



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

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POA Circular 077/2020

1st May 2020

Dear Colleagues

NATIONAL CHAIR UPDATE MAY 2020

We will continue to update you regularly ensuring you are aware of the most recent developments.

Please ensure all members access this circular.

DEATH OF A COLLEAGUE

I regret to inform you of the death of an OSG colleague due to COVID-19 who worked at HMP Manchester. Catherine Kelly had worked at the establishment for 12 years. Catherine was 65 years old. Our condolences have been passed to all connected with Catherine.

MEMBERS ACCOMMODATION SCHEME

I am pleased to confirm that POA members who need to stay away from their homes can utilise Center Parc sites for a further 2 weeks. This arrangement will next be reviewed on 13th May 2020. I have also been contacted by the OYO Hotel group who will be happy to accommodate POA members in their hotels throughout the country. The company has introduced significantly reduced fixed rate pricing across its UK properties to remove unpredictability, allowing to accurately budget for contingency accommodation. Rooms are available for a flat rate of £175 per week or £32 per night within London and in many other locations across the UK. You can find details on the following link;

www.oyorooms.com

Any POA member who needs to access a hotel can submit a welfare fund application for assistance with costs.

MENTAL HEALTH SUPPORT FOR POA MEMBERS

We have a range of support services in place for POA members and their families, full details included in POA circular 68/2020.

Our partners in the Firefighters Charity have also offered members and their families support. These can be accessed by clicking on the following link and accessing the 'SUPPORT HUB.'

<https://www.firefighterscharity.org.uk/>

COVID-19 TESTING FOR STAFF AND THEIR FAMILIES

Prison staff, including IRC'S, are classed as key workers and can now access a range of testing sites across England and Wales. Over 2000 staff have been tested. There are plans to use mobile testing sites at Prisons. Staff who are self-isolating can get themselves and their families tested. We are pushing for all prisoners to be tested and await the employers plans to enable this. Our private sector colleagues and those in Secure Hospitals also have access to these sites.

SICK LEAVE EXCUSALS

Following concerns raised by the POA, MOJ HR Services discussed our plans to improve the current sick leave excusal application process. The improvements will speed up the process for employees and Prisons, reduce the potential for errors and delays and the amount of paperwork involved. The new and improved sick leave excusal process is due to go live in the near future.

Main new changes to the Sick Leave Excusal application process:

1. We will remove SSCL from the beginning of the sick leave excusal process. This change will streamline the process, reducing the number of handoffs between suppliers and reducing the lead time of the process significantly.
2. Optima Health will now undertake SLE assessments (using the same criteria as HML). HML will no longer be contracted to do SLE work for HMPPS because there is limited evidence of any added value of their input for members.
3. The new process will use the Optima Health OH Portal (8,029 HMPPS users). Managers will upload SLE cases requiring a medical assessment directly to Optima and can monitor progress online.
4. Deputy Governors will also be able to approve or decline SLE applications. This is useful if Governors are on annual leave or absent and increases the likelihood that applications will be promptly progressed for members.
5. Governors, Heads of Group and now also Deputy Governors will now have a 14-day timescale to either approve a SLE application or request a medical assessment by the medical practitioner.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

There is now adequate PPE to meet demand and more stock is on order and due to arrive in the country shortly. It is a requirement that any staff supervising a bed guard where PPE is in use, ensure they refresh it every 4 hours. It is important that local POA officials keep their area NEC Representative updated with any PPE related issues.

There are now many Prison Workshops producing PPE for the NHS.

RECOVERY PLANS

The POA will play a vital role in formulating 'recovery plans' once restrictions in society begin to be lifted. The pre COVID-19 regimes that we all classed as normal will no longer be viable for the immediate future. The recent Public Health England Report commissioned by HMPPS revealed that the impact of social distancing through regime changes and use of cohorting strategies is profound. The risk of infection in Prisons will exist as long as COVID-19 is in the community and we have no vaccine against it.

This situation is likely to persist for at least the rest of the financial year.

We therefore need to prepare for some form of regime restrictions and safeguards to be in place until at least April 2021.

KEY WORK- EXCEPTIONAL DELIVERY MODEL

The Executive are in discussions over what a key work model will look like during the regime restrictions. HMPPS plan to introduce key work for prisoners who are at risk of suicide or self-harm, prisoners who present a high risk of serious harm, extremist prisoners and those who are shielding.

Safety of staff is a priority and all guidelines in relation to social distancing will be observed.

We have suggested that the PP Bonus Scheme could be utilised for this work.

Once final plans are formulated by the employer an update will be forwarded to branches.

EARLY RELEASE SCHEME

As of 27th April, 44 prisoners have been released – 21 pregnant women or mothers with babies, and 23 under the scheme. The Prison population continues to reduce and now stands at under 81,000.

HMP MEDWAY

This site has been recommissioned and is reopening for the remainder of the year as a Category D establishment housing 70 prisoners. It will be an Annex of HMP Rochester and will be staffed by a selection of Rochester staff and detached duty.

PP BONUS SCHEME AND £150 SPECIAL CIRCUMSTANCES PAYMENT

On 20th March I addressed the membership via video informing you that we had agreed a remuneration package. That remuneration package is the PP Bonus scheme and monthly reward package. The POA had asked HM Treasury for extra payments for Prison staff during the COVID 19 outbreak due to the working conditions you would have to endure.

HM Treasury agreed to free up extra funding to satisfy our demands.

HMPPS then formulated the PP Bonus scheme package and presented it to the POA. We did not have the opportunity to negotiate this package. We were consulted about these proposals and we aired our concerns that it was simply inadequate and did not reward staff enough. However, our concerns and opinions were ignored, and the PP bonus scheme was implemented.

We were not prepared to reject extra money for POA members and we did agree that the remuneration package should be offered to staff. I am happy to agree a reward package

during these unprecedented times. It is within the best interests of the membership that I do so. I am also aware that this scheme has been well received by the membership and take up has been substantial. This is purely a voluntary decision. If members do not approve of the scheme, they have the right not to volunteer for it.

If we had been afforded an opportunity to negotiate, we would have done so and would have put the final proposals to a membership vote. This was a consultation, not a negotiation, so we did not have an opportunity to conduct a workplace ballot. The employer needed to ensure they had enough staff on duty during unpredictable times and there was a need to implement the scheme urgently.

I have made my thoughts on the Operational Managers bonus payment well known. I disagree with this payment which is paid without a stipulated amount of hours and is payable if Governors work from home. The General Secretary on behalf of the POA has officially lodged a complaint.

The employer has now decreed that the hours worked in this scheme do not need to be repaid until March 2021. The bonus payment of £1750 (12 week) and £500 (4 week) will be paid on time at the end of that 12- or 4-week period. You will not be required to complete your hours to receive the bonus.

In order to complete any hours you owe, you should note that you cannot be forced to work a rest day and should agree in advance any hours you wish to work to honour your owed hours. If any members feel they are being pressurised into working when they do not wish to, they should raise this with their POA representative. These hours can also be worked on bed guards and constant watch.

The changes have been brought about because staff are returning from self-isolation, restricted regimes remain in place, predictions on staff absences have not surfaced and in a lot of Prisons we now have adequate staffing in place. The POA were not given the opportunity to negotiate these changes. HMPPS informed us of these changes due to the increased staffing levels which negated an urgent need for extra staff. This situation of course may change dramatically if we see a surge in COVID cases in our Prisons.

We do agree that it is correct that the bonus should be paid on time but I must reiterate that we have no control over the scheme being extended as this is a HMPPS scheme and the POA were not given the opportunity to negotiate it. During any consultation, the employer is under no obligation to action the concerns of the POA.

This extension will give those members who signed up for the scheme but who have now been forced to shield themselves for 12 weeks the opportunity to fulfil the hours and earn extra money, and will also allow staff returning from self-isolation an opportunity to achieve the hours without undue pressure. In many Prisons the scheme was not immediately activated, so those members will also have ample opportunity to fulfil their hours without being forced to work excessively. The situation in relation to the amount of staff on duty and the availability to work extra hours will obviously vary around the estate.

We are not aware of HMPPS future plans to implement any other bonus schemes but are aware that throughout this period ad hoc PP will be available to work if a Prison requires it. You should also note that we may not have reached our 'prison peak' in relation to COVID-19, so the hours you owe may well be required before the end of March 2021. We simply cannot predict how this virus will affect us in the future.

If any members have issues with the PP Bonus schemes, please ensure you inform your local committee who will liaise with their NEC Representative. You also have the right to

lodge a personal grievance if you feel that you should be allowed to work the weekly additional PP hours you originally agreed and signed up to.

We have been made aware of concerns from various branches that question the legality of these changes. I can confirm that we have sought legal advice and the employer is entitled to make changes as this scheme is not contractual upon the employee.

The £150 monthly bonus is unaffected and will continue to be paid until at least June 2020. We are addressing your concerns around the criteria that entitles you to this payment including taking leave, TOIL, working operationally in specific areas or groups and having to stay away from the workplace due to contracting COVID-19. The ultimate decision on who should receive this payment rests with HMPPS.

We will continue to engage with HMPPS in order to resolve any concerns you have and to ascertain their plans moving forward.

On behalf of the National Executive Committee I would like to thank you for your continued professionalism and the commendable work you are all performing within our secure settings.

Please continue to work safely and support each other. The NEC remain available to assist you whenever you may need us.

Respect to you all.

A handwritten signature in black ink, appearing to read 'Mark Fairhurst', with a long horizontal stroke extending to the right.

MARK FAIRHURST
National Chair