

GATELODGE EXTRA

MAY 2014

THE WAY
FORWARD

Safe | Secure | Decent

NON-NEGOTIABLE

PLEASE read and **ADHERE** to this advice
for **YOUR SAFETY** and that of
YOUR COLLEAGUES

Together **E**veryone **A**chieves **M**ore



INTRODUCTION

This Gatelodge Extra has been published to send out a number of key messages to the membership regarding their health and safety within Benchmarking, New Ways of Working and the meaning of 'Steady State'.

On behalf of the Executive and the membership, I urge you to read this Gatelodge Extra, adhere to the advice contained within it and protect the health and safety of yourselves, your colleagues and the prisoners in our care.

PJ McParlin
National Chairman

STAFF TO PRISONER RATIO 1 : 30! FACT OR FICTION

The staff to prisoner ratio will establish your prison budget and staffing levels under Benchmarking but this cannot be allowed to undermine the safety and security of our prisons.

The POA and NOMS BDG team agree that a safe staff to prisoner ratio must be in place when providing regimes within prisons. The POA has been consistent in our argument that the application of Benchmarking must not result in our safety being put at risk.

From prison to prison, this is the most contentious issue within the Benchmarking process, and unless addressed properly it has the potential to result in unsafe places of work.

The Benchmark process is about saving money, delivering more for less and demonstrating that the public sector can be competitive with the private sector. The formula which the BDG use is based on Zebra and this has, for example, provided a ratio of 30 to 1 in a number of prisons. In other prisons the ratio is less but the principle remains the same.

If you have 3 staff available to operate a regime it does not mean that you have to or that you should unlock 90 prisoners on the basis of your staff to prisoner ratio

The number of prisoners unlocked must be dependent on the prison layout and the categorisation of the prisoners under your supervision and control. Other factors may apply at your prison and all regimes MUST be supported by the appropriate risk assessments, safe systems of work and contingency plans.

RISK ASSESSMENTS & SAFE SYSTEMS OF WORK

NOTHING and certainly not Benchmarking replaces the legal obligations of an employer and employee in respect of the Health and Safety at Work Act 1974.

The POA and NOMS BDG have consistently advised our members and their staff that New Ways of Working under Benchmarking must be supported by appropriate risk assessments, safe systems of work and contingency plans.

A number of POA Circulars have been produced on these issues and information is available on the POA Website and/or via your local POA committee



Terry Fullerton

REGIME MANAGEMENT PLAN

The Executive has consistently challenged each and every BDG report alongside supporting and encouraging branch officials to engage and influence change.

It was clear to the Executive that with Phase One of Benchmarking there were problems with regime management and the lack of Minimum Staffing Levels (MSLs.)

"Safe, Decent and Secure Operating Levels (SDSOL) are NOT the same as Minimum Staffing Levels (MSLs) and do not replace them"

Throughout 2013 we have challenged NOMS and the BDG to ensure that all prisons have an MSL and a regime plan in place to deliver safe secure and decent prisons. The NOMS assurance board initially appeared to have been resistant to a RMP but following robust negotiations the POA and The NOMS BDG team have agreed a Regime Management Plan.

It is vital for the security and safety of all prisons that there is clear blue water between normal operating levels and minimum staffing levels

The RMP will provide necessary guidance to management and local POA officials to enable the consistent delivery of safe and structured regimes, supported by safe systems of work, risk assessments and contingency plans to ensure all POA members are safe and secure within their workplace.

HISTORY

The POA have been involved in Benchmarking since November 2012. The POA became involved following the announcement of the Prison Competition for the management of 9 prisons by the Secretary of State for Justice (Rt Hon Chris Grayling). A further 25 prisons would be competed following the outcome of that competition. NOMS were clear that they did not have, and would not have the resources to bid for all 25 prisons. Given NOMS undistinguished record in bid outcomes the National Chairman and General Secretary continued to press for the return to a benchmark of prisons as a viable alternative to the wholesale privatisation of public sector prisons. This was in accordance with POA Conference policy. During this announcement the Secretary of State agreed that the way forward and for NOMS to avoid the need for wholesale privatisation of prisons during this Parliament was the through the Benchmark process.

“To facilitate engagement in Benchmarking, the Executive called for a Special Delegates Conference in 2012 and established a local, area and national structure”

In January 2013 the ramifications of Benchmarking were communicated to the membership. A Gatelodge Extra was published setting out the key issues.

On the 28th of February at the SDC the Executive were given a mandate to engage in Benchmarking by the membership and the POA remain engaged today



Glyn Travis

THE PROCESS AT BRANCH LEVEL

Benchmarking has three stages MTT:

- o Mobilisation
- o Transition
- o Transformation

To maintain the safety of POA members it is essential that branch committees initiate, where necessary, a local dispute and inform their NEC area representative if the 3 stages of the Benchmark Process are not adhered to by the employer.

The following is a brief description of what each MTT stage entails;

Mobilisation

Members of the Business Development Group (BDG) visit each establishment and then design the “New Ways of Working” (NWoW) profiles for those establishments. This is a 7 stage process and must include extensive consultation with local POA committees following the introduction of the local engagement protocol. All challenges to the BDGs NWoW proposals should be made via the “issues log”

At stage 7, a Management Proposal for Change (MPC) should be issued to the local POA committee by the local Senior Management Team. Once the MPC is issued, a date is set for the “Transition” stage to commence.

The Protocol of Engagement ensures that POA Officials are given full opportunity to familiarise themselves with and challenge the Management Proposal for Change

Whilst it is anticipated that most disputes will be resolved locally, some may need to be resolved via the National Disputes policy (PSO 8525) or through the regular POA/ BDG meetings.

Transition

The Prison begins to work the NWoW profiles. However, each establishment is allocated an extra resource, the “MTT Resource”. The amount of MTT resource will vary from establishment to establishment. This additional money is over and above the establishments budget.

This additional resource is provided to enable a smooth transition/tapering from existing working practices to the required NWoW practices.

For example, NWoW profiles are largely dependent upon sending prisoners to work and other off-wing activities. As a result, NWoW profiles reduce residential staffing numbers during the times that prisoners are at work. However, if there are insufficient off-wing activities for prisoners to go to, then they HAVE to remain on the residential units and additional resources WILL be required to provide a safe, secure and decent workplace. Staff (MTT) resources over and above the BDG profiles should then be allocated to such areas on a targeted basis.

The MTT resource, can be in 2 forms, surplus staff or money to pay for Payment Plus, both are intended to ensure that the required numbers of staff are in place to maintain Safe, Decent and Secure operating levels at the prison.

Transformation

The final stage of NWoW, is what is otherwise known as “Steady State”.

** NO PRISON HASTO DATE ACHIEVED STEADY STATE **

Steady state can only be reached once the full criteria of the NWoW requirements and BDG profiles are met No Governing governor can declare an establishment as having reached steady state. Indeed, only the NOMS assurance board has the authority to do so. Steady state will be measured on three criteria;

- 1.The Establishments Staff in post (SIP) figures match the Total Staff Funded (TSF).
2. There are the required off wing activities for prisoners to attend and that the prison regime is operating effectively.
- 3.The Delivery of the regime is compliant with the agreed principles of the Memorandum of Understanding (MoU) between NOMS and the POA.

NOMS will determine that there is no longer a need to allocate the MTT Resource to any prison in Steady State.

In most Phase 1 establishments, NOMS planned to reach Steady state by the end of March 2014, but this has not been possible therefore, the MTT resource must remain in place

It is a requirement that local Senior Management Teams will fully engage and consult with POA committees throughout this process.

If the Senior Management Team fails to uphold the principles of the Benchmark process at any time, a local dispute should be raised

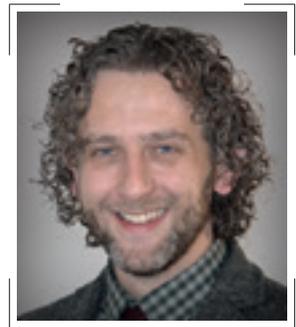
In instances where consultation has taken place and no resolution achieved, a local dispute should be raised. In each instance, the National Executive Committee member for that establishment must be advised as soon as possible.

The Executive recognise that the process is time consuming for Branch Committees and that is why we demanded local engagement protocols and appropriate facility time.

Appropriate Facility Time Has been agreed with NOMS.

While the Union remains engaged in the process to avoid wholesale privatisation, local officials must follow the procedures set out above and raise any issues as soon as possible

Ralph Valerio



NEW WAYS of WORKING & TRAINING

The Business Development Group (BDG) visited each prison in Phase one of Benchmarking and created Stage 5 reports setting out New Ways of Working for each prison. This was the first stage of the process.

The first of two meetings were held at Daventry with members of NOMS, BDG, the NEC and local officials to establish a way forward. The local engagement protocol was agreed with NOMS and remains in place to date

“This was issued under POA Circular 97/13.”

The next challenge the union had to overcome was the training

of local officials on profiling, a key area of all benchmark reports. To this end the Executive approached NOMS and agreed to facilitate joint training. This has proven to be beneficial to prisons and POA members. The NEC will continue to press NOMS for further training as we move to the next phase of benchmarking.

CHALLENGE

The NEC have negotiated that NOMS will invite submissions of 'Notice of Change' from Branches to the Business Development Group (BDG) in which they can request either a variation to staffing numbers or a change to profiles.

Should Branch Officials decide to challenge change the NEC suggest the following action:

- Gather the relevant and required evidence demonstrating the failing in the 'New Ways of Working' profiles
- Contact the relevant NEC official for that area and inform them of your intention to challenge the 'New Ways of Working' profiles and regime
- Submit a 'Suggestion for Change' to the establishment's Governor stipulating the justification for the suggestion and what the proposal for change would be
- Seek to agree alternative provision with the establishment's Governor: and
- Request that the establishment governor submit the suggestion for change using the 'Notice of Change' process to BDG

If in the event that the establishment governor refuses to exercise the 'Notice of Change' process to BDG, the 'Suggestion for Change' should be escalated to a national dispute by the local branch.

The above approach IS welcomed by NOMS BDG

POLICY

Following the introduction of Benchmarking the wider Civil Service has faced considerable change. One of the most important

policy changes was the Assignment of Prison Officer Grades under TUPE. The Notice to Staff was challenged and formed part of the Memorandum of Understanding (MoU) which in turn now forms part of Benchmarking. Other elements of policy which needed to be challenged are set out in POA Circulars throughout 2013 to date.

CONCLUSION

The POA remain engaged in the Benchmark process and continues to work with NOMS and BDG to develop systems and ensure that our prisons are **Safe, Secure and Decent**.

**** Our safety is and always will be non-negotiable. ****



Steve Gillan

The list of documents should be used as an essential reference for members and branch officials and to assist them with the Benchmark process. This is not an exhaustive list and is not meant to be a substitute for advice from the NEC.

Your union does not have a veto on change.

HOWEVER

- ▶ The POA can influence change.
- ▶ We can make our prisons safe.
- ▶ We must make our prisons safe.

REMEMBER

Positive engagement is paramount to achieving change safely, you have the opportunity to influence change on behalf of your members

STRONGER TOGETHER

Safe | Secure | Decent

NON-NEGOTIABLE

NATIONAL EXECUTIVE COMMITTEE:



PJ McParlin, National Chairman



Steve Gillan, General Secretary



Ralph Valerio, Vice Chairman



Andy Darken, Deputy General Secretary



Terry Fullerton



Chris Donovan



Ian Carson



John Hancock



Mike Rolfe



Jackie Marshall

HISTORY OF BENCHMARKING AND NEW WAYS OF WORKING REFERENCE POINTS

*POA Circulars 126, 147 and 166 of 2012.
POA Circulars 1, 11, 62, 91, 131, 154, 168 of 2013.*

PROTOCOL OF ENGAGEMENT

POA Circulars 97, 120 of 2013

MEMORANDUM OF UNDERSTANDING

POA Circulars 113, 114, 127 of 2013.

PROFILE TRAINING

POA Circular 112 of 2013.

TUPE

POA Circulars 49, 50 and 56 of 2013

HEALTH AND SAFETY

POA Circular 162 of 2013.

*POA Circular 42/2014 other information in relation to Health and Safety can
be found on our website: www.poauk.org.uk*

GATELODGE

December 2013 Page 36.

February 2013 Pages 15, 20-28 and 40.

April 2013 Pages 6, 8-9, 20-21.

June 2013 Pages 20 – 36.

October 2013 Pages 8-9.

December/January 2014 Page 41.

April/May 2014 Pages 10-21.

*There is lots of other information available on the POA website and Prison
Service Intranet, please visit for further information.*

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