

POA

Annual Conference 2018

Annual Conference
**APPEALS TO
CONFERENCE**



Their crisis

Our opportunity

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INTRODUCTION

In line with ACM 3/2015, the Standing Orders Committee have received 2 Appeals to Annual Conference from Hewell in accordance with paragraph 14 of Conference Paper 1, which is at the front of this booklet as a point of reference.

The 2 Motions were appealed to the the NEC and rejected and the correspondence in regard to each appeal is enclosed.

CONFERENCE PAPER ONE – ACM 3/2015
PROCEDURES FOR DEALING WITH CONFERENCE MOTIONS
AS APPROVED BY ANNUAL CONFERENCE

Introduction

Following the acceptance of conference paper 6 of 2013 and the procedures for dealing with conference motions, concerns have been raised following decisions at conference which potentially undermined the Rules and Constitution and Standing Orders.

If Conference accepts this paper then it will replace conference paper 6 of 2013 and form the basis for all procedures when submitting motions to the Standing Orders Committee for inclusion in any conference agenda.

The interpretation of the rules is vested in Conference when it is in session as set out in rule 29.4 (a) but this does not mean that conference can simply do as it sees fit. Conference must have due regard for any potential legal and or external challenge which may be brought in respect of the decisions reached, decisions which could bring the union into disrepute or potential financial implications.

The purpose of this conference paper is to set out new and revised policies, rules and procedures to ensure that the administration of all conference agendas is achievable, that all affected branches have the opportunity to propose and consider motions in line with rules, specifically 12.4, 12.5, 12.6 and 12.7 and to minimise the risk of litigation and or challenges to the union.

All changes to current procedures and rules are set out.

The conference paper also reaffirms the policies and procedures for administering the POA's Incentives and Awards as set out in POA Circular 74/14 (attached).

Annual Conference Motion 3/2015 refers

CONFERENCE PROCEDURES

Branches will be limited to 10 Conference Motions unless the rules provide differently to ensure that a manageable agenda can be produced. (For the purposes of conference the NEC shall be classed as a branch)

- 2 All motions submitted to the Standing Orders Committee for consideration for any conference agenda must be approved at a formal branch meeting with a verifiable record of minutes, numbers of attendee's and that each motion was proposed, seconded and carried at that meeting.
3. The standard form must be used by branches when submitting Motions to the Standing Orders Committee for consideration, as approved by Conference under Rule 12.5(c). These can be obtained from Cronin House on request, but it shall be the responsibility of individual branches to ensure they have an adequate supply.

TIMESCALE FOR SUBMITTING MOTIONS

4. The period for receipt of Conference Motions shall be from 1st December to 31st January, to facilitate a Conference in May. Should any Conference be called outside of this period the timescale for the receipt of Conference Motions will be promulgated to branches in accordance with the Rules and Constitution.
5. A period for receipt of conference motions will normally be from 1st December but no later than the 31st January. Following this the Standing Orders committee will meet immediately following the closing date for receipt of motions and compile the agenda.
6. No motions will be accepted after 31st January for a Conference in May or after the date set out by the General Secretary for a Conference called outside of this date and for this reason, branches will submit motions well in advance of the closing date.
7. Each branch will contact Cronin House via telephone or email to confirm receipt of Motions submitted to ensure that there is no misunderstanding or that they have been lost in transmission.

CONFERENCE MOTIONS

8. The Standing Orders Committee will if necessary discuss motions submitted by branches for any conference if they believe the wording of a motion needs to be amended or clarified, but they must not change the subject of the motion.

The Standing Orders Committee will if necessary remind branches of Rule 12.4 in that Conference determine the principles and policies of the Union, except where these Rules provide differently.

If motions submitted by branches impinge on the rules of the union the branch will be advised to either submit rule changes or follow the rules and constitution to pursue internal matters.

If any motion/s submitted require a rule change/s the sending branch must set out the rule change/s fully to ensure branches and conference fully understand the ramifications of the proposal. The Standing Orders Committee may assist any branch in formulating these motions before the closing date for conference motions if requested to do so.

CONFERENCE AGENDA

9. The agenda will comprise of a number of individual headings which will be listed and placed by the Standing Orders Committee. This will be done to ensure the order of conference is maintained, with the opportunity for Motions to be heard and debated.
10. Section One of the Conference Agenda will always deal with any rule changes. These Motions will require the support of two thirds of the votes cast at Conference in accordance with Rule 29.1 all other Motions will require a simple majority.
11. It is likely that Motions may be submitted by a number of branches covering the same subject. It shall be the right of each branch to have their Motion heard, although the Chairman may draw to the attention of those branches that the Motion may fall, be subsumed or be out of order following the disposal of the first Motion.
12. The Standing Orders Committee shall only return conference Motions to branches on the following strict criteria –
 1. The content of the motion is not permitted by law.
 2. The motion involves an item of policy which was determined before the close of any Conference within the last 12 months.
 3. The motion was received after the notified closing date.
 4. The terms of the motion, if published, may adversely affect the interest of the membership, hold the Union to ridicule or seriously damage or discredit the Union.
 5. Other identified issue

The branch will be given a reason in writing as to why the Standing Orders Committee has returned the Motion with their rights and timescale for appealing outlined.

13. The Chair of Conference may call motions outside of the Conference agenda in order to move business in line with the Standing Orders Report.

APPEALS TO NEC

14. Should any branch wish to appeal to the NEC against the decision of the Standing Orders Committee to return their Motion, they must do so by advising the General Secretary in writing no later than the 21st February (or any other date identified by the Executive for a Conference outside the month of May). All appeals will be considered by the NEC at its next meeting.
15. If the appeal was rejected, following the NEC determination, each branch will be advised of the right to appeal to Conference and timescale to facilitate this appeal.

APPEALS TO CONFERENCE

16. Branches who wish to appeal to Conference against the NECs decision not to include their motion on the Conference Agenda, must do so by advising the General Secretary in writing, no later than the 31st March (or any other date identified by the Executive for any Conference outside the month of May).
17. Following the closing date for appeals to Conference each branch will receive two copies of the Conference appeals booklet, which will contain copies of all relevant information and correspondence, or be advised by POA circular that there shall be no appeals to Conference in respect of the Conference Agenda.
18. Each branch has the right to appeal to the NEC on the placement of any Motion. They must do this in the first instance by writing to the General Secretary at Cronin House no later than the 30th April. If the NEC refuses to change the placement, the branch will be advised of their right to appeal this decision to Conference before the adoption of Standing Orders. The branch must advise the Secretary to the Standing Orders Committee at least 7 days before the start of Conference in writing outlining their intention to appeal.
19. Each branch will be sent two copies of the Conference Agenda following the appeals to the NEC, as soon as practicable.

APPEALS AT CONFERENCE

20. The chair of conference will hear all appeals on placement and refusal before the adoption of Standing Orders.
21. If any appeal is successful, the Standing Orders Committee shall place the Motion on the Conference Agenda and advise Conference as soon practicable when the Motion will be heard.

EMERGENCY MOTIONS

22. Occasionally an issue of such major **National** importance may arise subsequent to the closing date for receipt of Conference Motions. On such occasions the branch **must** have placed the Motion/s before their branch and obtained a clear mandate.

The branch **must** advise the Standing Orders Committee in writing at the earliest opportunity following the branch meeting, via the Secretary at Cronin House.

23. The Standing Orders Committee shall consider the request and approve the Motion/s for inclusion in the Conference Agenda. All branches will be advised of the emergency Motion as soon as possible. If the Standing Orders Committee rejects the emergency Motion the branch shall have the right of appeal to conference prior to the adoption of Standing Orders.

EMERGENCY MOTIONS AT OR PRIOR TO CONFERENCE

24. If an issue of National importance arises and the normal administration procedures could not be followed. The NEC and or delegates attending Conference wish to submit a motion the standard form must be used to allow the Standing Orders Committee to consider, as approved by Conference under Rule 12.5(c).
25. In this situation, the delegates must inform their branch of their decision as soon as possible under the provisions of Rule 20.4, in the case of an NEC sponsored emergency motion the membership will be advised by way of POA Circular.
26. The Standing Orders Committee shall consider the request and approve the Motion/s for inclusion in the Conference Agenda.
27. All branches will be advised of any accepted emergency Motion/s as soon as possible.
28. If the Standing Orders Committee rejects any emergency Motion the branch/NEC shall have the right of appeal to conference prior to the adoption of Standing Orders.

SPECIAL DELEGATES CONFERENCES

If a Special Delegates conference has been convened in accordance with Rules 12.2 (a) (b) and (c) and the agenda published for those affected branches emergency motion/s would not normally be permitted. However, if the NEC believes the matter is of such importance and it is not viable to postpone the conference and invite all affected branches conference will determine whether to accept the motion on the order paper in accordance with Rule 29.4 (a). If the motion is heard all of the membership shall be advised of the decision and outcome by way of POA Circular as soon as possible.

GENERAL

It is possible that some Motions will not be reached on the Agenda or have been remitted to the Executive. If this is the case the Executive will seek the approval of Conference to exercise its discretion as to whether to pursue these issues as part of the POA's policy. All branches will have the right to provide written submissions on these Motions, which must be received at Cronin House by the 21st June or a date determined by the NEC for a Conference not held in May. The decision of the NEC in respect of these Motions shall be promulgated to each branch via POA Circular.

APPEAL 1

HEWELL



**The Professional Trades Union for Prison,
Correctional & Secure Psychiatric Workers**

National Chair: Mark Fairhurst
General Secretary: Steve Gillan

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Our ref: AC/2018

5th April 2018

Dear Les

APPEALS TO CONFERENCE

As you know the NEC rejected your appeals and you will now be invited to appeal to Conference.

All of the appeal papers submitted to and from the SOC and NEC will be circulated to branches by way of Circular.

At Conference during the moving of Standing Orders you will be invited to address Conference. As a reminder you need to focus on way it should be on the Order Paper and not drift into the motion.

Yours sincerely

GLYN TRAVIS
Secretary to Standing Orders Committee

Sent via email to Les Dennis and Jon Swift

Nicola Hubert

From: Dennis, Alan [HMPS] <Alan.Dennis@hmeps.gsi.gov.uk>
Sent: 14 March 2018 11:52
To: Nicola Hubert
Subject: FW: APPEALS TO THE NEC - ANNUAL CONFERENCE MOTIONS
Attachments: ACM - Appeals Letter.pdf; Hewell - 3.pdf; Hewell - 4.pdf; Conference Paper 1-2015.pdf

Hi Nicola,

The Hewell Branch wish to exercise the right of appeal to conference, with regards to the two motions rejected by the standing orders committee.

Yours Faithfully

Les Dennis
POA Branch Secretary
HMP Hewell,
Redditch,
Worcestershire.

From: Nicola Hubert [mailto:nicola@poauk.org.uk]
Sent: 01 March 2018 10:13
To: Dennis, Alan [HMPS] <Alan.Dennis@hmeps.gsi.gov.uk>; Swift, Jonathan [HMPS] <jonathan.marcush.swift@hmeps.gsi.gov.uk>
Subject: APPEALS TO THE NEC - ANNUAL CONFERENCE MOTIONS

Hi Les and Jon

Please see attached letter regarding the above from Glyn.

Thanks

Nicola

Nicola Hubert
Secretary to: MARK FAIRHURST National Chair and STEVE GILLAN General Secretary

POA The Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers
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Our ref: AC/2018

1st March 2018

Dear Les

APPEALS TO THE NEC CONFERENCE MOTIONS

I placed the two attached motions before the NEC at the meeting on 28th February 2018 and asked them to consider your appeals and reasoning from the Standing Orders Committee.

The NEC rejected both appeals and advised me to inform you of your right to appeal to Conference before the adoption of the Standing Orders Report and in line with Conference Paper 1/2015.

If you wish to exercise your right of appeal to Conference please inform Cronin House by no later than the 31st March 2018, if you do not wish to appeal to Conference please advise me asap so we can close the matter.

Yours sincerely

GLYN TRAVIS
Secretary to Standing Orders Committee

Sent via email to Les Dennis and Jon Swift

Nicola Hubert

From: Dennis, Alan [HMPS] <Alan.Dennis@hmeps.gsi.gov.uk>
Sent: 06 February 2018 09:38
To: Nicola Hubert
Cc: Nicola Hubert; 'Jonathan Swift'; Hewell Closed BC
Subject: FW: HMP HEWELL RETURNED ANNUAL CONFERENCE MOTION
Attachments: AC - 2018- Hewell - 4.pdf; Hewell - 4.pdf; Conference Paper 1-2015.pdf; RE: HMP HEWELL RETURNED ANNUAL CONFERENCE MOTION

Good Morning,

With respect to the returned motion, the Hewell Branch wishes to appeal the decision to return the motion, made by the Standing Orders Committee to the NEC as per attached Conference Paper 1-2015.

The essence of the motion has been prompted by the blatant disregard to the conduct and discipline procedure under PSI 06/2010, which in the experience of our Branch Members at HMP Hewell, is consistently and persistently demonstrated by successive Senior Management, for which there continues to be no direct consequence. The expectation from our branch membership is that this is challenged appropriately, especially considering that this has previously been raised with motions successfully passed and also endorsed at Conference by the NEC, however have not provided satisfactory outcomes. The wording of the motion structures a desired and specific outcome, whilst previous disposed motions have not had such a structure and have merely proven themselves to have highlighted a problem, which continues to be ignored.

There is no consequence under PSI 06/2010 of mandatory actions not being complied with and when these breaches of mandatory actions have been raised in hearings, successive hearing authorities have chosen to 'take in to consideration' but go with their original agenda anyway.

The definition of the word mandatory is 'compulsory or required by law' so for there to be no stated consequence of failure to comply with agreed mandatory policy, renders the word mandatory in the context of PSI 06/2010 to be meaningless.

Whilst there may be an internal and external appeals process to go through, a Hewell Branch Member is currently two years going down the line with regards to seeking justice or closure without resolution for numerous clear breaches of mandatory instructions and non-compliance of PSI 06/2010. For this particular individual the stress of the process has just about finished them off from a health perspective, so for it to be considered that there is a credible appeals process is not the experience of our Branch Members. Even though the subsequent processes have highlighted fatal flaws in that particular case, there has been no change in outcome or consequence to there being a fatal flaw.

The deliberate harm caused to a number of our branch members as a consequence of wilfully delayed investigations and hearings, is why our branch instructed its committee to submit the motion to Conference.

The Branch would be happy to accept advice on appropriate wording change and await correspondence of the Standing Orders Committee.

Yours Faithfully

Les Dennis
POA Branch Secretary
HMP Hewell,
Redditch,
Worcestershire.



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Our ref: AC/2018

1st February 2018

Dear Les

HMP HEWELL RETURNED ANNUAL CONFERENCE MOTION

The Standing Orders Committee considered your motion on 1st February 2018, in line with Conference Paper 1/2015 and the Rules and Constitution.

The wording of the motion requires too much of an interpretation from the Standing Orders Committee to be amended without substantially changing the motion. If the mandatory actions of PSI 6/2010 are not adhered to there is a process to appeal both internally and externally.

We suggest you write to the Chair of the HR Whitley Committee Andy Baxter NEC who will take up the issues you refer to with HMPPS.

Should you not accept the decision of the Standing Orders Committee you can appeal to the NEC and Conference in accordance with the attached Conference Paper.

On behalf of the Standing Orders Committee.

Yours sincerely

GLYN TRAVIS

Secretary to Standing Orders Committee

Sent via email to Les Dennis

Les Dennis
HMP Hewell



The Professional Trades Union for Prison,
Correctional & Secure Psychiatric Workers

31/01/2010

ANNUAL (AND SPECIAL) CONFERENCE MOTION STANDARD FORM

PART I

NAME OF BRANCH Hewell

MOTION:

That Conference mandates the NEC to seek an amendment to PSI 6/2010 where there is a fatal consequence to the disciplinary process, in the event that mandatory instructions and guidelines are not complied with.

I certify that the above was adopted at a properly convened branch meeting in accordance with Rule 12.5(c)

Signature: L. Dennis
(Branch Secretary/Chairman)

PART II (FOR STANDING ORDERS COMMITTEE USE ONLY)

The Standing Orders Committee has considered the above motion and has decided to return it for the reason(s) indicated below:

1. The content of the motion is not permitted by law.
2. The motion involves an item of policy which was determined before the close of any Conference within the last 12 months.
3. The motion was received after the notified closing date.
4. The terms of the motion, if published, may adversely affect the interests of the membership, hold the Association to ridicule or seriously damage or discredit the Association.
5. Other identified issue.

[Signature] Secretary, Standing Orders Committee

APPEAL 2

HEWELL



**The Professional Trades Union for Prison,
Correctional & Secure Psychiatric Workers**

National Chair: Mark Fairhurst
General Secretary: Steve Gillan

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Our ref: AC/2018

5th April 2018

Dear Les

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All of the appeal papers submitted to and from the SOC and NEC will be circulated to branches by way of Circular.

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Yours sincerely

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Yours sincerely

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Secretary to Standing Orders Committee

Sent via email to Les Dennis and Jon Swift

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From: Dennis, Alan [HMPS] <Alan.Dennis@hmeps.gsi.gov.uk>
Sent: 06 February 2018 10:43
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Cc: Hewell Closed BC; 'Jonathan Swift'
Subject: FW: HMP HEWELL RETURNED ANNUAL CONFERENCE MOTION
Attachments: AC 2018 - Hewell - 3.pdf; Hewell - 3.pdf; Conference Paper 1-2015.pdf

Dear General Secretary,

With respect to the returned motion, the Hewell Branch wishes to appeal the decision to return the motion, made by the Standing Orders Committee to the NEC as per attached Conference Paper 1-2015.

Whilst it is accepted that whilst there are clear but moveable obstacles in the way of successfully achieving this motion, if approved by Conference, there is a clear mandate for the NEC to achieve a desired outcome regardless of the process which would need to be followed to successfully achieve this.

The long term financial benefits to the POA and those associated with increased membership engagement are clear for all to see. The current system is entrenched in policy determined many decades ago as appropriate. With modernisation being a forever ongoing process, we should be seeking to keep pace with technology and if it is deemed an appropriate fit for purpose process for major political parties internal elections, then our Branch Members at Hewell deem it to be also an appropriate fit for purpose for their trade union.

Whilst it is quite clear that amendments to Trade Union and Labour Relations Act 1992 would need to be made, we as a proactive trade union should be at the forefront of making 21st century amendments to a 20th Century law.

As a branch we are keen to promote the interests and actions the POA is taking on behalf of its members, but we must also promote the interest the members have in the POA and how this could be improved. The voting returns in successive elections are regularly less than 10% and it is difficult to champion true democracy on these terms. We have to consider that the combination of the current chaotic role of the Prison Officer and the apathy over Local and National Government elections, the Hewell Branch has evaluated a number of options with the intention of reversing the trend, hence this motion.

The branch would be willing to consider advice on this motion and awaits the response of NEC.

Yours Faithfully

Les Dennis
POA Branch Secretary
HMP Hewell,
Redditch,
Worcestershire.

From: Nicola Hubert [mailto:nicola@poauk.org.uk]
Sent: 01 February 2018 14:43
To: Dennis, Alan [HMPS] <Alan.Dennis@hmeps.gsi.gov.uk>
Subject: HMP HEWELL RETURNED ANNUAL CONFERENCE MOTION



The Professional Trades Union for Prison,
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Our ref: AC/2018

1st February 2018

Dear Les

HMP HEWELL RETURNED ANNUAL CONFERENCE MOTION

The Standing Orders Committee considered your motion on 1st February 2018, in line with Conference Paper 1/2015 and the Rules and Constitution.

The current provisions of TULCRA prevent this motion from being accepted, although the Executive are looking at alternative measures to try and bring about change.

Should you not accept the decision of the Standing Orders Committee you can appeal to the NEC and Conference in accordance with the attached Conference Paper.

On behalf of the Standing Orders Committee.

Yours sincerely

GLYN TRAVIS

Secretary to Standing Orders Committee

Sent via email to Les Dennis

Les Dennis
HMP Hewell



The Professional Trades Union for Prison,
Correctional & Secure Psychiatric Workers

ANNUAL (AND SPECIAL) CONFERENCE MOTION STANDARD FORM

PART I

NAME OF BRANCH Hewell

MOTION: That Conference instructs the NEC to bring it's current NEC Election postal process into the modern electronic era, as used by major political parties.

I certify that the above was adopted at a properly convened branch meeting in accordance with Rule 12.5(c)

Signature: L Dennis
(Branch Secretary/Chairman)

PART II (FOR STANDING ORDERS COMMITTEE USE ONLY)

The Standing Orders Committee has considered the above motion and has decided to return it for the reason(s) indicated below:

- 1. The content of the motion is not permitted by law.
- 2. The motion involves an item of policy which was determined before the close of any Conference within the last 12 months.
- 3. The motion was received after the notified closing date.
- 4. The terms of the motion, if published, may adversely affect the interests of the membership, hold the Association to ridicule or seriously damage or discredit the Association.
- 5. Other identified issue.

Olga Jones Secretary, Standing Orders Committee