



POA Annual Conference 2022

Report Backs

Building **Safe** Workplaces



REPORT BACKS 2019

RULES & CONSTITUTION

- 1** Amend Rule 6.3 to include;
(f) are entitled to remain in Conference during a closed session for delegates.

The terms of this motion were carried out by amending the Rules and Constitution.

- 7** Delete Rule 16.3 (a), (b), (c), (d) and any references to the Relief Fund under Rule 16.1.

The terms of this motion were carried out by amending the Rules and Constitution.

- 8** Amend Rule 20.2 (d) to include:
or to cover short- or long-term absences, for example; suspension, maternity or disability leave.

The terms of this motion were carried out by amending the Rules and Constitution.

HEALTH & SAFETY

- 9A** That Conference accepts that the recent spate of serious assaults against staff at a number of establishments demonstrate that prisons are still not safe despite HMPPS and Government claiming otherwise.

Conference recognise the consequences of violence and direct the NEC to take legal action to ensure the Secretary of State, HMPPS and Government provide a safe workplace where all POA members work.

The terms of this motion were put before HMPPS following the close of Conference.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

- 11** Conference to direct the NEC in gaining Baton's 24/7 to protect our members Health & Safety due to the escalating levels of violence and incidents in the prison estate including the Private Sector, Open Estate and YJB.

The terms of this motion were put before HMPPS following the close of Conference.

Response from HMPPS;

The Youth Custody Service (YCS) is in the process of undertaking a full use of force/restraint revision programme mirroring the approach that was recently undertaken across the adult estate. In order to assist the YCS to undertake this work Stuart Hardy has joined us on secondment from NTRG and will lead this work on behalf of the YCS. The scope of this revision programme will include:

- Personal Protection, which will include SPEAR*
- Batons*
- PAVA*
- use of rigid bar handcuffs and*
- the interface with wider behaviour management approaches*

Once complete the YCS Use of Force Committee, chaired by the YCS Executive Director, will comment and discuss before a final decision is made.

It also to note that Stuart will also be leading on taking forward the recommendations made within the Charlie Taylor review (yet to be published) into Pain Inducing Techniques and we envisage consulting with the POA on this work and the Use of Force revision programme in the very near future.

9/3/21 Dear All,

At the Health and Safety Consultative Meeting of 7/9/20 the issue of Extendable Batons in the Open Estate was raised and the following Action agreed.

“Extendable Batons in the Open Estate. Concerns regarding Extendable Batons in the Open Estate were raised. The NEC stated that they continue to press for Extendable Batons in the Open Estate but requested statistical information regarding violence in the day as the employer states that violence only occurs at night. Action NEC Reps to seek statistical information from Open Estate branches regarding violence during the Core Day in the Open Estate.”

NEC Reps were asked to contact Open Estate Branches in their Area and to date only one Branch (North Sea Camp) has responded. I would be grateful if you could once more chase your Branches for this information if they wish the Health and Safety Committee to progress it.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

13 Conference recognises for the POA to be effective in Health and Safety it needs more than just a strong membership within the workplace, it needs a robust Health and Safety Structure throughout the Union.

Therefore, Conference authorises the NEC to increase the Health and Safety Consultative Committee to two members responsible for each area.

It will be the responsibility of the Area NEC Rep along with the Chair of the H&S Whitley Committee to appoint from those candidates who express an interest in the post.

The appointment is to be for 5 years after which the position will be re advertised within area.

The minimum requirement for this position would be the TUC Diploma in Health and Safety or equivalent.

A Health and Safety Circular to be introduced for action by the Union's Health and Safety Reps.

The terms of this motion have been carried out.

16 Conference instruct the NEC to engage with HMPPS and ensure that all healthcare providers are required to offer medical assistance to all staff whilst at work as part of their contract and not just prisoners.

The terms of this motion were put before HMPPS following the close of Conference.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

17 That the POA mandates the employer to provide a health check policy following any PS incident involving staff feeling unwell due to exposure.

The terms of this motion were put before HMPPS following the close of Conference.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

17a Following the publication of HMPPS Policy on voluntary testing of staff, Conference instructs the POA to fund testing into members exposure levels to

all airborne chemicals and contaminants resulting from the use of NPS within our Jails.

See POA Circular 70/2019.

Testing is due to be carried out in March and April but could be subject to change due to COVID-19.

The independent testing was scheduled to be undertaken out in HMP Winchester and HMP Low Newton. A professor called Dr Richard Paul, from Bournemouth University commissioned carry out the work for the POA. He submitted a proposal which was accepted by the executive. Following this he had to submit his proposals to a research panel for them to consider, prior to HMP agreeing to allow access into establishments. His proposals were unfortunately rejected by the panel. This was partly due to HMP already carrying out staff urine testing in several establishments.

We eventually managed to reach agreement for Richard Paul to carry out his work at HMP Winchester and HMP Low Newton. He carried out a variety of tests including static air monitoring units on wings and portable air sampling units to be worn by staff whilst on duty. Hair sampling may also be carried out later. The test results are not yet known but will be shared when they are.

The terms of this motion were put before HMPPS following the close of Conference.

November 20 – Dr Richard Pauls study commissioned and paid for by the POA concluded there was no synthetic cannabinoid detection in either urine samples or airborne samples at levels that would be a concern following tests at HMP Winchester. Dr Paul was actively seeking permission with HMPPS to trial a new technique for airborne Buscopan at HMP Low Newton, however this did not progress due to CV19 restrictions.

March 2022 – Update The employer announced following the removal of restricted regimes that it intends to put in place an operation to establish if the use of Spice is still prevalent as we move away from restricted regimes. A tactical group will be set up to examine the use of Psychoactive substances.

The tests at HMP Low Newton will now hopefully be completed as previously mentioned in November 2020.

The motion was achieved.

18 That Conference instruct the NEC to pursue Governing Governors through the Courts when a breach of Health and Safety Legislation has occurred in accordance with the Unions Rules and Constitution.

The terms of this motion were put before HMPPS following the close of Conference.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

AWARDS

20 Conference awards Duncan Keys Assistant General Secretary Honorary Life membership.

The terms of this motion were dealt with by the NEC and administration of the Union.

21 Conference awards Tony Stocks Honorary Life membership.

The terms of this motion were dealt with by the NEC and administration of the Union.

21a Conference awards Stuart Simpson Honorary Life Membership.

The terms of this motion were dealt with by the NEC and administration of the Union.

SPECIAL HOSPITALS

22 Conference accepts that the staffing levels in our secure hospitals need to be increased due to the levels of violence and workloads.

The terms of this motion were put before the NHS TU Leads Meeting following the close of Conference.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

23 In light of the recent announcement by the Prime Minister that the NHS budget is to be increased, Conference mandate the NEC to enter into urgent negotiations with the Health Minister to secure additional funding to increase the local budget and staffing levels in all our secure hospitals.

The terms of this motion were put before the NHS TU Leads Meeting following the close of Conference.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

MATTERS AFFECTING THE UNION

27 That Conference holds a vote of confidence in the current NEC to establish if the membership has their confidence.

The terms of this motion were dealt with at Annual Conference.

31 If a Conference Motion is not achieved by its tenth anniversary it should be removed from the policy of the Union and placed into the archive document, the reason why it has not been achieved to be explained on a circular to the membership.

The terms of this motion were dealt with by Standing Orders Committee.

34 That Conference Endorse the “Cuffe” report in its entirety.

Steve Gillan General Secretary to address Conference on the Cuffe Report followed by Mr Pat Cuffe response to the report back by the General Secretary.

36 That Conference accept Conference Paper 1 Retired Members.

Steve Gillan General Secretary to address Conference on the Cuffe Report followed by Mr Pat Cuffe response to the report back by the General Secretary.

46 The POA NEC are to apply annually, starting in 2019, to HMRC in order to be included on the list of professional bodies approved for tax relief.

When the POA NEC receive the decision from HMRC it is to be distributed to all POA members via Circular.

If the 2019 application is unsuccessful then the NEC will apply annually until successful.

The terms of this motion were put before the Unions Accountants.

47 That Conference mandate all local POA committees to provide weekly reports to the General Secretary via a dedicated email address, identifying all serious incidents. This will provide the NEC with hard data to challenge the employer over the current inadequate reporting systems.

A POA Circular was sent out advising branches of email address to use.

48 Conference note that only the National Chairman and General Secretary produce a weekly diary that is published on the website. In the interests of transparency Conference instruct all elected National officials to produce a weekly diary that is published on the members only access to the POA website.

The terms of this motion have been carried out.

50 Conference mandate the NEC to ensure the POA Diary is produced and distributed to branches and members by the end of September of the year prior to the diary beginning.

The terms of this motion have been carried out.

52 Conference instructs the NEC to improve and develop Circulars that are sent out to Branches. Often Circulars are difficult to understand, we request that in future all Circulars are written in plain English, contain as little jargon as possible and transparent in which areas of the POA they involve.

The terms of this motion have been carried out.

53 Conference instructs the NEC to explore the use of technology, including electronic voting, in carrying out work place ballots, especially Branch elections to maximise turn out, interest and modernise the current outdated system.

The terms of this motion were put before the NEC.

54 That Conference instructs that all routine branch correspondence, such as membership, finance and legal, be sent by email rather incurring postage costs.

The terms of this motion have been carried out.

55. Conference mandate the NEC to stop the Annual Workplace Ballot in regard to the PSPRB Annual Award.

The terms of this motion has been carried out.

57 Conference accept that RMPs have had a positive impact on the Health and Safety of POA members and that this positive impact must be also afforded to our members in the private estate, Conference instruct the NEC to seek the roll out of RMPs in the private estate.

In relation to RMPs there is a mixed picture in the private estate across the company's, however private company's are not subject to PSI 07-2017.

February 2022 – As part of the regime progression process moving out of covid restrictions the POA have called for RMPs to be mandatory across the private prison estate – Ongoing.

SECURITY AND CUSTODY

60 To reduce violence and the known threat of 'spice' to staff, the NEC are instructed by Conference to seek a legislation change in regards to searching Rule 39 correspondence to prisoners.

Whilst actual legislation change would be difficult to achieve HMPPS have issued guidance via a security briefing, to all Governors regarding the photocopying of mail. This can be carried out following a risk assessment and is subject to regular review. Establishments using this method have found it to be effective. Rapiscans have also been introduced in the majority of establishments and we continue to look at other ways to prevent conveyance of drugs via correspondence.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

62 That Conference instructs the NEC to address with the employer the issue that assaults on staff, including 'potting' and 'spitting' are no longer considered to be serious assaults.

This has been raised with the employer via the security Whitley. There is no appetite from them to make these changes. They acknowledge they understand why staff feel this type of assault is not being taken seriously but have concerns about the impact on current statistics if they were to make these changes. They agreed to revisit discussions at the point where the incident reporting guidance

is reviewed but also acknowledged this will not be for some time due to other ongoing commitments.

April 2020.

HMP Belmarsh Prisoner receives a 20-month sentence for spraying Prison Officer with urine. He was charged with ‘administering a poison with intent to injure, aggrieve or annoy’ under Section 24 of the Offences Against the Person Act 1861. The older law carries a maximum sentence of two years but requires proof a ‘noxious substance’ has been used.

December 2021.

See POA Circular 105 Police, Crime, Sentencing and Courts Bill.

“The POA have met on several occasions with Earl Attlee in the House of Lords who has turned out to be amongst others a key ally of the POA and he is attempting to amend the Police, Crime, Sentencing and Courts Bill to give greater protection to prison staff against cowardly and disgusting “potting” assaults. His original amendment after being briefed by the POA was debated in October 2021 (please see www.tinyurl.com/pottingdebate for the transcript) but this was tactically withdrawn after the Government claimed it was unnecessary because such assaults are already covered in law.

However, Earl Attlee intends to bring a similar amendment back at the next stage, which commences in the New Year.

In order to secure maximum Parliamentary support, his new amendment focusses on prisoners who help facilitate such attacks by contributing their own bodily substances – which is not currently a crime – by establishing a new offence of “facilitation of potting”.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

OPERATIONS

64 To reduce violence and the threat of spice, the NEC negotiate that all prisoners are returned into prison clothing until such time this huge problem is under control.

[Chased Prisons Directorate for a response 19/2/20.](#)

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

65 Conference instructs the NEC to negotiate that the employing of all wing based jobs for prisoners are now allocated by operational wing staff once cleared by the appropriate department.

Chased Prisons Directorate for a response 19/2/20.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

66 Conference to accept that the Open Estate is just as important as other categories of prisons and requires recognition and deliberation when implementing policies.

Accountability for Open Prisons and their Governors is through their respective PGD and Executive Directors North & South to the Director General Prisons. The Open Prisons Forum (OPF) is an advisory body which brings together Open Prison Governors to share best practice, learn lessons and influence policy development. The OPF is chaired by the Deputy Director Prisons supported by the lead Governor, currently the Governor of Sudbury. The Operational Policy Subcommittee is chaired by the Executive Director South, Michelle Jarman-Howe and includes the Deputy Director Prisons providing the link to the OPF.

Throughout this year the Whitley Councils have pushed HMPPs in relation to a number of Open Estate specific issues. The OMIC team have met with the employer numerous times in order to try and establish the same protections for Band 4s likely to be displaced by OMIC as were achieved for the closed estate, that continues to be a priority. The employer has confirmed that PAVA will be issued in the open estate to staff when on night duties this came about by the PAVA sub team recognising and deliberating specifically on behalf of the open estate in relation to the roll out of PAVA. Key issues for the open estate remain part of a dispute between the Union and HMPPs in relation to OMIC. The motion will remain as an ongoing policy of the Union.

67 Conference instruct the NEC to gain key workers or equivalent profiled time for the open estate to accommodate the rehabilitative culture.

Employee Relations chasing a response 18/2/20.

Please see;

*POA circular 49/2019 (23 May 2019.)
POA circular 94/2019 (27th September 2019.)*

This is a key issue for the open estate and remains part of a dispute between the Union and HMPPS in relation to OMIC. The motion will remain as an ongoing policy of the Union.

February 2022 – The POA NEC continue to pursue key worker or an equivalent for the open estate. The OMIC lead could not give any assurance around gaining resource.

68 That the NEC actively engages with HMPPS to remove the OSG grade from working in Segregation units in the night state, as per the provisions of PSI 42/1997 which clearly state that “ Duties which are not consistent with the role of the Operational Support Grade are those which require higher levels of security training, planned use of force (C&R) and the higher levels of inter-personal skills, for which Officers are specifically trained.”

Employer agreed with POA position; following dispute Richard Vince wrote to Executive Directors PSP North and South stating; “It is agreed that the technical wording in PSO 1700 Segregation defines that segregation units should be staffed an “officer” grade due to the potentially complex nature of that environment. Therefore, we will need to ensure that we comply with policy”.

Achieved please see POA circular 114/2019 – 13th November 2019.

HR

71 That Conference condemn HMPPS for its continued failure to adequately address the ever increasing issue of mental health being suffered by staff which is directly linked to the HMPPS failure to follow its own procedures as outlined in PSI 01/2017.

Further to this the NEC to enter into urgent discussion with HMPPS, using all means possible, to ensure that properly trained mental health professionals are appointed at every Region/establishment to properly monitor and directly address the issues to staff mental health.

The Occupational Health and Employee Assistance Program Policy Framework specifies mandatory provision of confidential counselling services for staff. HMPPS provides a 24/7 Employee Assistance Programme where mental health support, counselling, therapy is delivered by qualified counsellors.

The whole range of services are outlined in the EAP User Guide on My Hub:

<https://hmpps.myhub.sscl.com/>

Structured Professional Support is a proactive personal support service available to staff. The contract has been in place since April 2018. More details can be found here:

<https://hmpps.myhub.sscl.com/hmpps-connect/i-am-an-employee/Working-here/structured-professional-support-SPS-for-prison-staff>

Care Teams and care team leaders have their own training in place and although are not trained mental health professionals they are aware of how to signpost staff to trained mental health support.

The Staff Safety group have delivered TRiM training in the 10 Prisons Project in 2018 and this training is continuing.

The HR Whitley Committee have witnessed an improvement over the year in HMPPs provision of mental health support for our members. In house resources have been deployed following serious traumatic incidents and remain in place providing counselling to staff. The motion will remain as an ongoing policy of the Union.

72 That Conference condemns HMPPS on the way our members exit the Service under IHR and enter into discussions to rectify this.

HMPPS (Steve Buxton and Michael Lowe) have met with the POA HR Whitley committee throughout the year, and we were able to confirm with the POA exactly what their concerns were regarding IHR.

Subsequent to that, a website had been set up for staff to use who were off work and unable to access SOP, but HMPPS acknowledge that more work was required around this. The POA said that this issue had been raised historically, the HR delivery team agreed with issues raised by the POA HR Whitley Committee and have worked collaboratively to improve the process and at the same time provide a single point of contact for interventions in relation to stuck or hard to progress individual cases.

Following consultation with the POA -HMPPS Employee Health – Occupational Health and Ill Health Retirement Services have developed an external website in conjunction with Optima Health.

It provides comprehensive information and guidance on Public Sector Prisons & Head Quarters Ill Health Retirement, Injury Benefit and Sick Leave Excusal.

<https://hmppsemployeehealth.com/>

Achieved – Through regular meetings with the HMPPS Employee Health – Occupational Health and Ill Health Retirement Services and the HR delivery team the POA HR Whitley Committee have identified critical issues that were impacting on individual members, identified common problems across the estate in relation to the completion and processing of IHR applications. Positive discussions and meetings have led to the creation of a single web site containing vital information for members and most importantly that information is now available to members away from the workplace.

73 For the NEC to negotiate an extra payment for OSGs carrying out skilled task which require them to pass an examination for example control room trained OSGs. For all OSGs carrying out extra duties to also receive this payment including care team, youth justice foundation degree etc.

HMPPs response - Pay and allowances for operational staff are not matters for negotiation / collective bargaining and are determined by the independent Prison Service Pay Review Body (PSPRB) process.

While HMPPS is always amenable to discussing potentially common proposals, ultimately, engaging in the PSPRB process and submitting evidence to the PSPRB is therefore the avenue by which the POA can make representations of this kind.

As above the Employer states they will not enter into negotiation or collective bargaining in relation to pay and allowances, however the employer recently successfully engaged with the POA in relation to on call allowances for the NTRG and NTDSG, once agreement was reached including a ballot of the affected members the agreed resolution formed part of the employers submissions to the PSPRB. In addition the permanent uplift in the rate of Payment Plus and the uplift in OSG overtime gained this year also proves that the employer can, when it chooses engage with this Union in relation to pay.

The POA believe this approach could have been taken in relation to this motion.

Feb 22 update – As part of their submissions to the PSPRB 2022 the POA NEC requested a £500 payment for any individual delivering additional tasks, the ECR / Control room was included on a non-exhaustive list of tasks delivered across the range of ranks and bands including OSGs and Band 2 colleagues.

The motion will remain as an ongoing policy of the Union.

75 For the NEC to formally challenge the vetting process currently in place by HMPPS, ensuring that all staff working in Prison Establishments are correctly vetting before taking up employment.

In order to gain a better understanding of vetting issues the National Chair raised a freedom of information request in relation to vetting of potential HMPPS job applicants, within that Freedom of Information Request the Ministry of justice stated the following;

As part of the security vetting process, a criminal records check is carried out on all HMPPS applicants, covering all job roles. Where any adverse information is identified as a result of the criminal records check, the Approvals and Compliance Team (ACT) carefully study the full facts of a case when evaluating suitability, and consider each case on its individual merits before a conclusion is reached, including the job role they are applying for. The ACT is a unit of experienced operational and non-operational staff responsible for decision making on the suitability of all staff and contractor personnel working in HMPPS who are subject to security vetting. The unique nature of the organisation and the settings in which individuals may work, means the security of prison establishments is a fundamental consideration. As part of an application for employment within HMPPS, an evaluation is made to decide if an individual is suitable for work in a prison environment, taking into consideration safety and security issues, as well as our duty of care to prisoners, staff and the individual.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

HMPPS Response;

HMPPS met with the POA NEC in December 2019 to outline the tools HMPPS use for vetting and the risk management we put in place. HMPPS felt this was accepted and understood by the POA. All staff and workers are subject to personnel security vetting based upon the job role and level or risk associated with it. All applicants are subject to a number of checks including identity verification, confirmation of right to work, referencing as well as a criminal records check covering both spent and unspent criminal convictions. We are reviewing our approach with the intention of enhancing our current vetting checks to make sure we reflect the changing threat picture; changes will be rolled out over the next year or so. All prison and probation locations must comply with the security vetting policies and procedures, which underpin the overall safety and security of all staff, workers and prisoners.

81 Conference reaffirm the Unions policy to scrap the annual staff fitness test as it is not fit for purpose.

HMPPS Response:

HMPPS have confirmed there were no plans to amend the Staff Fitness Test. HMPPS have discussed this with the POA NEC who confirmed they would respond further on this Conference Motion.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

82 Conference instructs the NEC to engage with HMPPS to seek changes to the current promotion policy and procedures, so that experience, knowledge and service is considered when selecting candidates. This would help to eradicate the bias, discrimination and nefarious intent which is inherent in the Service and more so with some managers.

The Head of Learning and Development has advised that there is a review currently looking at all promotion assessments across HMPPS and the POA have been invited to engage in this by the Lead. The Employer state they are very keen to explore a move to a model that is potentially less focussed on one's performance on one day, and instead does take into consideration their previous experience and knowledge.

The concept of the Work Books that was introduced a couple of years ago already takes us in that direction and we will explore further over the coming months.

The POA will continue to engage with this piece of work in line with this conference motion.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

83 Conference to direct the NEC to address the antiquated amount of Travel & Subsistence, and uplift the Travel & Subsistence through any means of negotiation through joint venture with the TUC and consultation with the HMRC to gain a more realistic amount for our members and to report back to Conference 2020 if not before.

HMPPS have confirmed that a review of travel and subsistence rates will be considered as part of a wider policy review, date yet to be determined.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.

84 That Conference instructs the NEC to seek a change to the current grievance procedure to ensure each stage of the grievance is heard independently.

HMPPS Response;

The grievance policy will be reviewed as part of the programme of work that HR Policy team are taking forward over the next 12-15 months. Consideration will be given to the issues raised by TUs as part of this work, and will be subject to separate dedicated meetings and consultation.

The Employer have presented a proposed new Staff Grievance Policy Framework. At present the element of independence at each stage has not been reached however, talks regarding the new policy framework continue.

85 Conference mandate the NEC to pursue an uplift in the Care and Maintenance of Dog Annual Allowance.

HMPPS response - Pay and allowances for operational staff are not matters for negotiation / collective bargaining and are determined by the independent Prison Service Pay Review Body (PSPRB) process.

While HMPPS is always amenable to discussing potentially common proposals, ultimately, engaging in the PSPRB process and submitting evidence to the PSPRB is therefore the avenue by which the POA can make representations of this kind.

As above the Employer states they will not enter into negotiation or collective bargaining in relation to pay and allowances, however the employer recently successfully engaged with the POA in relation to on call allowances for the NTRG and NTDSG, once agreement was reached including a ballot of the affected members the agreed resolution formed part of the employers submissions to the PSPRB. In addition the permanent uplift in the rate of Payment Plus and the uplift in OSG overtime gained this year also proves that the employer can, when it chooses engage with this Union in relation to pay.

The POA believe this approach could have been taken in relation to this motion.

February 22 update – The POA NEC as part of its 2022 pay claim submissions to the PSPRB gave detailed evidence and requested an uplift of the dog handler Care & Maintenance Allowance be increased to £7,000 for one dog, plus £500 for each additional dog.

The motion will remain as a policy of the Union until it is achieved or until the 10 year Anniversary.