

**POA
ANNUAL CONFERENCE 2016**



CONFERENCE PAPER ONE

Private Sector Services Committee



**Shaping
OUR FUTURE**

CONFERENCE PAPER ONE – ACM/5/ 2016 PRIVATE SECTOR SERVICES COMMITTEE.

INTRODUCTION

The withdrawal of conference motion 79 (2015) has allowed our branch to formulate this conference paper which sets out the rules to establish the Private Sector Services Committee. There is a consideration to the title of this committee so not to exclude any members of the Union in Northern Ireland, Scotland, The Isle of Man, England or Wales, nor any member of the Union not mentioned or potential member of the Union not mentioned. We respectfully suggest that we retain the title of 'Private Sector Services Committee' for clarity and continuity. This has been acceptable since its formation many years ago. If this is not acceptable, we would urge the NEC to consider this and suggest that the title of the Committee be agreed by the NEC and FTO's and inserted in the change to rules and constitution.

Conference Paper 2 at the SDC Southport in 2013 was accepted by ballot. Conference Paper 2 is a worthy document and the work within it is recognised and appreciated. Unfortunately the Conference Paper did not address the necessary changes to the Rules and Constitution that would allow the appointment of such a Committee. This was recognised in 2015 and Birmingham addressed the issue in Motion 79-2015. It was pointed out that the motion was not placed correctly on the agenda and Birmingham agreed to withdraw Motion 79, to allow the issue to be brought again within Conference Rules, with clarity and agreement with the NEC.

Conference minutes 2015. Motion 79.

BRIAN CLARKE – BIRMINGHAM G4S: *Chair, NEC, Conference. Birmingham asks Conference for permission to withdraw the motion on the basis that this motion should properly have been placed earlier in the paper because it means a change of rules. And, with the passing of motion 3 and the adoption of Conference papers 3, to all intents and purposes the intention in this motion has been acknowledged and Glyn has invited us to a meeting to discuss the change, to discuss the organisation concerning private sector members. Conference, your permission to withdraw.*

The POA has opposed privatisation and clearly stated that prisons are not for profit, but the reality is that successive governments have pressed ahead with their privatisation and contracting out models within the public sector and wider criminal justice system. It is now time that the POA realised that our current structures do not provide a service which meets the needs of the wider membership.

It is accepted that NOMS are the primary employer for the majority of the membership in England and Wales and this paper is designed to ensure we have a structure which supports and provides representation for non NOMS employees and members.

It is also accepted that the union has recognition agreements in the vast majority of workplaces, but that does not necessarily mean that the NEC can represent all members in all workplaces.

The current rules and constitution provide a solid platform for our membership but they need to be amended to reflect the ever changing demographic of the union.

CONFERENCE POLICY

61/11 Conference recognises since the formation of the Coalition Government an unprecedented attack on Public Sector workers has been embarked upon. Conference also recognises that for the POA to meet those challenges as a trades union it is imperative that our members are represented to a high standard in order to promote and protect.

Conference therefore authorises the NEC to carry out a Comprehensive examination of current POA structures to ensure the very best of representation is ensured for the membership in the years ahead and to make recommendations if necessary on changes.

The report to be completed and circulated by the 31st December 2011 using appropriate resources for presentation at the latest to Annual Conference 2012.

NEC

SDC 10/13 Conference accepts conference paper 2 which sets out the Unions structure for representation of non NOMS directly employed POA members as part of restructuring under Annual Conference Motion 61/2011 and the revised Facilities and Facility Time Agreement.

NEC

RESTRUCTURING

CONFERENCE PAPER 2 SDC 2013 REPRESENTATION OF NON NOMS EMPLOYED MEMBERS

The introduction of this paper which was accepted by conference sets out the reasons why we need this committee as part of the wider restructuring that has been ongoing for 4 years and we quote from that paper the following:

“As part of the unions restructuring under the provisions of ACM 61/2011 the Committee has considered the implications for the union following the decision of Cabinet Office and NOMS not to allow any paid facility time to represent non NOMS employees who are members of the POA.

The POA have a long history of representing outside of the prison system and have been active within secure hospitals since its inception. However, there have been considerable changes to how our secure hospitals are managed which have a direct consequence upon how we as a Trade Union organise our branches and service our members who work in such challenging environments.

It is also important to recognise that the POA has membership working in establishments where the POA have no recognition agreement. Branches such as Altcourse and Ryehill are run by G4s who have recognition agreements with GMB and in the instance of HMP Parc, have their own staff association. All establishments operated by Sodexo and Serco have recognition agreements with PSU. Due to TUC regulations, it will therefore be difficult for the POA to organise and recruit in such branches.

That being said, the POA must recognise the growth in recent years of private sector employers being awarded contracts to provide public custodial services and the potentially detrimental impact it may have upon the sustainability of our union.

Therefore, the POA must consider ways in which our members who are not directly employed by NOMS receive equal standards of representation. By consequence, there is a clear danger that branches and members within the private sector wherever they work, be it within the walls of a public sector prison, private sector prison, secure hospital, detention centre, prisoner/detainee escorting or anywhere else the POA have members or bargaining rights, becoming marginalised.”

The recurring theme throughout that conference paper was that the private sector is growing in our workplace, nothing has changed in fact the concerns raised in that paper have realised and we need to act.

We accept that the proposal to potentially recruit new employees to predominantly represent in the private sector has not happened and that is of course a matter for the administration of the union, but conference this paper simply establishes a committee to support our members in this area.

The current FTO's do represent branches and our members but the structure has to be supported to deal with pay, terms and conditions, investigations, disciplinary hearings and the like.

We accept that the NEC in their own time also support us but that again is not right.

WAY FORWARD

The unions restructuring committee needs to deal with the wider issues and bring those proposals to conference.

We ask conference to accept conference motion 5 and establish a Private Sector Services committee within our structures.

RULE CHANGES

To introduce a new rule within our constitution at rule 22 as set out below and renumber all following rules as required and amend other affected rules as required.

RULE 22 NATIONAL COMMITTEE FOR PRIVATE SECTOR SERVICES

Membership

Rule 22.1 The Union will have a National Committee for Private Sector Services, which will consist of:

- (a) An employee of the POA nominated by the General Secretary to act as Secretary.
- (b) One other person, nominated by the General Secretary to act as Chairman.
- (c) The Branch Chairman and Branch Secretary (or deputies nominated by them) from each of the Main Operators from providers outside of NOMS where a Branch of the Union exists.

Functions

Rule 22.2 The National Committee for Private Sector Services will:

- (a) recommend the manner in which members of the Union employed in Private Sector Services further their aims, objectives and professional aspirations.
- (b) be responsible for the organisation of all members in Private Sector Services; and
- (c) liaise with and support members in all Private Sector Services.

Rule 22.3 The National Committee for Private Sector Services will hold:

- (a) an annual fringe meeting at annual conference;
- (b) four other meetings each year;
- (c) such sub-committee meetings as it or the General Secretary and or NEC determines; and

expenses of those delegates, who are members of the Union, in attending the meetings will be met from the General Fund of the Union.

Appointment of Delegates

Rule 22.4 The National Committee for Private Sector Services shall each year appoint members to represent it on the pay and conditions sub committee.

Rule 22.5 A delegate to either of the two bodies referred to in Private Sector Services above or their successors in title:

- (a) must be a full member of the Union and be a member of the Committee.
- (b) ceases to be a delegate automatically on ceasing to be a full member of the Union or a member of the Committee.

Rule 22.6 The Secretary of the Private Sector Services will send details of the delegates appointed under rule 22.4 immediately to the General Secretary.

CONCLUSION

This paper set out to establish a committee to support and represent members who are not directly employed by NOMS and ensure we have a union which can recruit, retain, represent and support members wherever they work.

We do not ask for our own conference because we are integral to the union but a fringe meeting to discuss specific issues when we are all together to save costs and ensure we remain stronger together.

