Labour, Bedford)  
Andrew Selous (Conservative, South West Bedfordshire)  
Tom Pursglove (Conservative, Corby)  
Karen Lee (Labour, Lincoln)  
Baroness Corston (Labour)  
David Hanson (Labour, Delyn)  
Alex Chalk (Conservative, Cheltenham) &  
Eddie Hughes (Conservative, Walsall North)

### **Sept to Dec Executive Summary**

This report details the work undertaken by Solidarity Consulting (formerly Union Services) on behalf of the POA between September and December 2018. It covers 13 weeks of parliamentary activity, with Parliament rising for three weeks during the Conference Recess and a short break in November. It rose on 20 December for Christmas Recess and returns on 7 January 2019.

Solidarity Consulting has continued to work within Parliament to raise the pressing concerns of the POA and its members, including privatisation, safety, pensions and pay. We communicate regularly with the Shadow Justice Team and backbenchers across the Commons to ensure that POA concerns have been raised in Parliament via Written and Oral Questions, debates and other interventions such as Early Day Motions.

### **Parliamentary Overview**

During the period covered by this report, the government's sole legislative concern continues to be Brexit. The Prime Minister's draft withdrawal agreement, secured in November after months of negotiations with the EU, proved to be immensely unpopular with her Cabinet, her party and the wider public. Brexit Secretary Dominic Raab, just four months into post, resigned in protest, as did DWP Secretary Esther McVey. They were replaced by Stephen Barclay and Amber Rudd. Other ministers and PPSs also resigned from Government, while some remaining Cabinet members signalled their unhappiness with aspects of the deal.

Labour opposes May's deal on the grounds that it fails the six tests set out by Shadow Brexit Secretary Keir Starmer. The party's agreed position is to reject the deal and call for a general election, although a number of Labour MPs are openly advocating for a so-called "People's Vote" on the deal (presumably with the intention of opening up a path to remaining in the EU). Starmer used the arcane parliamentary principle of the Humble Address (in effect, a super-FOI) to force the government to release the official legal advice on the Brexit "backstop" – part of the withdrawal agreement that could potentially keep Northern Ireland permanently in the Single Market and Customs Union, breaching one of the DUP's key "blood-red lines" of a border down the Irish Sea. Facing likely defeat due to the DUP and some Conservative hard-Brexiteers joining forces with Labour, May ordered her MPs to abstain – the same tactic she used against Labour's previous Humble Address in 2017, the first time it had been used for 150 years. But the government then defied convention by refusing to release the full advice, offering only a legal summary instead in early December. In an unprecedented move, MPs voted to hold the government in contempt of Parliament for this – a humiliation so

great that May ended up publishing the full advice, confirming the worst fears of the DUP and others concerned with the break-up of the UK.

May suffered further humiliation after pulling her “meaningful vote” at the last minute after it became clear she was set to lose it badly, which could have put her whole government at risk. Originally scheduled for 11 December, it’s now set for the week commencing 14 January, with the PM threatening a catastrophic “no deal” exit unless Parliament accepts her offer. MPs are unlikely to submit to this kind of blackmail, however. In a sign of the chaos and panic at the heart of government, the Commons sitting dates for the new year have yet to be confirmed, with MPs unsure which Fridays they’ll be needed in Westminster – as the 29 March “Brexit Day” looms ever nearer.

Two relevant pieces of legislation received Royal Assent in the period covered by this report – the Assaults on Emergency Workers (Offences) Act, which increases sentences for perpetrators of violence against emergency workers, including prison officers, and the Prison (Interference with Wireless Telegraphy) Act, which will make it easier to block prisoners’ mobile phones (see Legislation Update, below).

In his speech to Labour Party conference, Jeremy Corbyn railed against the folly of privatisation, especially in the justice sector. He stormed: “Evidence of the failure of privatisation and outsourcing is piling up day after day. What has long been a scam is now a crisis. Just look at the last few months – the Birmingham prison run by G4S had to be brought back into public ownership after the Chief Inspector of Prisons described it as the worst he had ever visited. The privatised probation service is on the brink of meltdown. Richard Burgon, the next Secretary of State for Justice, will end this scandal.”

The October Budget saw Chancellor Philip Hammond announce the end of much-discredited Public Finance Initiatives across Government, including for the new-build prison in Glen Parva – which will now be paid for by the public sector and then handed over to private operators, along with the new prison at Wellingborough. Urgent Questions were granted in the Commons after both HMP Birmingham and HMP Bedford were issued with Urgent Notices, with Union Services briefing MPs on both occasions. In October, Prisons Minister Rory Stewart announced that synthetic pepper spray Pava would be rolled out to all public adult male prisons from the start of 2019, after a successful six-month trial in four prisons. This is a significant win for the POA, and comes after long-term lobbying efforts by supportive MPs from across the political spectrum.

Other government announcements include the sacking of HMPPS CEO Michael Spurr in September, widely thought to be precipitated by the previous week’s fourth Urgent Notification of the year (for HMP Bedford) and the mass walk-out by thousands of POA members at over 100 prisons, which only ended after the government agreed to urgent talks with the union. However, Spurr will still serve in post until the end of March 2019.

The Prison Service Parliamentary Scheme, developed by Justice Unions & Family Courts Parliamentary Group co-chair Liz Saville Roberts after discussions with the POA Executive, has officially launched, with Minister Stewart inviting all signatories of EDM 1295 to join the new programme. A training day at HMP Newbold Revel on 5 December was cancelled because of the Brexit debate, but this has been rescheduled for the new year. Up to half a dozen MPs, including Saville Roberts, Labour’s Catherine West (Hornsey & Wood Green) and the Conservative Gordon Henderson (Sittingbourne & Sheppey), will then spend five days shadowing officers in their local prisons, with POA committees fully involved in the scheme. Solidarity Consultancy will continue to monitor this initiative and all other Parliamentary activity of relevance to the POA.

### **Ministry of Justice and Shadow Front Bench teams**

The government team remains led by Secretary of State for Justice and Lord Chancellor David Gauke (South West Hertfordshire), supported by Prisons Minister Rory Stewart (Penrith & the Border), Courts Minister Lucy Frazer (South East Cambridgeshire), Youth Justice and Victims Minister Edward Argar (Charnwood) and Lord Keen of Elie in the Upper House. Argar’s appointment in June was controversial due to his previous role as head of public affairs for outsourcing and security giant Serco, which holds £3.6 billion in MoJ contracts despite still being under investigation by the Serious Fraud Office for overcharging the Department.

The Shadow Justice Team remains unchanged, with Richard Burgon (Leeds East) at the helm and Imran Hussain (Bradford East) serving as Shadow Minister for Prisons and Probation, alongside Yasmin Qureshi (Bolton South East) focusing on courts, Gloria De Piero (Ashfield) on legal aid and Lord Beecham in the House of Lords. Union Services meets regularly with the Shadow Justice Secretary and his advisors, and has provided them with specific briefings and statistical analysis on request. The Team continue to table numerous Parliamentary Questions on behalf of the POA, and promote the union's campaigns to fellow Labour parliamentarians.

### **Justice Select Committee**

There have been minor changes to the Justice Committee membership since the last report, with Labour's newest MP Janet Daby (Lewisham East) replacing Ruth Cadbury (Brentford & Isleworth) in November. Bambos Charalambous became a Labour whip in December and will leave the committee in the new year. The full membership currently is: Robert Neill (Chair, Conservative MP for Bromley & Chislehurst); Kemi Badenoch (Conservative, Saffron Walden); Alex Chalk (Conservative, Cheltenham); Bambos Charalambous (Labour, Enfield Southgate); Janet Daby (Labour, Lewisham East); David Hanson (Labour, Delyn); John Howell (Conservative, Henley); Gavin Newlands (SNP, Paisley & Renfrewshire North); Victoria Prentis (Conservative, Banbury); Ellie Reeves (Labour, Lewisham West & Penge); and Marie Rimmer (Labour, St Helens South & Whiston).

POA National Chair Mark Fairhurst gave evidence to the committee on 11 September as part of its "Prisons population 2022: planning for the future" inquiry, alongside Serco's MD of Justice and Immigration, Julia Rogers, and Prison Governors Association Vice-Chair Nick Pascoe. At the hearing, Fairhurst covered a wide range of issues, including understaffing and the problems brought about by privatisation. Under pressure over the profit motive's pernicious effects, Serco's Rogers admitted "we are encouraged at all costs to keep the regime running" – comments picked up by the press and referenced by committee member Marie Rimmer at a later evidence session. Solidarity Consultancy continues to brief committee members about POA concerns ahead of key sessions, with positive results (see Key Campaigns, below).

### **Meetings**

In answer to an Oral Question on 9 October by Labour's Mary Glindon (North Tyneside) about private-sector prisons (see Key Campaigns, below), Minister Rory Stewart offered to meet her to discuss the issue. After one cancellation, this finally took place on 18 December, and was attended by POA General Secretary Steve Gillan and Solidarity Consultancy. In a wide-ranging discussion, Minister Stewart admitted that he completely understood why the union and others were opposed to "profiting from incarceration" but that this is government policy. He avoided answering any questions about staffing levels at private prisons, but admitted that staff costs were cheaper in the private sector because of worse terms and conditions. He also asked for POA help to "explain Pava" – the synthetic pepper spray set to roll out across the public adult male estate from the start of 2019. Solidarity Consultancy has since assisted the POA in securing media coverage on this issue.

In the period covered by this report, Solidarity Consultancy facilitated two meetings between Shadow Justice Secretary Richard Burgon and POA leaders, at which Burgon reiterated Labour support for all the union's campaigns, especially the fight against new private prisons. Meetings have also been facilitated with Justice Unions & Family Courts Parliamentary Group co-chair Liz Saville Roberts and Group member Mary Glindon, who has intensified her activity for the union after visiting her local prisons (HMP Durham, HMP Frankland and HMP Low Newton) with POA committees, facilitated by Solidarity Consultancy.

### **Interventions**

Several key interventions have been made on behalf of the POA over recent months and they are reported in more detail in the Campaigns section of this report as well as in Annex 2. Interventions in the Commons have included contributions to three Justice Oral sessions (9 October, 13 November and 18 December), two Urgent Questions (4 September and 13 September) and several Westminster Hall debates and Justice Select Committee sessions. Peers also asked a question in the Lords about Purposeful Activity (15 October).

MPs and peers who have raised issues of concern to the POA include: Richard Burgon (Labour, Leeds East and Shadow

Justice Minister) Liz Saville Roberts (Plaid Cymru, Dwyfor Meirionnydd) Mary Glendon (Labour, North Tyneside) Alex Norris (Labour, Nottingham North) Christian Matheson (Labour, City of Chester) Marie Rimmer (Labour, St Helens South & Whiston) Dan Carden (Labour, Liverpool Walton) Ellie Reeves (Labour, Lewisham West & Penge) Emma Reynolds (Labour, Wolverhampton North East) Maria Eagle (Labour, Garston & Halewood) Mohammad Yasin (Labour, Bedford) Stuart C. McDonald (SNP, Cumbernauld, Kilsyth & Kirkintilloch East) Barry Sheerman (Labour, Huddersfield) Imran Hussain (Labour, Bradford East) Laura Smith (Labour, Crewe & Nantwich) Ruth Cadbury (Labour, Brentworth & Isleworth) Vicky Ford (Conservative, Chelmsford) Lord Beecham (Labour) Sarah Wollaston (Conservative, Totnes) Ben Bradley (Conservative, Mansfield) Neil O'Brien (Conservative, Harborough) David Hanson (Labour, Delyn) Jenny Chapman (Labour, Darlington) Thangam Debbonaire (Labour, Bristol West) & Ruth George (Labour, High Peak)

### **Trade Union Co-ordinating Group (TUCG) Jan to March**

The POA is a founding member of the TUCG, which was established in 2008 to coordinate campaigning activities in Parliament and beyond on issues of common concern between member unions. It coordinates union interventions within the movement and provides a comradely arena for inter-union discussion of current campaigns and strategic priorities. The TUCG comprises ten trade unions, BFAWU, FBU, NAPO, NUJ, NUT, PCS, POA, RMT, UCU and URTU, bringing the total membership of TUCG-affiliated unions to over one million trade unionists. BFAWU has taken over the Chair for 2018.

The TUCG Executive meets at General Secretary level approximately every two months. Tragically, since the last meeting, the TUCG's Coordinator, Simeon Andrews, passed away suddenly at the Oxford home of his partner Cathy and daughter Lily. Unions were well represented at the funeral, which took place on Monday 26 March. MPs have also signed EDM 1005 in his honour. The TUCG will consider further plans to commemorate Simeon's life and contribution to the movement later in the year.

The Executive held an extraordinary meeting on March 20 to consider the immediate arrangements that unions would put in place in Simeon's absence to allow the work of both the TUCG and member unions who held contracts with Union Services to continue. It was agreed to take the necessary steps to ensure that staff continue to be paid in the interim before probate is granted on Simeon's estate. The TUCG's finances are held separately and can still be accessed, although a new counter-signatory will be added to the account. The next meeting, scheduled for April 9, will take place as usual.

Earlier, at the TUCG's AGM in February, the officers were confirmed and the annual accounts were agreed. In addition to the AGM there was a normal business meeting at which the discussion continued on the need to reform TUC structures and procedures, both for the General Council and Executive and for the General Purposes Committee, which controls business at Congress. The idea of considering tabling a motion for annual Congress this year was discussed and it was agreed that there would need to be complete unity from TUCG unions for this proposal to be taken forward.

There was also a run-through of individual union disputes and campaigns, and the RMT reminded the Executive that the Trade Union Act meant there was now a need for unions to re-ballot for strike action every six months. There was also an agreement for the TUCG to do everything it could to encourage support for the TUC National Demo on Pay on 12<sup>th</sup> May. It is unclear at this stage whether Labour leader Jeremy Corbyn will be invited to speak.

TUCG representatives also met with Shadow BEIS Secretary Rebecca Long-Bailey (16<sup>th</sup> January) to discuss the Government's recent consultation on the imposition of a flat-rate levy on unions to pay for the work of the Certification Officer as part of the provisions of the TU Act. This will result in huge and disproportionate fees of over £20,000 being levied on small- and medium-sized unions, many of which are struggling financially. The Government's response is awaited, and the TUCG are formulating a position paper and will be liaising with the Shadow Front Bench to develop a strategy in reaction to any developments.

The TUCG annual Parliamentary Reception was hosted by Ian Mearns MP in Portcullis House on 13<sup>th</sup> December and was well attended by union representatives and over 24 MPs, including the Shadow Chancellor. The reception heard contributions from Ronnie Draper (BFAWU), Louise Reagan (NEU) and Mark Serwotka (PCS). On the evening of 16<sup>th</sup>

April, the TUCG will be holding a fringe meeting at the STUC in Aviemore entitled: "More Pay, better pensions and no more Carillions."

Regular TUCG parliamentary actions:

Briefings distributed to all MPs & Peers of all parties

Regular meetings with MPs, Peers, Ministers & Shadow Departmental team

Union press notices widely circulated to MPs and Peers

Messages of support for unions in dispute solicited from MPs and sister unions

Amendments tabled on request throughout a Bill's progress through Parliament

PQs tabled on request by Shadow team and other supportive MPs

A regular parliamentary TUCG e-bulletin to advise MPs of union concerns and campaigns in relation to forthcoming Parliamentary business

The TUCG also maintains its own website ([www.tucg.org.uk](http://www.tucg.org.uk)), which includes all the latest Parliamentary information of interest to union members and MPs, as well as details of union campaigns, events, blogs and video footage from demos and rallies outside and around Parliament, and numerous links to related campaigns and social media.

### **Trade Union Co-ordinating Group (TUCG) April to August**

The POA is a founding member of the TUCG, which was established in 2008 to coordinate campaigning activities in Parliament and beyond on issues of common concern between member unions. It coordinates union interventions within the movement and provides a comradely arena for inter-union discussion of current campaigns and strategic priorities. The TUCG comprises ten trade unions, BFAWU, FBU, NAPO, NUJ, NUT, PCS, POA, RMT, UCU and URTU, bringing the total membership of TUCG-affiliated unions to over one million trade unionists. BFAWU has taken the Chair for 2018.

In this period, the TUCG held its Annual Tolpuddle Parliamentary Seminar (Monday 16 July) in memory of Simeon Andrews on the theme "Working class struggles for justice". The meeting was addressed by Labour leader Jeremy Corbyn, Shadow Chancellor of the Exchequer John McDonnell and Shadow Justice Secretary Richard Burgon, alongside a range of justice campaigners including Moira Samuels from the Justice for Grenfell campaign.

The TUCG executive meets at general-secretary-level approximately every two months, most recently on 30 August, where motions for TUC Congress in Manchester were discussed. The TUCG will hold a Congress fringe meeting on the subject: "How Fighting Trade Unions Can Make a Real Difference", with speakers including Mick Cash (RMT), Janice Godrich (PCS), Yvonne Pattison (NAPO) and Sarah Woolley (BFAWU).

The TUCG will also be holding a fringe at Labour Party Conference on the theme of how a future socialist government would work alongside unions fighting for their members. POA general secretary Steve Gillan is due to appear on the platform alongside other speakers including John McDonnell, Rebecca Long-Bailey and Mark Serwotka.

The next executive meeting is scheduled for 8 October.

Regular TUCG parliamentary actions:

Briefings distributed to all MPs and peers of all parties

Regular meetings with MPs/peers, Ministers & Shadow Departmental team

Union press notices widely circulated to MPs and peers

Messages of support for unions in dispute solicited from MPs and sister unions

Amendments tabled on request throughout a Bill's progress through Parliament

PQs tabled on request by Shadow Team and other supportive MPs

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### **Trade Union Co-ordinating Group (TUCG) Sept to Dec**

The POA is a founder member of the TUCG, which was set up in 2008 to coordinate campaigning activities in Parliament and beyond on issues of common concern between member unions. It coordinates union interventions within the movement and provides a comradely arena for inter-union discussion of current campaigns and strategic priorities. The TUCG comprises ten trade unions, BFAWU, FBU, NAPO, NUJ, NUT, PCS, POA, RMT, UCU and URTU, bringing the total membership of TUCG-affiliated unions to over one million trade unionists. FBU is due to take the Chair in 2019, following the AGM in February.

The TUCG held a successful TUC Congress Fringe on the subject "How Fighting Trade Unions Can Make a Real Difference", where speakers included Mick Cash (RMT), Janice Godrich (PCS), Sarah Woolley (BFAWU) and Yvonne Pattison (Napo). It also held a fringe at Labour Party Conference (25 September), chaired by Ian Hodson, on the theme of how a future socialist government would work alongside unions fighting for their members. Other speakers included John McDonnell, Rebecca Long-Bailey and Mark Serwotka. A New Year Parliamentary Reception will take place on Tuesday 23 January.

#### Regular TUCG Parliamentary Actions:

Briefings distributed to all MPs & Peers of all parties

Regular meetings with MPs/Peers, Ministers & Shadow Departmental team

Union press notices widely circulated to MPs and Peers

Messages of support for unions in dispute solicited from MPs and sister unions

Amendments tabled on request throughout a Bill's progress through Parliament

PQs tabled on request by Shadow Team and other supportive MPs

The TUCG also maintains its own website ([www.tucg.org.uk](http://www.tucg.org.uk)) which includes all the latest parliamentary information of interest to union members and MPs, as well as details of union campaigns, events, blogs and video footage from demos and rallies outside and around Parliament, in addition to numerous links to related campaigns and social media. We are @TUCGInfo on Twitter.

# **NATIONAL COMMITTEE FOR PRIVATE SECTOR SERVICES SECTION**

## **National Committee for Private Sector Services Annual Report 1/1/18 – 31/12/18**

### **Introduction**

The NEC has progressed Conference Policy adopted in May 2018 with the Department, other organisations and Employers in respect of the Non HMPPS members. Reports on the progress of policy will be contained within the Annual Report Back Booklet which will be presented to Conference in May 2019 and further reports issued to the membership by way of circular.

Several key issues arose in 2018, which affected the membership, with representation being provided to private-sector members by POA employees where recognition agreements are not in place.

Pay discussions were concluded and balloted on as appropriate TUPE transfers and legal matters dealt with by the union's retained solicitors Thompsons when necessary.

The following agreed minutes set out the issues which have been progressed on behalf of the membership.

### **Minutes of National Committee for Private Sector Services (NCPSS) Meeting Thursday 18<sup>th</sup> January 2019**

#### **Chairs Opening remarks**

The Chairman updated the meeting with matters affecting the private sector and particularly the impact that the deteriorating levels of violence are having in our establishments and services. The Chairman informed the meeting of the impending contract transfer for In Country Escorting services from Tascor to Mitie and the effect on our members in that area.

#### **Minutes of meeting of 16<sup>th</sup> November 2017**

The minutes of the 16<sup>th</sup> November were discussed and agreed as a true record.

#### **Invitations for non-recognised establishments to send delegates to the NCPSS meeting in March**

This agenda item was put forward and proposed by delegates from HMP Northumberland. The proposal and rationale were put to the meeting by the delegates from Northumberland and opened for discussion. Following a frank discussion and views put forward particularly the lack of any facility time being afforded to such delegates and lack of any representative or committee at such establishments, the committee determined that for now the status quo will remain and only delegates from establishments or services where the POA have recognition will be invited to the meeting. The committee will review the position later in the year.

#### **Conference Motion**

This agenda item was proposed by delegates from HMP Northumberland. The issues were put forward and discussed by the committee. No action in regard to this was required.

#### **MoJ – Prison Operational Policy**

This agenda item was proposed by delegates from HMP Northumberland. The matter of current discussions regarding Prison Services and Instructions with the POA NEC representatives via the 'deregulation' process and the impact on private sector establishments was discussed. It was determined that those members of the POA NEC involved in discussions with HMPPS over deregulation, need to be aware of the impact such discussions and agreements may

have in the private sector.

**Action: Committee chair to discuss with NEC colleagues.**

### **Update from Branches**

The delegates in attendance from the branches gave updates from their establishments and services. Also, an update was provided by the Project Co-ordinator in attendance from POA Learning and the welcome news of the establishing of a POA Learning Centre at Northumberland, the first in the Private Sector.

### **6) Any Other Business**

There being no other business, the Chair thanked members for their attendance and again thanks to the GFTU for the facility provided for the meeting.

## **Minutes of National Committee for Private Sector Services (NCPSS) Meeting**

**Thursday 26<sup>th</sup> July 2018**

### **Welcome and introductions**

The General Secretary welcomed all to the meeting and introduced Pat Cuffe and the members of the Restructuring Team who were attending – Mark Freeman, Bryan Goodman and John Boddington.

### **Chairman's Opening Comments**

The Chair reiterated how and why the Private Sector Committee had come into existence within the POA following the introduction of facility time changes by Cabinet Office.

The General Secretary ruled that agenda items 5 and 11 were out of order due to connected matters being referred to the Conduct Committee. In the interim period he had deployed Duncan Keys FTO, to work full time on the Private Sector. This will be overseen by Joe Simpson as DGS. He went on to explain how he expected the Committee to work and feed into the wider work of the NEC. Recognition for the POA with the Private Employers is a key objective for the POA.

### **Facility Time for Reps**

A discussion took place regarding the way in which facility time is requested. A full debate on how the various employers and committees agreed levels of Facility time took place. A question was asked as to who's responsibility it was regarding the payment of T&S etcetera when branch representatives such as those on the ICE Contract, when performing POA duties but not on facility time. Joe Simpson explained the "blue print" recognition agreement which had been developed by the POA.

### **Reporting of Violence in Establishments and Staff Assaults**

VDT was at present accessible by staff at Birmingham Prison. The Safer Custody team at the prison are currently the only group who see it. They believe that the system is unclear reporting issues at the prison.

**Action: Thompsons to be contacted regarding the immigration assaults not being progressed.**

**Paula Porter to be invited to next meeting.**

**VDT for Birmingham, Oakwood and Northumberland to be sent by POA to the branches.**

### **The Use of Personal Protective Equipment**

A discussion took place regarding which Private Sector Establishments present carried batons. Also, PAVA should be available when the roll out takes place nationally. The 4 prisons testing of PAVA is shortly to end.

### **The effectiveness of the Health and Safety Officer**

Birmingham reported that the G4S H&S Officer was failing to investigate many of the issues reported to him by members of staff. Joe Simpson informed the meeting of the advice which had been given to public sector prisons on H&S matters and it was transferable to Private Sector Establishments.

### **Pay Negotiation Course**

The Pay Negotiation Course had been set up by the POA for April 2018. It had been cancelled by the previous DGS for no apparent reason. A new course has been devised and invitations to attend will be sent out in the near future. The Course is for 3 days in November 2018. The following November there will be a follow up 2-day course with a further 2-day course in 2020. The course will be updated as requested.

### **Pension Negotiation Course**

The case maybe going into an ET following the review of other decisions on Pension issues which can possibly take between 2-5 years.

### **Oakwoods Key Workers (OMiC)**

Oakwood requested information from other branches how the OMiC figures are being calculated at their prisons. A debate ensued on this issue.

### **Pay Line Password**

Pay line password has been obtained by the POA and will be sent out as soon as possible to the branches.

### **Update from Branches**

#### ICE

Moving over to Mitie, Pay talks underway, TUPE issues.

#### OAKWOOD

Pay Ballot underway, Mentor Scheme underway,

#### BIRMINGHAM

TUPE issues regarding different schemes on hip and knee conditions between Public/Private treatment.

#### BROOK HOUSE

Rumour that Management are changing shift patterns under 28-day consultation. Retention of staff is appalling.

#### NORTHUMBERLAND

OMiC ongoing, Dog Handler employed, Retention worsening.

### **UnionLearn**

Distributed information packs on a variety of issues. Possible link centre at Birmingham and maybe at Oakwood online learning platform to be online in next couple of months.

## **Minutes of National Committee for Private Sector Services (NCPSS) Meeting - Wednesday 3<sup>rd</sup> October 2018**

### **Welcome and introductions**

The Deputy General Secretary welcomed all to the meeting. Thanks, were given for the support and communications on the day of Protest. John Boddington from the POA Restructuring Team was welcomed to the meeting.

### **Minutes**

The minutes of the meeting of the 26<sup>th</sup> July were passed as a true Record.

### **Matters Arising**

A discussion took place and updates were given regarding:

Facility Time for Reps & Violence in the Workplace

It was agreed that the distribution of the VDT papers for establishments would be chased up. If these were not available for Gatwick IRC's this matter would then be raised with the Home Office on their behalf.

PAVA (substantive agenda item) Ridged cuffs (substantive agenda item) LRD Payline details had been circulated & The GFTU Pay Negotiators Course has had to be put back to January 2019.

**Action: VDT for Birmingham, Oakwood and Northumberland to be sent by POA to the branches check on Immigration Violence reporting.**

**Paula Porter (Thompsons)**

Paula gave those in attendance an overview of Thompsons Criminal Law section, what this part of Thompsons does and how to access the services.

Following this a question and answer discussion took place covering:

Unduly lenient sentences for assaults on staff

The use of the Grievance procedures to progress matters locally

It was made clear that there had been a great deal of success and achievement in pushing for cases to be considered by the courts and that in many instances longer and consecutive sentences handed down. These successes were down to the pressure the POA put in this issue.

It was agreed that this matter would continue to be pressed via the Whitley Security and Custody Whitley Sub-Committee.

**Action: Whitley Security and Custody Whitley Sub-Committee to take the proper prosecution of crimes in prison forward.**

Many of the issues raised mirrored the experiences of private sector members in Scotland both in the two private prisons and court escorts.

It was recognised. with the passing of the Protect the Protector Legislation. these issues would continue to need careful monitoring and for members and committees to press for prosecutions wherever possible.

Further discussions took place on the number of Use of Prosecutions and Deaths in Custody Inquests where employers often fail to support their staff and the POA is the only support left open to staff. These cases can be extremely expensive for an individual who is not a POA member.

**Action: Paula Porter to draft details of POA cover and support on DIC Inquest and the prosecution of member for the production of a POA leaflet on these issues.**

**PAVA and Ridged Cuffs (POA Circular 93/2018)**

An update was given on the work done to deliver the full role out of PAVA and its inclusion in PSO 1600. It was made clear that it was the expectation of the POA that this role out would include private sector establishments. The POA consider PAVA part of PPE.

The same was true of the role out of ridged cuffs.

It was made clear too that all staff need to be properly trained in the use of these items.

An update was given on the POA position regarding the introduction of Tasers for planned interventions and the unions expectation that these too would be made available in privately operated establishments.

**The Use of Personal Protective Equipment**

An update was given on the rollout of PAVA. It was stated that PAVA should be available to all Frontline staff whether public or private.

**Action: it was agreed to seek clarity on whether PAVA would be provided throughout the Immigration estate.**

**Health and Safety Handbooks**

New copies of this Handbook were issued. The contents and how they should be utilised were explained to those in attendance.

**HDC**

It was claimed that on a number of occasions, the new rules covering HDC, were placing violent individuals back in the community following serious assaults on staff.

**Action: clarification would be sort on the application of the new HDC Policy following offences committed whilst in prison.**

### **Dispute Resolution**

A full discussion took place on the use of PSO 8525, the POA framework Agreement to aid local committees reach a resolution to disputes that can arise. An explanation was given on how the Vira and Partnership agreements in Scotland facilitate this.

**Action: Committees would look at the agreements they currently had locally and come to the next meeting with suggestions of how these could be improved to deliver agreements that deliver a resolution to disputes**

### **Update from Branches**

#### ICE

Pay coming to fruition hopefully balloting members soon.

#### OAKWOOD

No Major issues at present, 2% Pay increase agreed following ballot & Problems were reports with healthcare delivery from Care UK.

#### BROOK HOUSE

Pay offer accepted following ballot of members delivering 14% increase in base pay & New Director, Phil Wragg appointed.

#### NORTHUMBERLAND

Pay offer expected, talks to start soon after; OMIC ongoing & Now holding monthly recruitment and retention meetings

#### BIRMINGHAM

Now back in the public sector, New Governor appointed & Moral already improved

### **UnionLearn**

Update given following successful visits to Oakwood and Birmingham. Northumberland Wellbeing day planned. New 3-year funding bid to be submitted soon.

### **Scotland**

GEO to take over Court escorts from January. £238 million contract. G4S and Serco withdrew from bidding process. Kilmarnock coming to the end of its PFI contract, hopefully operation will be brought into the public sector without a bidding process.

### **Closing Comments**

The Chair closed the meeting but indicated that for the next meeting he would try to arrange for speaker to attend to cover: TUPE, Police Credit Union & Fire Fighters Charity

Also, the Chair asked that for the next meeting committees bring ideas for the Conference Fringe meeting and for the future direction of the NCPSS.

All committees were asked to provide a Health and Safety briefing to the next meeting covering what actions have been undertaken using the new handbook.

**Action: Fringe meeting suggestions and H&S briefings for next meeting**

#### **Action Points**

**Action: VDT for Birmingham, Oakwood and Northumberland to be sent by POA to the branches check on Immigration Violence reporting.**

**Action: Whitley Security and Custody Whitley Sub-Committee to take the proper prosecution of crimes in prison forward.**

**Action: Paula Porter to draft details of POA cover and support on DIC Inquest and the prosecution of member**

for the production of a POA leaflet on these issues.

Action: it was agreed to seek clarity on whether PAVA would be provided throughout the Immigration estate.

Action: clarification would be sort on the application of the new HDC Policy following offences committed whilst in prison.

Action: Committees would look at the agreements they currently had locally and come to the next meeting with suggestions of how these could be improved to deliver agreements that deliver a resolution to disputes.

Action: Fringe meeting suggestions and H&S briefings for next meeting.

# LEGAL SECTION

## Legal Annual Report 1/1/18 – 31/12/18

### Introduction

The POA has had a busy 2018 in respect of legal services. The NEC decided to put out to tender the legal services in Scotland and Northern Ireland. Following this process, it was decided to move from an insurance-backed scheme in Scotland to a legal scheme under the unions direct control. Thompsons were awarded the contract following due process.

In Northern Ireland, Thompsons were also awarded the contract after due process.

The legal services in the Isle of Man remain with Gelling Johnson Farrent.

The POA continues to use a number of conflict solicitors to deal with legal claims where appropriate.

The full report on the 2018 legal services from Thompsons will be issued at Annual Conference 2019 as normal, outlining levels of compensation and number of claims pursued.

The accounts will show the costs associated with POA legal services.

The union has been involved in some high-profile legal cases in 2018, issuing Judicial Reviews on behalf of members, protective legal claims on our Pension Challenge, dealing with historic criminal abuse cases for retired members and supporting members in accordance with the union's Legal Advice Handbook.

The Legal Aid Committee met on a monthly basis to discuss applications and appeals, with the NEC making final determinations on members' appeals in accordance with the Rules and Constitution.

### Disputes Annual Report 1/1/18 – 31/12/18

The POA has met with the employer to discuss local disputes generally on a monthly basis throughout 2018. The use of MPCs and SFCs and administration of disputes at local level has been a systematic failing of the employer.

Whilst each dispute is relevant to the establishment, many of the same issues have been repeated across the estate.

Discussions have taken place about PSO 8525 not being fit for purpose. With several disputes outstanding for up to two years. The situation is not acceptable and both sides agree change must be brought about.

The POA has drafted a new Prison Service Industrial Relations Agreement with our legal advisors reflecting the problems PSO 8525 created and the provisions of the 1994 CJ&POA. HMPPS said that they were not averse to this and agreed that PSO 8525 is not fit for purpose and outdated. However, the new draft has not been discussed in 2018 but remains a priority for the union.

### Deregulation Annual Report 1/1/18 – 31/12/18

Deregulation continues to be a huge piece of work which the Executive continue to engage in.

HMPPS are identifying live policies which they plan to withdraw. Many are very old, but it is important that every document is read before we agree to it becoming obsolete.

On the flip side HMPPS are looking and transferring all PSIs and PSOs into new frameworks giving Governors more

autonomy by removing mandatory actions. These are generally dealt with through the Annex A process and 28-day consultation unless they impact on terms and conditions.

This work will be ongoing for some time.

### **OMiC Annual Report 1/1/18 – 31/12/18**

Keyworker is being rolled out across the Closed Male Estate, which in most establishments has increased the number of Officers on duty each day.

In the Open Male Estate, the plan is to have POMs only with no keyworker provision. We do not agree with this and believe that vital information about the day-to-day behaviour of prisoners will be missed. Some prisoners in the open estate have been in prison a long time and keyworker would be a big asset to them in preparing them for release.

The Executive met with all local committees from the open estate in 2018 to discuss the roll-out and current status quo on personal officer work.

Consultation in relation to the Women's Estate, both open and closed is still subject to consultation as 2018 comes to an end. The model HMPPS plan to introduce will fail and women will suffer as a result. Branch Officials have met with HMPPS OMiC leads and identified areas of concern. We are currently waiting for the Board to decide which of the four models they will sign off. POMs will be rolled out in September 2019 and as many protections as possible have been put in place for those Band 4's/SOs who are not POMs

# SCOTLAND SECTION

## Scotland Annual Report 1/1/18 – 31/12/18

### Introduction

2018 saw the POA in Scotland engage with a number of issues of direct interest to our members across the public and private sector prisons and the secure facility of the State Hospital. Notable amongst these were the following:

#### **SPS Employee Code of Conduct**

Early in the year saw the conclusion of the review and publication of the revised SPS Employee Code of Conduct. The review took many forms for over 12 years, with some areas of concern having been subject to the VIRA dispute process including arbitration. Many concerns raised by branches over those preceding years were satisfactorily addressed.

#### **Pay & Pay Policy**

Following the outcome of the 2017/18 pay round that saw the pay review date move from October to April, discussions on pay for the 2018/19 pay round began 6 months earlier in April 2018. Scottish Government under pressure from the POA and other Civil Service and Public Sector Unions ended the 1% pay cap and introduced a minimum of 3% uplift for those earning less than £36,500 (2% between £36.5k to £80k) with the potential for 1% non-consolidated monies for those on the max of the pay band, subject to affordability. Despite considerable discussion delaying the implementation of the pay outcome, the full scope of Scottish Government pay policy was delivered to members.

#### **Dog Unit Review**

A review of the dog unit continued throughout the year and concluded with new arrangements and policy. An outstanding area which was agreed to be addressed going forward was the rate of allowances.

#### **Review of Legal Providers**

Following an invitation to tender process, Thompsons (Scotland) became the new provider of legal services to the membership in Scotland.

#### **SNC Election**

An election for a single post of SNC member was held and the incumbent elected unopposed.

#### **Smoking in Prisons Ban:**

Throughout the year the Scottish National Committee were engaged in the development of arrangements to introduce a ban on smoking in all areas of Scottish prisons from 30<sup>th</sup> November 2018. Initial reports indicate that the arrangements in place across all establishments have been successfully implemented.

#### **Recognition Agreement with Community Justice Scotland**

POA in Scotland reached an agreement over collective bargaining arrangements with the new Community Justice Scotland body. Whilst it is not intended to recruit directly in this area presently as the staff group do not comprise of uniformed operational staff, such an agreement with the Civil Service body and sister trade unions protects our interests in the future should the role of an officer in Scotland, particularly in the community setting, evolve and involve the jurisdiction of CJS.

#### **Prison Officer Professionalisation Programme (POPP)**

Taking forward the mandate to engage with the Prison Officer Development Programme into year three, participation in the development of proposals to be put to the membership continued. A formal proposal was put to the effected membership in October, the terms of which were overwhelmingly rejected. Following this result the project was closed.

## **Fair Work Development and Agreement**

POA(S) were actively involved in the development of a Fair Work agreement with the Scottish Government. This agreement formally signed in November 2018, establishes the terms by which fair work could be defined. The agreement, which covers key principles relating to employment relations and union rights, facility time, working hours and living wage amongst others, will apply to civil service areas across Scotland and be an encouragement and exemplar to be followed by other enlightened bodies in the public and private sectors.

## **NURSING ISSUES**

POA(S) continue to be active participants in both the NHS Scotland National Staffside Committee and Scottish Terms and Conditions Committee following the decision taken by Scottish Conference to seek a seat on these bodies. This has facilitated POA influence in areas impacting on pay and other terms and conditions of our nursing colleagues working in the State Hospital and elsewhere. In the course of 2018, the NHS Scotland pay offer was balloted upon and overwhelmingly accepted by our affected members. Along with our Branch Officials operating in the State Hospital, issues relating to staff safety which led to a Critical Incident Review, Partnership Issues, Disciplinary and Grievance matters have been effectively progressed.

Further detail on work carried out and subsequent amendments to Scottish policy are as noted.

## **POA(S) POLICY AMENDMENTS - 2017-18**

**Following work carried out and/or changes in circumstances since motions were carried, the following conference motions and existing policy positions have been discharged or are now redundant.**

### **POLICY**

The present date of October for annual pay rises should be changed to become effective from the month of April at a point it creates no detriment to the membership.

***This policy position was achieved through the pay outcome of October 2017.***

In order to take forward representation of our members operating across the NHS Scotland POA(S) will seek a seat on the NHS Scottish Terms and Conditions Committee in any capacity.

***This policy position was achieved by obtaining a place on the NHS Scottish National Staffside Committee and the Scottish Terms and Conditions Committee in 2017.***

In the event of any review to the SPS employee code of conduct the SNC will endeavour to have Appendix X "SPS Standards of Professional Conduct" removed from the Employee Code of Conduct and ensure that agreement is reached between the POA(S) and the SPS on the level of training required for investigators, adjudicators and members of appeal boards.

***This was achieved through the review of SPS Employee Code of Conduct issued Feb 2018***

The POA(S) believe that investigations carried out by the Conduct Investigation Unit should be subject to regular review by a panel comprising of both senior SPS staff and SNC members to ensure appropriate standards are maintained and will endeavour to achieve this aim.

***This is discharged through the Conduct Executive Group on which the POA(S) Chair is a member in his role as TUS Chair.***

The SNC will seek to have Annex 21 of the probation policy removed.

***This was achieved through the review of the Probationary Policy. Revised Probationary Policy issued November 2017.***

## **The following motions have therefore been removed from 2017-2018 Policy Document**

**Motion 23/2007.** That the POA do not sign off any review to future Code of Conduct policy development until agreement is reached on the level of training required for investigators, adjudicators and members of any appeal boards. (Polmont)

**Motion 32/2011.** Conference instructs the SNC to endeavour to have the “SPS Standards of Professional Conduct

Appendix X” removed, as this is nothing more than a control mechanism that acts against the best interest of our members. (Cornton Vale)

**Motion 45/2011.** That the investigations carried out by the Conduct Investigation Unit are subject to review by a panel comprising of both senior SPS staff and SNC members to ensure that an appropriate standard is being

maintained. (Greenock)

**Motion 46/2011.** Conference asks that the SNC seek to achieve that Governors are required to state their reasoning when they suspend staff. (Cornton Vale)

**Motion 70/2006.** That this conference express its grave concerns in relation to the continued overcrowding in Scottish Prisons. Furthermore, due to the failure of the Scottish Executives alternatives to custody policies, Conference calls upon Scottish Ministers to take immediate steps to address the unacceptably high prisoner numbers in Scotland’s prisons. (SNC)

**Motion 36/2008.** That the Scottish National Committee seeks resolution with the Scottish Prison Service over the high prisoner population that is currently being held across the estate and highlights the effects of working in such conditions on staff and the risks involved to the service. (Barlinnie)

**Motion 21/2015.** Conference instructs the SNC to have Annex 21 of the probation policy removed. (Barlinnie)

## **ASSOCIATED DIRECTIONS**

**Motion 67/2010.** That following the issuing of a letter by Michael Spurr removing all glass containers from the closed estate in England and Wales, the SNC, in Partnership, discuss and agree with SPS management to do the same in the closed estate in Scotland. (Dumfries)

***It is unclear as to when this was achieved. However it has been confirmed via a PFTA raised by Greenock in 2017 that this is the National SPS position.***

**Motion 40/2011.** That the SNC obtain all relevant information on what steps have been taken nationally to ensure that the Operational prison officer is classed as uniformed frontline staff as per recommendation 14 of the Hutton report. Once the information has been obtained the membership in Scotland should have this information given to them. (Edinburgh)

***Since this motion was adopted the SNC (acting in a Scottish context) have met and continue to meet with Scottish Cabinet Secretaries for Justice to emphasise the point that prison officers should be treated as frontline staff in the same manner as Police, Firefighters and Armed Forces are identified in the Hutton report and have the same right to retire at age 60. This has been met with a favourable response from Scottish Government and the SPS and was featured in the White Paper for Independence and associated papers on pensions in an independent Scotland as a position that would be rectified should the powers to enable action to be taken, transfer to the Scottish Parliament/ Scottish Government. Following on from the referendum in 2014 the SNC continued and continue to this day to have dialogue with the current Cabinet Minister for Justice in an attempt to determine what, if any routes to address the problem can be taken in Scotland. We last met on this matter and others in January 2018 when it was agreed that information would be sought from various quarters including SPS to inform any potential outcome. This remains the ongoing situation.***

***In a UK context the SNC met and corresponded with the SNP’s pensions spokesman in the Westminster Parliament Mr Ian Blackford MP and other parliamentary colleagues to take the matter forward in this arena,***

*and sought to have the powers to manage pensions as applicable to Scottish prison officers transferred over to the Scottish Parliament where Scottish Justice is a devolved matter, but prison officer pensions remains a reserved UK matter under the UK Principle Civil Service Pension Scheme.*

*Included in our approach to managing the issue of pensions during the intervening period from this motion was to take the matter for consideration through the legal route utilising many of our colleagues in the State Hospital whose situation had direct parallels with that of prison officers in respect of the question of age discrimination. This as well as that of prison officers across the UK are now part of the legal challenge currently underway by our colleagues on the NEC. The SNC and NEC continued to campaign throughout and points relating to this are addressed in the following motion.*

**Motion 28/2013.** Conference mandate the POAS to start a media campaign highlighting that 68 is too late to retire for uniformed prison staff. This campaign should include the use of all media outlets including social network sites. This proposal includes that the POAS full time elected officials report to the members on the actions they have taken in regards to this campaign. (Perth)

*This motion has been discharged and continues to be taken forward in campaigning associated with that raised in the report back above (Motion 40/2011). Specific to this motion however have been two campaigns: "Spot the Difference" which highlighted the roles of the Police, Firefighters and Armed Forces with that of Front Line Prison Officers and posed the question to Spot the Difference, and a follow-up campaign to "Break the Link" which was to highlight the link between the Normal Retirement Age (NRA) of a prison officer with that of the State Pension Age. Wider media outlets including radio and television were utilised whenever the opportunity presented itself to highlight that "68 was too late". Social media, particularly twitter and facebook, have been utilised across the intervening period to publicise meetings with Ministers, Parliamentarians and others, including both campaigns. Advertisements have been taken in publications that reach out to politicians and Scottish media. Attendance at political party conferences and addressing motions at the STUC have all served to highlight the pensions plight of Prison Officers and the need to address their retirement age. During the intervening period, and in particular the period covering the Independence Referendum, many opportunities were taken to highlight our campaign as a result of the support for Independence of POA(S) and the potential route to resolve the issue should the referendum vote deliver an independent Scotland. This included dialogue with foreign media as well as UK and Scottish media.*

*Whilst this motion is considered discharged it remains POA(S) policy to continue to highlight wherever possible and until resolved that the age of retirement of a prison officer needs to be addressed.*

**Motion 7/2015.** Conference mandates the SNC to negotiate a cost of living wage increase which takes into account the rising cost of pensions and the reduction of child tax credits. (Glenochil)

*This motion is discharged through incorporation into the POA(S) annual pay claim and verbally by pay negotiators through the annual pay negotiations where the parameters of the motion are exceeded by the demands of the annual claim but provide a baseline demand.*

**Motion 52/2015.** Conference recognises that one of the most serious issues facing our members across the SPS estate is the prevalent use of New Psychoactive Substances (NPS) across society. We know from recent experience the devastating consequences that can arise from the illicit use of so called 'legal highs' both from the grave risk of harm to the individual concerned and the risk of serious violence to staff maintaining order in our prisons. Therefore this conference mandates the SNC to work in partnership with the SPS in the development of a strategy for the management of offenders suspected of being under the influence of NPS and provide clear guidance and support to our members on the front line. This strategy should ensure that all avenues of PPE, restraints and interventions for our members' safety should be considered. (SNC/Low Moss/Shotts)

*This motion has been discharged through POA(S) engagement with SPS on developing guidance and appropriate intervention processes and procedures for cell entry and prisoner management. This has incorporated acknowledgement of the specific dangers currently suspected as deriving from secondary exposure to NPS. This is an ongoing process where SNC representatives are currently members of a Tri-*

***Directorate Working Group that has been established to develop the emerging intelligence and evidence in relation to NPS.***

**Motion 1/2016.** In light of the Westminster Government's imposed pay restrictions of 1% on civil servants; conference find a continuance of this situation to be unacceptable and ask that the SNC pressurise the Scottish Government to reject this guidance and award a suitable pay rise or take any action necessary as determined by the membership to address their concerns, up to and including strike action. (Shotts)

***This motion has been discharged following the publication of the Scottish Government's pay policy for 2018-2019 which increased the pay cap of 1% to 3%. This was achieved through many discussions with the Cabinet Secretary for Finance and the Civil Service unions including the POA(S).***

**Motion 4/2016.** The SNC negotiate with SPS management that in exceptional circumstances staff members subject to reduction in pay will continue on full pay beyond their entitlement. (Barlinnie)

***This motion has been removed from Associated Directions and incorporated into POA(S) policy under Health, Safety and Welfare. The wording has slightly been amended to reflect the intention of the motion.***

**Motion 15/2016.** The SNC approach SPS management to review the current employee Code of Conduct specifically the fixed tariff or length of awards set against the level of code warning outcomes. In practice the SPS currently decree an oral warning must be issued for a fixed period of six months, a formal warning fixed for nine months and a final warning fixed for 12 months. Adjudicators should have the flexibility to vary this to reflect each individual circumstance. The SNC should seek the insertion of the term "up to a maximum of six, nine or twelve months for the respected warnings. (Barlinnie)

***This motion was discharged through the process of reviewing the SPS Employee Code of Conduct and was raised for discussion in November 2016. Following rejection of the idea from SPS over concerns around consistency of practice the SNC sought that the concept be piloted to test if any problems around consistency would be evident. However, this was also rejected and the revised SPS Employee Code of Conduct was subsequently published 2018.***

**Motion 17/2016.** That this conference condemns the SPS over the lack of communication and information made available to branches and staff in regards to the Shaping Our Future project. (Dumfries & Low Moss)

***This motion was discharged by correspondence to the Chief Executive, 2 November 2016.***

***Reply received 4 November 2016 .***

**Motion 23/2016.** Conference instructs the SNC to approach the Scottish Health Minister and Scottish Justice Minister with a proposal that people sent by the courts on a convicted or remand warrant whom have serious mental health issues or during their period within the prison estate suffer from serious mental ill health be located in special hospitals or secure wards rather than the prisons. This can be done in partnership with the SPS as taking care of these individuals in a prison setting has a huge drain on resources and doesn't afford those who suffer for mental ill health the proper health care. (Barlinnie)

***This motion was discharged by correspondence to the Cabinet Secretary for Health Shona Robison on 18 Jan 2017. Response received 21 Feb 2017.***

**Motion 24/2016.** That conference mandates the SNC to ensure that the Scottish Government supports zero tolerance on all our members working in the SPS, other custodial establishments and Special Hospitals in Scotland, and that by doing so, ensure Procurator Fiscals in Scotland make every effort to pursue convictions on any party charged with such an offence. (Scottish National Committee)

***This Motion was discharged through both correspondence to the Cabinet Secretary for Justice, Crown Office and Procurator Fiscal Service and through the media.***

**Motion 26/2016.** That the SNC approach the employer and make a joint submission to the Scottish Parliament insisting that a retirement age of 67 is not feasible for Operational prison staff. (Edinburgh)

***This motion was discharged through conversation with SPS who, whilst supporting the POA(S) position and who have and remain willing to communicate this view, felt it was not appropriate for a Government Agency to 'lobby' the Scottish Parliament in the manner suggested.***

**Motion 29/2016.** Conference applaud Ian Blackford MP at Westminster for his continual fight for pension justice for prison officers. (Barlinnie)

***This Motion was discharged through Scottish Conference and by correspondence.***

**Motion 30/2016.** That the SNC negotiate with the insurance company providing the group life cover to remove the age restriction to cover any serving prison officer regardless of age. (Dumfries)

***This motion has been discharged through correspondence with the broker who having raised with Canada Life several times are not willing to move on the age restriction based on current data.***

**Motion 31/2016.** SNC approach our legal insurers with the intention of ensuring that the current practice of refusing to fund cases for our membership because the return does not meet a specified compensation level is removed. (Barlinnie)

***This motion was discharged through discussion at the quarterly meeting with the Legal Scheme providers arranged to examine the latest data. The question of cost v benefit was considered to be at the heart of the discussion and it was made clear that the insurers would not sanction pursuit of an issue that resulted in a disproportionate amount of spend in relation to anticipated recovery.***

**Motion 36/2016.** That the TSO Manager post is removed from prison compliments and is placed on headquarters compliment. (Edinburgh)

***This motion was discharged through correspondence 25 November 2016, response 16<sup>th</sup> January and subsequent meetings.***

**Motion 38/2016.** That the SNC negotiate with the SPS to have an additional password protection facility added to E-HR to prevent data protection breaches which have occurred. (Edinburgh)

***This Motion was discharged through correspondence, 1 November 2016. Response 28 Dec 2016***

**Motion 41/2016.** That the SNC gain assurances from the SPS that establishments are not using CCTV to monitor staff. Staff are firmly of the opinion that this has become an acceptable and routine practice behind closed doors. Further to this we reiterate to SPS management that it is a breach of policy to do so and adversely affects staff/management relations. (Shotts)

***This motion was discharged through correspondence sent 1 November 2016. Response received 20 Dec 2016***

**Motion 43/2016.** That the SNC engage with the SPS to ensure that the NHS adheres to the current memorandum of understanding with the SPS. Any shortcomings highlighted with this agreement should be remedied immediately thus protecting our members' health and safety. (Low Moss)

***This motion was discharged through discussion at the Prison Healthcare Network, where POA(S) concerns were raised.***

**Motion 43a/2016.** Due to the lack of detailed information from the Shaping our Future project team to date, Conference instructs the SNC to request under the FOISA a breakdown of the costs relating to the SOF project. Furthermore, Conference instructs the SNC and the PLRs to analyse and fully debate the SOF final report (when and if it becomes available) to ensure it is not a resurrection of previous attempts to undermine the terms and conditions of Prison Officers. The findings of such an analysis should be published to the membership when complete

***This motion was discharged through correspondence, sent 23 December. Response received 16 January 2017***

**Motion 46/2016.** That the SNC seek the immediate introduction of NPS equipment and unless this is issued with appropriate training forthwith then some form of industrial action should be considered over this flagrant disregard for our members' health and safety by the employer. (Edinburgh)

*This motion was discharged through discussion with Operations Directorate and the strength of feeling of conference communicated. Through discussion an approach for managing individuals under the influence of NPS and the equipment as necessary was identified. As the protocol being developed, involved consultation with external bodies such as the Scottish Ambulance Service this caused considerable delay in going forward. NPS remains under constant discussion with SPS as good practice develops. See also Motion 52/2015 above.*

**Motion 47/2016.** Conference mandates the SNC to get an exact timescale from SPS management to when the residential prison estate will become smoke free. (Barlinnie)

*This motion was discharged through POA(S) active participation in the SPS smoking cessation group and their current participation on the group established to oversee the implementation of Smoke Free Prisons. The date for complete cessation across the SPS estate is 30 November 2018.*

Scottish Policy is amended accordingly.

**Andy Hogg**  
**Assistant General Secretary**

# **NORTHERN IRELAND SECTION**

## **Northern Ireland Annual Report 1/1/18 – 31/12/18**

### **Introduction**

This is my second annual report as POA Area Chairman in Northern Ireland.

As many of you will be aware the Northern Ireland political scene never runs smoothly and at the time of writing this annual report there is still no Assembly sitting in Northern Ireland, which makes political and economic progress nigh on impossible. Unfortunately, this has consequences for many walks of life in Northern Ireland, including Prison staff and their pay rises.

At this point in time Prison staff in Northern Ireland have not received their 2018/19 pay award. Until this is resolved, I cannot even enter into talks on the 2019/20 pay award for our members.

I would like to welcome a new Area Vice Chairman and new members of the Northern Ireland Area Committee.

I will continue to press ahead to the best of my ability and, along with the Area Committee and newly elected Area Vice Chairman, serve the membership in Northern Ireland. I consider it a privilege to do so.

Unfortunately threats on POA members in Northern Ireland continue to this day and I would urge my colleagues in Northern Ireland to always be on their guard and vigilant.

The POA in Northern Ireland will continue to fight for better terms and conditions for the members in Northern Ireland.

With fraternal best wishes

***IVOR DUNNE***  
***AREA CHAIRMAN***

# POA LEARNING SECTION

## POA Learning Annual Report - 1/1/18 – 31/12/18

### Introduction

POA Learning have performed extremely well this year, achieving or surpassing targets set for the 12 months. We have remained within our financial budget and project staffing has been consistent with few changes impacting on its stability. We achieved a “green” rating in the annual audit carried out by Unionlearn earlier this year (January 2019).

Over the last year we have built on our extensive, successful experience of providing high-quality learning, development, IAG (Information, Advice and Guidance) and qualifications, both at functional and higher levels, to HMPPS/NHS staff and the wider community. Through our Matrix-accredited infrastructure of Learning Centres and support for Union Learning Representatives (ULRs) and Learning Points of Contact (LPCs), we are able to reach all potential learners. Ultimately, this is with the aim of helping them to progress, build increased work capability, access continual professional development and both specific/alternative career advice.

We have built on our strong relationships with employers, both inside and outside HMPPS and the NHS, as well as having brokered providers (including FE and HE) and strategic partners, such as:

**Local Enterprise Partnerships**

**Local Authorities**

**Schools**

**JCP**

**National Careers Service**

**Other Unions**

**Local Community Voluntary Organisations**

All of our Regional Learning Centres have gone from strength to strength, working with existing staff to upskill and with POELTS as they begin their training period. We have worked closely with POELT mentors and trainers to support their candidates. Further link centres have been opened and we are engaged with more establishments offering our wide range of services to an increased number of staff.

Our first private-sector learning centre at HMP Northumberland, working with Sodexo, is building momentum and we are also working closely with HMPPS Oakwood to develop a link centre facility at their establishment.

Our distance learning offer has grown rapidly, enabling staff to take advantage of relevant courses that support both their working and personal lives. Due to huge support from the HMPPS Functional Skills Advisor and their national L&D team, we have seen an increase in the number of learners enrolling onto Functional Skills qualifications.

We have been invited to co-facilitate and rewrite the training package for HMPPS Skills for Life Advocates. We hope that our involvement will encourage more of them to train to become ULRs and promote our services.

We have developed a Resilience Package that is being successfully delivered to some POELT cohorts, existing HMPPS staff and to community groups.

We have recently launched our online Level 3 Award in Education and Training qualification which we hope will prove to be as successful as our tutor-led course.

Our marketing team has developed our social media strategy and we have a regular presence on Facebook and Twitter. Case studies are submitted to Unionlearn as well as being posted on social media on a monthly basis. We also regularly contribute to Gatelodge, the POA bi-monthly publication.

### The Future

We have successfully secured a three-year bid with Unionlearn beginning on April 1<sup>st</sup> 2019 in England. Additionally, a three-year bid in Wales was achieved, again commencing April 1<sup>st</sup> 2019 as well as a one-year Innovation bid to support Apprentices that began in February 2019.

We would like to work with all establishments in England and Wales over the term of these bids and would encourage any branch that would like to do so to contact us to discuss the way forward.

# **CONDUCT COMMITTEE SECTION**

## **Conduct Committee Annual Report - 1/1/18 – 31/12/18**

Since the last Annual Report the Conduct Committee had 7 cases referred to them.

2 cases went to a Disciplinary Hearing and awards were made.

2 cases were left on file as the people charged resigned from membership.

2 cases were discontinued as all parties accepted mediation.

1 case was found to have no case to answer after investigation.

I thank all members of the Conduct Committee for their work on these cases.

**Mark Freeman HLM**  
**Chair, Conduct Committee**

## DECEASED MEMBERS 2018

*J PEACOCK – LINCOLN*

*K NORMAN – RISLEY*

*P ALDRED – CARDIFF*

*J PATERSON – BROADMOOR*

*M RICHARDSON – ALBANY*

*E LEWIS – SWANSEA*

*C KEEFE – ASHWORTH*

*J SPENCER – BELMARSH*

*B STEPHENS – WHATTON*

*C GIBBS – ASHWORTH*

*D REID – EDINBURGH*

*M BAXTER – MANCHESTER*

*K MCINTOSH – CARSTAIRS*

*D BEATTIE – LIVERPOOL*

*M SANDERS – LITTLEHEY*

*C BENNETT – RAMPTON*

*J SALISBURY – NEW HALL*

*J COGINGS – BELMARSH*

*R CAIN – LIVERPOOL*

*M BRYDON – BELMARSH*

*C THORNE – COOKHAM WOOD*

*K BEDFORD – HIGHDOWN*

*M JELFS – HEWELL CLOSED*

*M GAYLE – OAKHILL*



