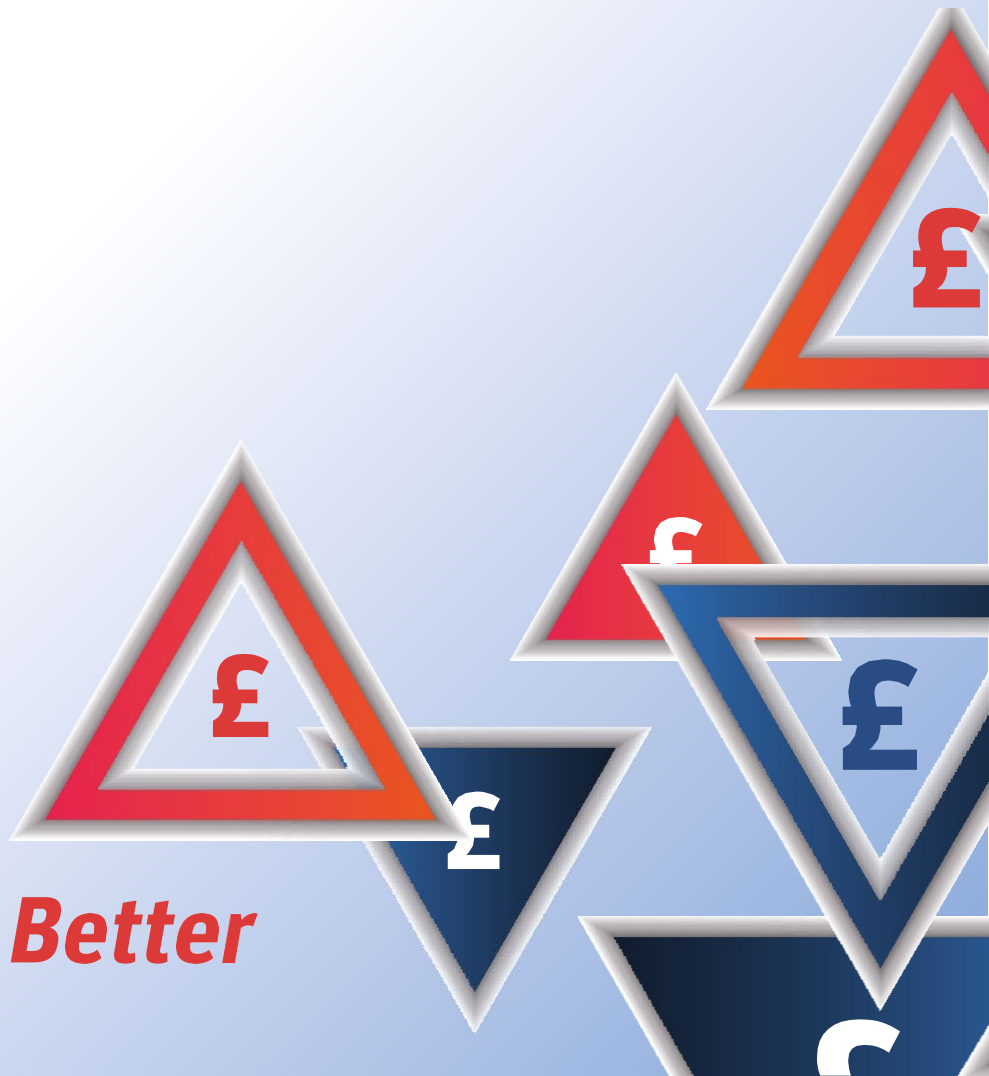




POA Annual Conference 2023

Annual Report 2022



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ANNUAL REPORT

2022

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STEVE GILLAN
General Secretary



MARK FAIRHURST
National Chair

Foreword

As with previous years, 2022 proved an extremely busy year for the Union across the country.

Operational Environment

As we head into summer 2023, the service in England and Wales is experiencing what the Government describe as a capacity crisis. The POA believe the reality is a prison officer retention crisis that has caused a capacity crisis.

The POA know that (at the time of writing) there are many empty cells at HMP Berwyn and empty cells at HMP Five Wells. We appreciate that HMPPS have put in place safety measures that don't simply see these spaces filled, thereby placing even more pressure on our members, but the cause of these spaces going unused is that HMPPS do not have enough Prison Officers to put them into safe operation.

Many of our members complain about the lack of management support, and this is backed up by the annual staff survey, which shows that the prison service is rife with bullying. There is also a lack of mental health support for staff, which can have devastating consequences.

There has been a dramatic reduction in middle management because managerial tasks were removed from the Band 4 rank and moved to Band 5 Custodial Managers, who are expected to line manage around 20 staff.

There is also a loss of experience at Band 5, which all contributes to a lack of managerial support – with in some cases Band 3 prison officers potentially going several weeks without even seeing their line manager.

The POA have worked with HMPPS around the wider roll-out of TRIM, a trauma-focussed peer support system, to identify the impacts of traumatic events and help early detection of PTSD.

COVID

Looking back, everybody who works in prisons, whether it be front-line prison officers, managers, civilians or support staff, should all be extremely proud of what they did throughout an unprecedented health crisis.

The modelling from the experts told us to expect at least 2,700 prisoner deaths, with no estimate for staff.

At the time of writing, 62,820 HMPPS staff had tested positive for Covid across the pandemic, and 55 HMPPS staff lost their lives within 60 days of a positive Covid test.

That shows the lengths that our members went to in keeping those in their care safe, while putting themselves and families at risk.

As a union we can be very proud of what we did for our members and what our members did for those in their care.

What is important, going forward, is we learn from these life-changing events and strive to progress, not to regress. We want the unique operational environment to be safer, more stable and more secure than when we went into the pandemic.

We hope this conference will prove to be a positive one which provides a springboard of policies to take the union and the membership forward.

Here is a small selection of issues that have been progressed this year.

Pension Challenge

Following the acceptance by the Government that the changes made to all public service pension schemes in 2015 were unlawful, the POA and its legal advisers have been able to progress members' claims for compensation for injury to feelings. An agreement has been made with the Government as to how that will be done.

As reported at conference in 2022, tariff rates have been agreed for the compensation to be offered to prison officer members. Our legal advisers have written to all of the claimants inviting them to accept. About 50% of members have replied, and where the response is a straightforward acceptance their details have been passed to the Government Legal Department for onward processing and payment.

Some cases are more complicated. Members may have retired already, on the grounds of ill-health, with a reduced pension, or on partial retirement terms. These members have an ongoing financial loss. Under the legislation passed in 2022 the Government intends to re-examine all such cases, but the process may not be completed until mid-2025. Unlike all of the other major civil service unions the POA has reached an agreement with the Cabinet Office for their progression now, without waiting for the new legislation to come into force. A few cases have already been dealt with, but the timetable for dealing with others has yet to be settled.

Processing claims has been complicated because MYCSP are not able to make the payments themselves, for administrative reasons. Our legal advisers have set up an alternative arrangement, which amounts to setting up a second payroll, which is now in place. The Government has accepted that it must pay for that. Payments will be made by the Government to an independent third-party administrator, not the POA or its solicitors, and the third-party administrators have been contracted to make the payments once MYCSP provides the funds.

Cases for prison officer members in Scotland and Northern Ireland have been delayed pending the resolution of the claims made in England and Wales, which are being used as a benchmark. All indications are that the same tariff rates will be applied, and the same administrative arrangements will be used. The devolved administrations have sorted out the financial arrangements that they need to make with the Westminster Government. Claims for members in Northumberland prison, who are employed by Sodexo, are similarly delayed but again we anticipate that the same tariff rates and process will be applied.

Claims for NHS Pension Scheme members have not yet been settled. A hearing has been listed in 2025 (the earliest date available from the Employment Tribunal) but we hope and anticipate that they will be settled well before any hearing.

Claims can only be made for members who completed the surveys conducted by the POA in 2017 and 2020, and who therefore provided the details necessary for an Employment Tribunal claim to be made on their behalf.

The Government is under no obligation to pay compensation to non-claimants and will not do so.

The POA recognises that this has been a convoluted process, and thanks members for their patience. Thousands of cases must be processed individually, which is a complex task and administratively demanding.

Benefit improvements for members of the alpha pension scheme

Benefits for alpha members should have been improved in 2019, after it transpired that the cost of providing alpha benefits was much less than anticipated when alpha was created.

Instead, the Government chose to use the notional alpha surplus to pay for the cost of the discriminatory treatment that led to the Pensions Challenge. The amount in issue is approximately £17bn.

The POA, in a joint claim with the FBU, GMB, PCS, the RCN and Unite, challenged this in judicial review proceedings at the end of January. The High Court did not accept our arguments in a judgment handed down in March, and an appeal to the Court of Appeal is now being considered.

Prison Violence

Throughout the Covid pandemic the Executive have monitored the levels of violence, and we saw, as we predicted, lower levels of violence as regimes were restricted.

2022 gave HMPPS the unexpected opportunity to formulate safe, decent prisons where purposeful activity can replace pointless boring regimes, ensuring those in our care are given hope and those who supervise are supported when they challenge poor behaviour.

The POA did not and still do not want a return to the violence levels our prisons experienced pre-pandemic. With that in mind, through 2022 the POA engaged with HMPPS around purposeful activity in the hope that we could have meaningful constructive regimes and not return to large levels of unlock and inactivity that this union knows leads to boredom. It facilitates drug-dealing, it facilitates debt and misery and leads to higher levels of violence and self-harm.

Governors in some prisons shared the POA vision and are still moving cautiously forward, while others saw the lifting of restrictions as the tape going up on a race to large-scale unlocks with prisoners unlocked for the sake of being unlocked or appeasing inspections.

Dialogue continues around improving purposeful activity, but this is set against steadily increasing levels of violence and rising number of incidents.

Reform and rehabilitation must be meaningful words not political headlines.

Private Sector

In 2022 we saw the opening of HMP Five Wells near Wellingborough.

The POA gained voluntary recognition at the new G4S-managed establishment.

The Union will continue to campaign against the obsession of the Tory Government to outsource and privatise public sector work, but where it can gain recognition and influence through collective bargaining, the PO works equally as hard for our members within the private sector organisations.

Currently we have recognition in three of the five G4S establishments where we have members and over the last year have been looking to develop two new Branches which are HMP Five Wells, the newest prison in the sector, and Oakhill STC.

Membership within the immigration support services provided by members working for Mitie Care & Custody has

increased by 98% across 2022.

The POA brought issues raised by POA members at the Manston Short Term Holding Facility to the public's attention, because our members were working in a volatile environment compounded by political interference.

The POA believe that gains in pay and conditions made in the private sector have a direct impact on HMPPS's ability to recruit and retain. We have endured the race to the bottom, and make no mistake pay settlements in the private sector feed into the pay review body's decision. It's time now for the climb back to the top.

Pay settlements in the private sector so far this year have seen to date:

HMP Northumberland committee and their FTO negotiated an 8% pay uplift.

G4S - 2022 pay round with an offer of an uplift through collective bargaining of £2000 for officers at Oakhill STC and HMP Oakwood.

Collective bargaining on pay saw HMP Five Wells G4S implement their pay rise three months earlier this year, with a £2000 uplift for PCOs. In addition a £4000 retention bonus was put in place for PCOS and FLMs that remain in service January 2024.

May 2023 will see the opening of the new prison HMP Fosse Way near Leicester under management of SERCO. The POA will continue to pursue recognition.

At the time of writing the POA is actively engaged with other private sector employers around expanded recognition. This is proof that the POA model delivered by the FTO and PS support team are respected and constructive within the sector.

PSPRB

Throughout the last 3 years the Prison Service Pay Review Body have made recommendations for below-inflation pay increases for the remit group. Where they made recommendations which we would have welcomed, Government chose not to accept them. These choices by Government again showed to the NEC and membership, as a pay determination mechanism, to compensate POA members for the restrictions placed on their Trade Unions Rights, the process fails to compensate.

What is clear is, HMPPS must be given the funding it truly needs to deliver the service which Government claim they wish to deliver. The PSRB has the opportunity again this year to award a significant increase that supports its status as a compensatory measure.

If it does not or Government refuse to implement the recommendations in full then this executive believe conference 2024 may well direct the union around future engagement with the PSPRB.

Political Campaigning

In the last 12 months the POA name and message has never been far away from both Houses of Parliament.

Across all parties, MPs have been well briefed by the POA, putting questions to Government around issues that affect POA members such as Prison Officer pension age – 68 is too late, Safe Inside, pay justice, menopause, fitness testing, a Royal commission on prisons, prison regimes, prison safety, arrival times at court and prison receptions, IPP prisoners, the Cat D estate, the Female estate, separation policy, the prison expansion program, offending on release and abscond, population pressures, parole procedures, the deployment of PAVA, increases in remand numbers, cell crowding, vaccination and deaths in custody.

The POA were assisted by the Justice Unions Parliamentary Group to raise significant issues around the rapid expansion of the Manston STHF in Kent, its impact on staff working on the site, both in relation to working conditions and rising threat of a public order incident, disease and infection control and potential legal implications for POA members around detainees being held illegally.

The POA National Chair addressed at length the Commons Justice Select Committee, he pulled no punches and left the committee with significant things to consider around the issues impacting on the Prison Operational Workforce.

The POA remains politically neutral.

The Union is not affiliated to any single political party and have a wide range of support from MPs of all political persuasions. We will continue to work closely through our Parliamentary Groups.

Scotland

In what has been a busy year all round in Scotland with things opening back up after COVID, most of that time seems to have been taken up with house moves, conferences, and pay negotiations and ballots.

The sale of Calder Road in Edinburgh the previous year led to us relocating to our new office in Clackmannanshire.

With over 50 years of history tucked away in the old office the move was no mean feat and certainly no midnight flit. It was taken over a protracted period and several false starts.

However, we are in the new office now and it is an ideal facility that will provide good office space for the POA in Scotland for a long time to come.

Between the SPS and the State Hospital in Carstairs we had to run 6 separate pay ballots over the 2 employers, as well as a ballot for industrial action, and all the preparatory work on the membership data to make us compliant under legislation to call for industrial action.

Ultimately, we were able to eventually get 2 deals on the table that were accepted by the members in Scotland.

The SPS deal equated to 5.9% consolidated for most of the membership and circa 7% total value when you include the non-consolidated payment too.

Our NHS colleagues in the special hospital at Carstairs had a package total whose value was circa 7%, although that % varied significantly depending on which pay band you belonged to.

As a pay offer presented as being progressive, it meant the highest % rise went to the lower paid, with those on the highest pay bands receiving less.

In October we were able to host our Annual conference again for the first time in 3 years, and although it added to the workload ahead of that in preparing for the conference, it was good to finally get back in a room face to face again and see the democratic process play out in front of us all again.

Our Thanks to the Membership

The National Executive Committee wish, as always, to place on record their thanks and gratitude to the men and women of the Prison Services, Immigration Support Service and the NHS, who continue to serve the public diligently day in day out.

The issues and difficulties outlined above can only be taken forward successfully with the continued help, engagement, and support of the membership.

Where we have not yet achieved favourable results, we will continue to campaign and negotiate on your behalf. We may not always be as successful as we would like, but the NEC are sure that if the Union remains strong and we remain united then further successes will be achieved for members going forward.

Thank you all.

HR

HR Sub Whitley Annual Report 1/1/22 – 31/12/22

Introduction

Since the last POA Conference in 2022, the POA has worked hard on your behalf to improve terms and conditions and to keep you safe in the workplace during what has been a challenging time for our members working in the prison service. The difficulties recruiting and retaining staff, maintaining minimum staffing level requirements and ensuring safe systems in work have been prioritised this year. The cost-of-living crisis has fed into these consultations/negotiations with the Employer, as has the increasing prison population post-Covid and the regime changes this has inevitably led to. The gains we have made on your behalf are as follows.

- Since last year the submissions to the Pay Review Body supported by the giving of oral evidence in a timely manner and challenging the refusal of the Employer to follow the Pay Review Body Recommendations have resulted in a significant pay rise for those on F&S terms and conditions and an increase to others. Unfortunately, this has not meant members receiving a fair and inflation-proof pay rise to stem the flow of staff leaving the Employer for better pay.
- The recruitment of staff has improved but unsurprisingly retention has yet to see any improvement, which has placed significant pressure on those staff working in prisons having to work without enough staff to ensure a safe and decent regime focused on rehabilitation.
- Challenging the suitability of the current fitness testing has been a challenge for the POA but one which has continued despite numerous obstacles being raised by the Employer. The POA is currently looking at a more occupationally suitable fitness test whilst continuing to campaign for its replacement with a well-being assessment. The POA is clear that the current fitness test is not fit for purpose and discriminates against women and older workers as well as those who have a disability.
- Raising, both collectively and individually, bullying and unacceptable behaviour in the workplace is ongoing and the POA will challenge the Employer in respect of unacceptable behaviour by both middle and senior managers. It is of concern that there is a reluctance by the Employer to proactively deal with such behaviour and, whilst local and national branch officials have had successes in challenging the concerns of our members regarding their treatment in the workplace, it has been a struggle for members to hold both colleagues and managers to account.
- Supporting a better work-life balance by supporting the implementation of the flexible working policy. This has continued, but the current crisis in recruitment and retention potentially should have enabled this to occur. However, in many cases it has been used as a reason not to grant flexible working. There are ongoing discussions regarding this with a couple of pilots [Onley/Styal]. The recruitment and retention issues have impacted on progressing permanent part-time working, annualised hours, and other changes to enable operational staff to achieve a better work-life balance in what is a demanding and challenging occupation.
- Working with the Employer to deal with discrimination in the workplace and sending a clear message to our members and the wider prison community that racist language/abuse is unacceptable is ongoing, but the POA have been disappointed and the pace of change. The lack of mandatory training on race post-Apprenticeship is a major obstacle as is the lack of available training to members whose behaviour has been found to be unacceptable.
- Supporting women in the workplace has been given a new impetus by the first Women's Workshop taking place in November 2022, which was oversubscribed and open to all women POA members. It was a very successful event, with women being given the opportunity to share their experiences with each other and with HR colleagues who were in attendance for parts of the workshop.
- Negotiating a new Grievance Policy with the Employer has proved to be challenging beyond belief. There is a clear need, as I am sure all members and both Local and National Officials would agree, to address the need to have a fair and impartial process which is timely and transparent. This, despite

negotiations, has yet to be achieved. The POA hope to be able to report back in 2024 that this has been achieved.

- The improved arrangements with Occupational Health for all staff returning to work from long-term sickness including those injured at work, or suffering from Long Covid or work-related stress, has been beneficial for members. The support for those who have a chronic life-limiting illness has been developed. There is a long way to go in order to support members who wish to continue to work in what are challenging circumstances and National Officials have pushed hard at the door of the Employer to achieve this. It has not progressed as quickly as the POA would have liked but there is progress.
- Continuing to support individual members in codes of discipline, grievances, and other HR processes, including those which include the provision of reasonable adjustments, staff being targeted by prisoners or colleagues, as well as ensuring that staff are paid their correct salary and allowances in a timely manner and are not unduly penalised for overpayments caused by the Employer.

Looking beyond the Conference to 2023-24, processes and procedures to tackle unacceptable behaviour such as bullying, harassment and discrimination of members has repeatedly been raised by NEC members. The current recruitment and retention crisis, which has resulted in the Employer being unable to retain the new staff recruited, will continue to be a challenge. New staff, prison officers, OSGs and newly promoted CMs need to be supported and fairly treated in order to do the best job they can.

A negotiated Grievance Policy to offer a fair and impartial hearing to the serious concerns of our members needs to be completed by next conference and is a priority, as well as truly independent investigations into disciplinary and capability processes. Neither of these are within the control of the POA, but every effort will be made to achieve this.

Finally, pay for 2023-24 will be a priority as the cost-of-living crisis continues and looks unlikely to improve in 2023 through to 2024.

Minutes of the POA HR Sub Whitley Meeting 23 February 2022, 3 – 5pm by *MS Teams*

Attendees

HMPPS

Francis Stuart (Chair)	Head of Employee Relations
Rebecca Barnes (RB)	Divisional Head of HR - HMPPS HR
Samantha Beard (SB)	Head of Delivery & Development - C&D Apprenticeships and Operational Training
Jim Heavens (JH)	SBO Resourcing for HMPPS
Rob Moore (RM)	Head of HR Policy Team
Samantha Lappage (SL)	MoJ People Group, HR Policy Adviser
Georgia Ridge (GR)	MoJ People Group, HR Policy Adviser
Caroline Rostron (CR)	HMPPS Staff Wellbeing Lead
Joseph Holloway (JH)	Interim Head of HR Services (Operations and Improvement)
	Head of Life Chance Resourcing
Tony Andrews (TA)	
Andy Heppell (AH)	Senior Employee Relations Lead
Roberto Pesci	ER Team Business Support (Minute Taker)

POA

Dave Todd	National Vice-Chair, POA
Sarah Rigby	POA NEC
Geoff Willetts	POA NEC
Angela Montgomery	Full-Time Officer

Apologies

Andy Hewitt	Senior Employee Relations Lead
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Ruth Mulder
Ian Carson
Terry McCarthy

Head of HR Workforce Planning
POA NEC
POA NEC

1. Apologies were received as set out above.

2. Minutes of the Previous Meeting

The Minutes of the meeting that took place on 21 November 2021 were agreed as a true record.

3. Matters Arising (Actions Log) – Andy Heppell

3.1 Concerning the ongoing Dying to Work Charter action, the POA made the point that this was first raised in 2019. The Chair advised that this suggestion had got caught up in the wider HR policy work HMPPS had been focusing on with MoJ People Group. HMPPS was very keen to support staff in these circumstances, and did so, but had been advised that this would need to be part of a pan-MoJ approach. The Chair undertook to follow this up with MoJ People Group in more detail and the action log would reflect this. He accepted the POA's concerns that more progress was needed.

3.2 Concerning the ongoing actions around the Grievance procedure, the POA made the point again that they did not feel their comments on the recent consultation were being taken account of. The Chair expressed surprise and thought, in particular, that the new draft procedure had accepted the POA request for a collective grievance approach and that the consultation had been extended to enable more time to take account of the views of our recognised trade unions. The Chair felt this was a positive.

4. Learning and Development (L&D) update – Samantha Beard

4.1 SB advised that 5,100 places had been filled for Foundation training and we were also training 175 new trainers. Wales sites would be coming on-board in April 2022, and we were increasing the capacity of training venues in the East of England. There was currently 88 percent occupancy of places on the Foundation training. Use of Rigid-Bar handcuffs training would start after 28 February and Release in Error training would launch from April. From July 2021 to the present SB confirmed 3,500 staff had passed the Fitness Test. By July 2022 we would have tested 95 percent of staff.

4.2 SB advised that L&D were looking to digitalise the Foundation training. Phase one of this work would look at core activities. We were liaising with establishments around the transition and were establishing single points of contact for this work. Pilot sites had been identified.

4.3 SB spoke about the L&D Review and that a restructure with the assistance of HR was due to take place shortly. SB confirmed there would be no change to headcount. We would be introducing greater governance and increasing our planning capacity. TUs would be able to see our restructure proposals when ready. SB confirmed there would be no changes to Bands, but we would be moving onto the MoJ grading structures. Therefore, instead of Band 8s, staff at this level would be known as SEO. The POA asked if there would be a loss of pay and or payment plus. SB advised that staff who moved into MoJ would go onto marked time for three years then move to the top of the relevant pay scale. If staff applied and were successful for another job within that time, then they would move over to that pay scale and those terms and conditions. If this was on promotion, then there would be no detriment to pay.

5. Recruitment and Retention Update – Jim Heavens

5.1 JH advised that there were almost nine hundred prison officer vacancies at Band 3 to Band 5 but that payment plus was mitigating the circumstances. Last year we recruited 4,132 new officers but had 2,931 leavers. The leaver rate was currently at 12.6 percent which was 3.4 percent higher than this time last year. Vacancies were not evenly spread across the country and there was an odd pattern: Wandsworth Prison and Feltham Young Offenders Institution had more vacancies compared to the rest of London. There were also staffing problems at Wayland, Isle of Sheppey, and the Verne with similar problems starting to show at Bullingdon and establishments in the Thames Valley. JH mentioned that the HS2 hub in Lichfield was attracting people away from Swinfen Hall.

5.2 JH said that there was a taskforce at Wayland and Portland which was assisting with internal transfers, but this was proving difficult because of the loss of staff in the meanwhile. We were tracking the attrition rate and performance managers were asking staff why they were leaving. JH said he was collecting this data and could share it if helpful. Alongside health and wellbeing, likely because of lack of flexibility in shift patterns, pay and progression were the main reasons for leaving. Other reasons included lack of custodial manager opportunities and prisons were not as clean or hygienic as they could be. The POA asked if there was any information in the exit data concerning corruption particularly organised gangs infiltrating local recruitment drives in the Midlands. JH and RB wondered if we should be collecting exit data from staff dismissed while still in training.

Action: Rebecca Barnes agreed to consider the issue of carrying out exit interviews for new staff dismissed while still in training.

5.3 JH estimated that we would need to recruit between five and six thousand Prison Officers to bridge the vacancy gap but there was not much prospect of this happening. Therefore, we needed to tackle the attrition situation. At Wayland we had introduced recruitment of part-time staff. We were tailoring our training courses to accommodate such recruits. Additionally, we had introduced flexible contracts to those ex-staff who had been recalled during the pandemic and this had worked well in some places. The POA pointed out that while the flexibility was good, HMPPS did need to ensure gaps in detailing were filled. They also reminded us that staff did not always feel safe due to levels of prisoner violence and that overstaffing would be helpful as prisons stabilised as we emerged from the pandemic. JH said we based our staffing levels on the target staffing figure.

5.4 Concerning OSG recruitment, we were now doing this centrally. We currently had 665 vacancies which was 69 less than January. There were 223 joiners but 124 leavers: this was less poor attrition rate than for Prison Officers. We would use the OSG route for internal PO recruitment and the next campaign would launch in July.

6. HR Policy Focus: current and new policies – Rob Moore / Samantha Lappage / Georgia Ridge

6.1 SL provided an update on HR policy transformation. The aim around these single policies was to make them more accessible and engaging. The Travel and Subsistence (T&S) policy and its digital element was due to launch now in late 2022. The new approach to Performance Management would launch from April and communications around this would be shared with TUs. A series of upskilling sessions around this had taken place. The POA asked why the T&S policy launch had been pushed back from the original date of April and what interim arrangements had been put in-place around the uplift of T&S as promised from April. The POA had understood that the agreement with them was for an April launch, particularly around taxable fuel costs for dog handlers. RM said that the current rates would remain in-place and would need to find out if there were any transition plans in the meanwhile.

Action: Rob Moore agreed to find out with some urgency what interim arrangements there were, if any, to the uplift of T&S rates from April 2022 while we waited for the introduction of the new policy later in 2022 (and if there was anything specific to Taxable Fuel Costs for Dog Handlers).

6.2 Concerning the draft Grievance procedure that had been shared with TUs, we were working on the TU comments and further conversations would take place early in the second quarter of this year. RM advised the Appeals process and Appeal Board make-up was being taken out of the procedure - the POA registered their discontent with this aspect and reiterated their point that HMPPS were not listening.

6.3 SL advised that the Conduct and Discipline policy was being reworked into two separate proposals and the current focus would be on Discipline with the end date for current engagement on initial proposals with TUs being 8 April. The POA added that when considering discipline, HMPPS needed to address the learning culture and how this was tied into procedural justice. The POA said they were keen to meet with HMPPS to discuss further.

Action: ER Team to arrange a meeting between MoJ People Group and the POA to discuss the proposals for the Discipline policy going forward.

6.4 SL advised that the Attendance Management policy was due to be refreshed by MoJ People Group and they had started work looking at Harassment and Discrimination policies. The guidance to staff concerning Media attention had been published. The POA asked if there would be a section in the guidance for TU Representatives.

They were concerned that Reps speaking to the media may be censored by the employer. The Chair pointed out that the recently published policy mentioned above and the POA concerns were two different issues, and the Chair would be happy to speak separately with MoJ People Group about this.

Action: Francis Stuart to provide briefing to MoJ People Group (Robert Moore) on the POA concerns around being both civil servants and TU Reps and the guidelines that should be followed as reps when talking to the media.

6.5 The POA mentioned the design of OMiC posters they had seen in establishments. They were confused as to who the target audience was because the same colour scheme/design seemed to have been used to advertise OMiC to staff and to Prisoners. Could different colours/designs be used for posters aimed at staff and for those aimed at prisoners. Additionally, the POA commented that the animations developed by MoJ People Group around support and attendance seemed confused and wondered if these had been discussed with front-line staff while in development. RM confirmed they were tested with small groups of staff and the Diversity and Inclusion Team but that the POA could feedback further during the consultation period.

Action: The POA asked that OMiC posters for staff and posters for prisoners in establishments could be made clearer as to who they were for – staff or prisoners - and be given different colour schemes/designs to differentiate them and therefore reduce confusion. ER Team to liaise with Zoe Markham.

7. Wellbeing Priorities update – Caroline Rostron

7.1 CR provided the update as contained in these Wellbeing briefing documents: the 2022/23 priorities; the 20/21 delivery summary; and the guidance on suspended staff issued in the Senior Leaders' Bulletin (SLB) and across the HR Community in November 2021 following a meeting with the POA.



7.2 The POA had raised an agenda item about support for suspended staff. They had attended a meeting last year with HMPPS, and voiced concerns over support offered to these staff. They wondered if there had been any progress on this work as they were still hearing from suspended staff that they were not being supported by their line managers / care teams. CR advised that the meeting had happened on 26 October and had included the POA, the Wellbeing Team and the Unacceptable Behaviours Unit (TUBU). CR advised that the pre-suspension checklist had been reviewed in November and an update sign-posting staff to PAM Assist. As was mentioned earlier, there was a review of the Conduct and Discipline policy ongoing. In November we also published in the SLB clear guidance to the HR community the support that should be offered to suspended staff. The POA asked to see this guidance – CR said we would share these after the meeting and in the minutes (see paragraph 7.1 above).

7.3 CR confirmed we would be rolling-out Wellbeing for Line Manager Training after the pilots and HMPPS HR were linked into this. The POA were concerned that staff who had only just joined and were in training at Newbold, may, if suspended, miss out on welfare support due to their home establishment not picking up on the issue because they were so new. They wondered if there was a well-being protocol or something similar that covered this circumstance (hopefully relatively rare) that we could share with the POA. The Chair agreed to consider this with the Head of HMPPS Learning and Development.

Action: Francis Stuart agreed to contact Sarah Fitzgerald (Head of L&D) to ask if there was a well-being protocol or something similar that covered new staff in training who had been suspended that we could share with the POA.

HMPPS Additional Item

8. Improvements in SSCL contracts re overpayments – Joseph Holloway

8.1 JH said that, regrettably, the recent pay awards that had been applied had led to some additional overpayments

and this situation might continue to the end of March but should then reduce. SSCL could now view all overpayments in one place on the new system that had been introduced and this meant problems could be resolved in four days. Concerning pre-2017 overpayments, JH said that HR Services would have contacted everyone in this category by March. A key objective was to reduce the overpayments generation in the first place, and we would do this by upskilling Line Managers and HR Teams locally.

8.2 We were looking to simplify our processes particularly around the movement of staff between HMPPS and MoJ which should really be treated as internal moves. This should cut overpayments by ten percent. An improved case management system, which would help our work, would go live in June. There would also be better governance arrangements and budget holders in each prison would be able to see Allowances in one report – this was being rolled out across Government.

8.3 The POA said that members were getting overpayments letters and could not then contact the appropriate team in HMPPS to discuss this and get their help. JH said that we were trying to change the wording of these letters with a focus on setting up repayment plans. JH mentioned that there was now an Overpayments option (Option 6) on the SSCL Telephone Helpline. Additionally, we had introduced two forms of Appeals process: a fast track one and a full panel one which involved ACAS. JH confirmed that if the POA were aware of individual overpayments cases, these could be put to Joseph Holloway's HR Services team to resolve.

Action: ER to share Joseph Holloway and his team's contact details with the POA for individual staff overpayment case escalation scenarios.

POA items to raise.

9. Queens Platinum Jubilee Medal

9.1 The POA said that their private sector members experienced difficulties having Medals such as these issued in the past. They wanted to ensure ahead of the issue that these members were included. The Chair advised that due to unforeseen circumstances, Jim Fraser, Lead for this work, was unable to attend this meeting but a dedicated meeting had been organised for 1 March, 4 - 5pm to discuss with the POA. The Chair also said he understood this was not awarded by HMPPS or the MoJ. The criteria for who could receive this medal was made by a cross-government committee and had been approved by HM The Queen. Official medals awarded by HM The Queen were restricted to public sector employees, in line with the existing criteria used for the award of previous Jubilee Medals to the other Crown Services. The POA thought that Prison Officers, even in Private Sector Prisons, held the powers of constable and that this should therefore include them in the criteria for eligibility. The POA would share more information prior to the meeting on 1 March.

Action: Jim Fraser, Lead for the work on the Queen's Platinum Jubilee Medal, would meet with the POA on 1 March to discuss their concerns that members in Private Sector Prisons should be eligible for this medal.

10. Breakdown of Attendance Management Warnings

10.1 The POA asked to see a breakdown of how many attendance management warnings were currently live, and at what grade, from Band 2, through to band 11. RB said that most of the data had been produced and would be sent to the POA after the meeting. The percentage of staff element was still being calculated and that would be provided later.

Action: Rebecca Barnes to send the POA data on how many attendance management warnings were currently live, and at what grade, from Band 2, through to band 11.

11. Management Ratios and CM Span of Control

11.1 The POA said that Custodial Managers and Hub Managers could usually expect to manage a ratio of between 18 and 24 staff. When OMIC was introduced, they were advised that HMPPS had not formally set a limit. There was an expectation that spans of control would reduce to less than 18 to 1. The POA would like to know what had changed. They advised they would never agree to the increase as per the recent Fair and Sustainable (F&S) operating guide sent to them as part of the consultation process. Additionally, the POA said Hub managers did not

manage that many staff, so they were unclear why the two roles had been put together in the F&S guide so that it appeared as though they did. RB agreed to discuss this further with the OMIC Team in HQ and would respond by correspondence.

Action: Rebecca Barnes would investigate what the intention was in the draft F&S Operating Guide concerning the ratio of staff to CMs. Rebecca would also clarify why CMs and Hub Managers seemed to both be included together in the draft guide. A response would be provided to the POA in correspondence.

12. British Forces Careers Fair Aldershot 03.02.22.

12.1 The POA wondered why HMPPS had not been represented at the British Forces Careers Fair, Aldershot. This provided opportunities to individuals who were leaving the forces. Tony Andrews (TA) advised that HMPPS did not usually attend these fairs due to the cost of running them and their being less well attended compared to CTP events which were our focus concerning the armed forces. CTP events focussed on ex-Army and Navy personnel who were already civilians and were a more appropriate fit for HMPPS. We had also launched the Advance into Justice scheme (www.advance-into-justice.service.justice.gov.uk). The fast-track scheme directly targeted armed forces leavers to become prison officers within twelve months of leaving the military. There was no on-line testing, just invitations to webinars and a single visit to carry out various tests and hopefully receive a provisional offer of a job on the day. A two-year home to work allowance was offered for those living within 75 minutes of their chosen establishment. Those outside of that could take advantage of a resettlement package. As we were employing these individuals outside of fair and open competition, jobs were offered as fixed-term appointments, but these staff were usually offered a permanent role after the first year. There were 107 successful applicants from a recent recruitment campaign that received first a choice allocation.

12.2 The POA asked why behavioural tests were not used as part of the recruitment? TA said that we had separate occupational health assessments for these applicants as they sometimes had specific issues such as PTSD to deal with. The armed forces also allowed us access to medical files. TA confirmed we would be tracking success rates and retention for this scheme to see how successful it was. Additionally, we have introduced an armed forces champion in establishments so that new staff from this scheme could receive mentoring. The POA offered to advertise the Advance into Justice scheme on their website and the Chair said we would share POA contact details with TA.

Action: It was agreed that TA and the POA would liaise further on promoting opportunities for ex armed forces individuals. ER to share the POA/TA contact details.

The meeting ended.

The next POA HR Sub-Whitley meeting was set for 31 May 2022, 2:30 – 4:30pm.

Minutes of the POA HR Sub Whitley Meeting 31 May 2022, 2:30 – 4:30pm by MS Teams

Attendees

HMPPS

Rebecca Barnes (Chair)

Mark Downie (MD)

Jim Heavens (JH)

Mete Ahmet (MA)

Claire Mulla (CM)

Joseph Holloway (JH)

Andrew McIlwaine (AM)

Kate Walker (KW)

Merlyn Ipinson-Fleming (MIF)

Andy Hewitt (AH)

Roberto Pesci (Minute Taker)

Divisional Head of HR - HMPPS HR

Delivery & Development - C&D Apprenticeships and Operational Training

SBO Resourcing for HMPPS

Senior HR Policy Adviser, MoJ People Group

Senior HR Policy Adviser, MoJ People Group

Interim Head of HR Services (Operations and Improvement)

People Strategy Lead – Futures Work

HMPPS People & Risk Senior Manager

Head of HR – Business Continuity

Senior Employee Relations Lead

ER Team Business Support

POA

Mark Fairhurst	National Chair, POA
Dave Todd	National Vice-Chair, POA
Ian Carson	POA NEC
Sarah Rigby	POA NEC
Geoff Willetts	POA NEC
Angela Montgomery	Full-Time Officer

Apologies

Francis Stuart	Head of HMPPS Employee Relations Team
Samantha Beard	Head of Delivery & Development - C&D Apprenticeships and Operational Training
Ruth Mulder	Head of HR Workforce Planning
Terry McCarthy	POA NEC

1. Apologies were received as set out above.

2. Minutes of the Previous Meeting

The Minutes of the meeting that took place on 23 February 2022 were agreed as a true record.

3. Matters Arising (Actions Log) – Andy Hewitt

3.1 Concerning the ongoing Dying to Work Charter action, the POA advised progress was taking too long and they would raise this as an agenda item on the next National Whitley meeting. They were very dissatisfied that this had remained ongoing on the Action Log for the past three years (since 8 May 2019).

3.2 Concerning the ongoing actions around the Grievance procedure, the POA again thought HMPPS were taking too long to move forward on this taking into account Trade Union comments therefore they would raise it on the next National Whitley meeting.

HMPPS Standing Items

4. Learning and Development (L&D) update – Mark Downie

4.1 MD advised that for financial year 2021-22 4259 places were offered to Officer Apprenticeships (formerly POELT) and, of these, 3715 were allocated. In the first quarter of 2022-23 we were offering 980 places with a further 5,000 planned. The delivery of the Foundation course now took seven weeks (it used to be eight weeks with induction). We still set aside two weeks for the induction but part of this was now digital. Of the 900 or so learners, we only had one who had not been able to finish the digital aspect of induction before going to the classroom. MD said we had qualitative and quantitative information electronically on each new officer's experience which gave establishments granular data on how these new officers felt about their learning in those first two weeks. We had information in the People Hub, and we encouraged each prison to look at this data. The POA asked if new staff were working in the control room. MD confirmed no, this was just part of senior management team site visits.

4.2 A discussion around new YCS staff and their training took place. MD explained that new YCS Staff do the same learning in-terms of the Foundation course as staff in the adult estate but then do the extra 2 weeks that would give them Band 4. The POA thought that some YCS Governors needed to be reminded that new staff only needed to do the extra 2 weeks training after Foundation in-order to become Band 4s. MD agreed to do this.

Action: Mark Downie agreed with the POA's request to remind YCS Governors that new staff only needed to do the extra 2 weeks training after Foundation in-order to become Band 4s.

4.3 MD mentioned that we were looking at filling any training gaps and we had re-written the Negotiator role. Concerning the restarted Fitness Testing, some 16,500 staff had passed this with approximately 2,000 left to pass. MD advised that the Learning and Development Team were trying to offer more digital learning to staff.

5. Recruitment and Retention Update – Jim Heavens

5.1 JH advised we remained in a difficult situation, despite record recruitment, we were still losing staff and were currently 1,200 officers short across the estate. The POA asked about the Government announcement concerning Civil Service job cuts and how this would affect HMPPS. JH said it was too early to confirm but it should not affect the operational line. The POA requested that we place a new temporary standing item on the agenda for this meeting – Civil Service Reduction of Headcount and how this will affect the operational line.

Action: ER Team to explore what the arrangements were going to be made for trade union engagement around CS2025 separate to this meeting and advise the POA.

5.2 The POA asked to see the current staffing projections by establishment, for example at Lindholme which the POA believed will have 50% less staff than they need. JH advised that he could only give officially released statistics but was content to have a dedicated meeting with the POA on this.

Action: ER Team would arrange a meeting between JH and the POA to discuss current staffing projection statistics.

5.3 JH advised we were recruiting at 90% of establishments and were running schemes to help attract staff e.g., paying travel and incentivising people to stay in areas of first deployment after two years. JH mentioned recruitment problems at Berwyn, Wayland and Woodhill. At Berwyn we were trying to interview people directly. JH said that the attrition rate across the estate was at 10% for Band 3 to 5. The POA thought that the Public Interest Transfer (PIT) scheme at the end of a two-year first deployment was capped at £31k. JH confirmed this was capped at £22k for the permanent PIT move (as per NTS 02/2022). The POA reiterated their point that ultimately salaries needed to improve in-order to retain staff.

5.4 JH said that the OSG recruitment and retention situation was better than for Prison Officers partly due to more opportunity to work part time and that staff were drawn from local communities and were less likely to travel.

6. HR Policy Focus: current and new policies – Mete Ahmet

MA said that there had been lots of structural change to the HR policy team and that Donna Sexton was now Head of HR Policy. There had been a recent launch of the Menopause policy and the Hybrid policy had been scheduled to go live next week: links / accessible versions of the policies would be shared with Trade Unions. Concerning the Grievance policy, leads were hoping to finalise some products by next week and these would be shared also. Work remained ongoing on the bullying and harassment policy.

POA Items (brought forward)

7. Performance management: learning from pilot sites

The POA asked what changes HMPPS had made based on the feedback from pilot sites. MA said that data analysis had been written and would be shared in the next few weeks. While the new approach to performance management had been rolled out nationally, we were still gathering pilot site data. The POA said that they felt their original comments highlighting issues had been ignored and could not understand the logic of rolling-out nationally when we were still waiting on some pilot data. MA thought the initial survey on performance management was shared with the Trade Unions, but the POA could not recall this. He would provide the initial survey information again to the POA and any follow-up information also. If necessary, it was agreed that a meeting could be arranged to discuss the data.

Action: Mete Ahmet would provide the initial performance management survey information again to the POA and any follow-up information also. If necessary, it was agreed that a meeting could be arranged to discuss the data.

8. Women returning from Maternity Leave

The POA said they would like to see an additional 'how to' guide for managers in relation to women returning to work following a maternity absence. The POA had spoken to women who felt the advice they had received from line

managers was poor. The POA were shocked that there was no risk assessment in-place for breast feeding in the workplace. The Chair asked MIF and MA to consider an approach. MA agreed that the current return to work guidance was poor across issues. It was a piece of work for MoJ People Group to take forward. The question was how this work would fit into the wider ongoing harmonisation work.

Action: The POA would like to see an additional ‘how to’ guide for managers in relation to women returning to work following a maternity absence. Mete Ahmet said this would be a piece of work to consider in the context of their Harmonisation work and was on the radar for MoJ People Group.

HMPPS Additional Item (brought forward)

9. MoJ People Strategy – Andrew McIlwaine and Kate Walker

9.1 AM introduced the new MoJ People Strategy at the meeting. The Plan had been shared with the POA in advance and would be provided in the minutes:



2022-05-12-Strategy
-People Strategy TU:

9.2 AM explained that Recruitment and Retention was an issue across MoJ and its Agencies, but the Strategy was looking ahead some ten years. We planned to launch part of the Strategy, the five themes, later this summer. As an umbrella, the Strategy would link into the HMPPS People Plan and thus make this realistic for HMPPS. AM made clear that this was an early conversation and offered to come back to the HR Whitley or have a dedicated meeting to provide an update as we progressed. The POA thought it would be helpful to have a dedicated meeting before returning to the HR Sub-Whitley next time.

Action: ER Team would arrange a dedicated meeting for the POA to discuss the Five Themes of the MoJ People Strategy and would also invite Jo Greenlees.

9.3 The POA made the point that flexible working for operational staff was currently lacking due to retention issues. But they advised that officers welcome long weekends and this was something AM and colleagues might want to speak to the POA about. AM advised that full consultation would take place in due course. KW advised that the HMPPS People Plan would be broader than just prison staff. MIF mentioned that the *Shaping a new Employment Offer* pilot was progressing so made the point that we needed to be joined up in our approach. KW agreed that we would look at what other initiatives were out there. The POA were not sure that the *Shaping a new Employment Offer* work would not impinge on Bulletin 8. If it did, this would be for negotiation rather than consultation. AH was aware of this and thought there were different views between the POA and HMPPS on this.

HMPPS Standing Items (continued)

10. Improvements in SSCL contracts re overpayments – Joseph Holloway

10.1 JH advised that staff overpayments had increased in May due to the pay award. The Leavers' process regarding overpayments also caused some problems therefore we were redesigning that. A firm implementation date of October had been set for this to go live on MyHub. JH said that new staff had joined his team to help with this work. In future there would be no need to use SOP or Excel forms, and this would improve the process.

10.2 JH advised that concerning dividends for Fixed Term Appointments, we would now automatically terminate these at the end of contracts. JH mentioned that Service Plus was now fully live so staff would be able to see full details of overpayments.

POA Items (continued)

11. SSCL performance

11.1 This related to the number of issues the POA have been receiving concerning SSCL performance. Their annual conference had a motion criticising SSCL which indicated issues were widespread. The POA continued to be concerned that staff were not easily able to speak to SSCL in-order to address issues. There were new staff at Durham for example who were not getting paid on time. JH said that we now had a service that staff could escalate queries to by email should the SSCL process not address their issues: HRServices@justice.gov.uk

Given the number of queries the POA had received, it was agreed that JH and the POA would meet to discuss in more detail.

Action: ER Team agreed to organise a meeting between Joseph Holloway and the POA to discuss SSCL performance and individual cases.

11.2 JH advised that there had been improvements to SSCL regarding picking up calls and queries in-line with the Service Level Agreement (SLA). However, the POA said they were not confident that HR Business Partners (HRBPs) knew how to escalate issues on behalf of staff. The POA therefore asked if there could be some education for HRBPs when there are complex cases e.g., serious ill-health retirement.

Action: Joseph Holloway agreed to progress the POA request that HMPPS provide HRBPs with education around escalating complex queries to SSCL.

12. Wages being reduced with no warning when SLE remains outstanding.

The POA continued that the above queries were also about staff having to go through their line managers and therefore the issue of confidentiality arose. The POA thought the Sick Leave Excusal (SLE) process just added to the financial burden for sick staff. JH advised that we were trialling a Retirements Hub that SSCL would manage. Katherine Law, Ill-Health Retirement Services Manager, could address this issue as part of an upcoming meeting with the POA to discuss Ill-Health Retirements.

13. Ill-Health Retirement (IHR) Applications

The POA thought the IHR process took too long, and many errors were being reported. Rather than a discussion here, we agreed to hold a dedicated meeting to discuss the issues.

Action: It was agreed that ER Team would organise a dedicated meeting between the POA and Katherine Law, Ill-Health Retirement Services Manager, to discuss the POA IHR concerns. Meeting organised for 7 June.

14. Issues contacting MyCSP

Members were reporting various admin problems and issues contacting MyCSP with basic queries. Rather than a discussion here, we agreed to hold a dedicated meeting to discuss the issues.

Action: It was agreed that ER Team would organise a dedicated meeting between the POA and David Martin, Senior Pensions Lead, to discuss the POA MyCSP concerns. Meeting organised for 7 June.

15. Management discretion staff attendance policy at Wetherby

15.1 The POA advised that during a visit to Wetherby recently, they were told by a number of CMs that the local HRBP had told them that the Governor at Wetherby had removed the management discretion part of the staff attendance policy and replaced this with a multi-disciplinary decision - there was evidence that this was the case. MIF advised that she had approached the Head of HR for YCS for feedback who advised she had discussed the feedback with the HRBP for Wetherby and who confirmed there had not been a removal of discretion. There had been a very high incidence of warnings not issued and therefore managers were requested to provide detail regarding their use of Managerial Discretion in those cases. MIF advised the Head of HR for YCS would have a discussion with the HRBP to ensure that feedback was provided on what had been shared with the POA Nationally. The POA said they had a multi-disciplinary approach document which they would share with MIF for further consideration.

Action: Concerning the POA understanding that the Governor at Wetherby had removed the management discretion part of the staff attendance policy and replaced this with a multi-disciplinary decision: i) the POA would provide the multi-disciplinary approach document to Merlyn Ipinson-Fleming; ii) Merlyn would revisit the discussion between the Head of HR for YCS and HRBP to ensure that feedback was provided on what had been shared with the POA Nationally.

16. Job Descriptions at Wetherby

16.1 The POA advised that during a visit to Wetherby prison recently, the POA were shown Job Descriptions they had never seen before. There was a Band 5 job specification which was YCS specific, it contained some YCS specific management roles which the POA said they had never seen before and which in their opinion, if correct, must have required a JES review.

16.2 There was also a Band 5 JD YCS specific for a nights manager. The POA's understanding was that all operational Band 5s might be called upon to undertake the nights manager role therefore why did the YCS require a specific JD? When was the nights managers JD in the YCS discussed with the NEC and when was an Annex A issued? It appeared that the JD dated back to 2019 (this was the date on the front page of the JD the POA had seen).

16.3 There was also a Band 4 YCS specific JD, again something new to the POA. They asked the Deputy Governor about this, and he advised that the NEC had been consulted but the POA were not convinced this had occurred.

16.4 The POA asked: was the NEC consulted over the introduction of the new JDs in the YCS as mentioned above? And did the introduction of the YCS JDs require a review of the JES scores? Andy Hewitt mentioned that the JES Team had provided a written update which he would share with the POA after the meeting.

Action: Andy Hewitt would share the JES Team response to the POA queries concerning YCS Job Descriptions at Wetherby and discuss further with the POA should they have queries.

17. Band 5 Accreditation Extension

The POA advised that due to the pandemic staff felt that their opportunities for promotion had been limited. In their view, extending the accreditation period would be fair given the circumstances. The HMPPS Assessments Lead, Humaira Anwer, who was unable to attend this meeting advised in writing:

I was hoping to attend the next POA meeting to provide an update on promotional assessments. Unfortunately, I am on leave on 31st May so cannot attend and therefore, ER Team has arranged a separate meeting on 7th June for me to provide an update on promotional assessments (with Andy Hewitt and other POA colleagues). The issue above raised by the POA regarding the Band 5 Accreditation Extension is something I will need to look into and will be able to provide a response on 7th June also."

The meeting ended.

The next POA HR Sub-Whitley meeting was set for 8 September 2022, 10am – 12pm.

Minutes of the POA HR Sub-Whitley Meeting 8 September 2022, 10am - 12pm by MS Teams

Attendees

HMPPS

Francis Stuart (Chair)
Andy Hewitt (AH)

Head of HMPPS Employee Relations
Senior Employee Relations Lead

Chris Marr (CM)
Jim Heavens (JH)
Rachael Waters (RW)

Divisional Head of HR Prisons North
SBO Resourcing for HMPPS
Interim Divisional Director, HR Policy and Transparency
Senior HR Business Partner, Transparency Unit
Senior HR Policy Adviser, MoJ People Group

Lucy Martin (LM)

Claire Mulla (CLM)	MoJ Director, HR Operations
Dave Mann (DM)	Head of HR Services (Efficiencies)
James Fritzche (JF)	HMPPS Staff Wellbeing Lead
Caroline Rostron (CR)	Head of HR, HMPPS HR Workforce Strategy Team
Karen Mulliner (KM)	Senior Resource Management Lead
	Business Manager to the Head of HMPPS ER

Dan Billingham (DB)	
Louise Abbott	
Roberto Pesci (Minute Taker)	ER Team Business Support

POA

Mark Fairhurst	National Chair, POA
Dave Todd	National Vice-Chair, POA
Ian Carson	POA NEC
Terry McCarthy	POA NEC
Sarah Rigby	POA NEC
Angela Montgomery	Full-Time Officer

Apologies

Samantha Beard	Head of Delivery & Development - C&D
Lorna Carroll	Head of Delivery and Development of Officer Apprenticeships
	HMPPS People & Risk Senior Manager
Kate Marshall	People Change Lead, Our People Our Future
Romy Thomas	Apprenticeships and Operational Training
Joseph Holloway	Interim Head of HR Services (Operations and Improvement)
Geoff Willetts	POA NEC

1. Apologies were received as set out above.
2. The Chair introduced attendees and welcomed Louise Abbott who had joined Employee Relations Team to be his new Business Manager.

2. Minutes of the Previous Meeting

The Minutes of the meeting that took place on 31 May 2022 were agreed as a true record.

3. Matters Arising (Actions Log) – Andy Hewitt

3.1 AH advised that concerning the ongoing action around the Grievance consultation, there was no change to this at present, but HR Policy would be providing an update in this meeting. The Chair added that this formed part of the HR Policy harmonisation work: colleagues were liaising with senior leaders over this and there was more to come in due course.

3.2 Concerning the Performance Management learning from pilot sites action, HR Policy had shared relevant information with the POA. It was agreed that if the POA had further queries on this area, these should be sent to the HR Policy functional mailbox: hrdpolicy@Justice.gov.uk

3.3 Concerning the action around women returning from Maternity Leave, the POA asked when might a “How To” guide for line managers be provided. RW advised this would not happen in 2022 but would be part of the second wave of policy considerations. The POA made the point that this would potentially help with staff retention. In their view it was important for staff to have support well in-advance. The other maternity issue the POA mentioned was that a health and safety risk assessment should be carried out for prison breast feeding in establishments. The POA also mentioned that it would be the successful retention of staff that would enable improved flexible working and we should not be solely reliant on the Rostering Tool pilot.

3.4 Concerning the Dying to Work action, CLM advised we would like to meet with the Trade Unions about this in the future and that we may have more information for the next meeting. The Chair added that, Dave Mann, MoJ

Director of HR Operations, was now involved so we hoped to see some momentum here.

Action: CLM and Nikki Secker to meet with recognised trade unions to discuss policy to support those diagnosed as terminally ill in the workplace.

3.5 The POA added that, concerning Ill-Health Retirement (IHR) issues, staff did not always know what benefits were available to them or their families and thought that HR Business Partners (HRBPs) should drive this. The POA highlighted that online HMPPS provides information to managers, but very little guidance is available to staff. CM had been looking at the various documents around IHR, and toolkits would also be considered. RW said that the approach around these issues differed for each person, so the guidance necessarily needed to be broad. HRBPs should be involved with this and there would be some up-skilling required. The POA thought it would be helpful if there was a single point of contact, but RW said that was a separate conversation and resourcing would be an issue. CM agreed with RW that a SPoC might not necessarily be the answer given various teams involved: a joined-up approach between Chris Marr, Rachael Waters and Claire Mulla would be required. It was agreed to keep the IHR action related to above as ongoing.

HMPPS Standing Agenda items

4. Learning and Development – Samantha Beard / Lorna Carroll

4.1 As set out in the Apologies section above, unfortunately SB and LC could not attend this meeting. A written update would be provided to the POA. The Chair suggested the POA could request a dedicated meeting with Learning and Development Team should they need it through the ER Team.

Action: Learning and Development (Samantha Beard/Lorna Carroll) to provide short written update to the POA on key L&D matters

5. Recruitment and Retention Update – Jim Heavens / Karen Mulliner

5.1 JH advised that the current situation was not good around Prison Officer (PO) recruitment but there was a minor increase in the recruitment of Officer Support Grades (OSGs). It was likely our work to recruit new operational staff over the next four to five months would cover the number of staff losses we would also see over that period. We were currently short of 1,700 POs but some 1,800 applicants were going through our assessment process. We were also inviting former prison staff, those who left in the last five years, to return and we had provided Governors with guidance around this. These would have to go through pre-employment checks. JH noted that it was hoped that the recent pay award would mitigate the number of leavers for the time being.

5.2 The POA said that there were substantial numbers of OSGs wanting to move across to Band 3 posts which would make it difficult to manage regimes. They thought there needed to be national guidance around this issue. JH said we were aware of the OSG situation and that we did want staff to have promotion opportunities as this would enhance retention. Concerning retention, JH also mentioned that Tim Gower, the Workforce Transformation Lead, was looking to improve flexible working for staff. The POA made the point that Flexible Working initiatives need to be consulted through the NEC before being implemented locally as this would have implications for Bulletin 8 (a 1987 agreement between HMPPS and the POA on HR improvements). AH added that meetings between HMPPS and the Operational Unions on new ways of working were now a monthly occurrence.

5.3 The POA said that the Closed Grade Operational Bands 2 and 4 would now be better off under Fair and Sustainable – would these grades be made aware of this? JH said that the opt-in should be available and would check with the HMPPS Pay and Reward Team concerning communications.

Action: Jim Heavens to ascertain from the HMPPS Pay and Reward Team that Closed Grade Operational Bands 2 to 4 would be able to opt-in to Fair and Sustainable now that the recent Pay Award has been agreed and to update the POA accordingly.

5.4 The POA said that we would continue to see problems with the recruitment of staff because the cost-of-living crisis would neutralise the pay award in due course. They also asked how we were ensuring that new recruits were fit for purpose. JH advised that we had procedures in-place to help us recruit the best staff we could to meet the

standard required. KM said that the revised Level Transfer process (listed on the action log as the Exchange Transfer Strategy) was currently with stakeholders and would come to the Trade Unions by end of September.

5.5. KM advised that we would be providing the unions with a quarterly data pack showing operational workforce figures. The current data mostly covered Bands 3 – 5 but we would be expanding this, and data would be provided before the next HR Sub-Whitley in late November. The national average resignation rate amongst this group was 10.94%. Where there were high levels of attrition, we were working with these establishments. The key drivers for staff leaving were around Leadership, Ways of Working, and Career Progression. The POA asked if there was any data available from the Exit Interviews carried out and if they could see further information with more detail around the key drivers for staff leaving. KM said that we could not report on the free text information: we were getting training for a member of staff to redact comments in the surveys so they could be shared appropriately in-future. The POA asked if they could see the questions and structure of the Exit Survey as they thought these were not always fairly reflecting the issues driving leavers. KM said the Exit Interview had been designed with appropriate psychological input and the point of it was to facilitate conversations. KM agreed to share the Exit Interview questions with the POA.

Action: The POA asked to see further information with more detail around the key drivers for why staff were leaving HMPPS – these were Leadership, Ways of Working, and Career Progression. The POA would also welcome a copy of the Staff Exit Interview questions and structure and Karen Mulliner agreed to provide these.

6. HR Policy Focus: current/new policies – Rachael Waters / Lucy Martin

6.1 RW advised that we were still in the process of planning a forward look at policies to prioritise: e.g., Managing Organisational Change framework; Civil Service 2025; Raising a Concern; Workplace Adjustments; Travel and Subsistence. Concerning the Grievance consultation, we aimed to provide updated products by the end of September. The POA thought that the HR policy priorities did not seem to address the key issues of recruitment and retention or safety for operational staff: the focus on Grievance, Attendance Management, and Sick Leave Excusal policies now was not helpful. The POA thought the application of current policies needed more focus than changing the actual policies. An example was around sick leave excusal where Custodial Managers seemed not to be able to use their own discretion. DM agreed that application of the policy was often more of an issue; we had quite a few new managers who might lack confidence and therefore did not use the discretion that a policy affords. DM said that a more common-sense approach was needed, and this would be something for our leadership training.

POA Item to raise (brought forward)

7. Options for staff unable to afford to travel to work – Dave Mann

7.1 The POA asked if we were looking at ways to help staff to save money for example car sharing, condensed hours etc. They asked if guidance would be issued to Governors to try and support the workforce through the cost-of-living crisis. DM agreed this was a huge issue for staff and he had been commissioned to consider this from an HR perspective. DM advised we were canvassing ideas from stakeholders and a paper had gone to James McEwen, MoJ Chief Operating Officer, to consider and James would discuss at MoJ's Executive Committee (ExCo). There were some thirty options to consider and some of these would need HMRC approval e.g., mileage and hotel rates.

7.2 DM would commission work to consider trade union suggestions around: travel and subsistence – mileage, public transport, car parking costs; flexible working arrangements; carpool and sharing; a benefits portal – interest free loans; childcare provision; key worker status; subsidised meals. DM said we genuinely wanted to support staff where we could. The POA asked that First Deployment and record of service in the armed forces also be considered as well as the level transfer issue where some staff were having to travel further than others.

Action: Dave Mann said that he would commission work to look at TU suggestions on the cost-of-living crisis. Dave to provide a timescale and how this would be fed back to Trade Unions.

8. Wellbeing Priorities – Caroline Rostron

8.1 CR advised we had briefed the trade unions around the revised Wellbeing priorities. One of these priorities was

effective support services for staff and CLM said the challenge was to make people aware of what support was available as different information could be found in various places on the internet. It was also difficult to find information online in establishments because IT access was limited. We were therefore piloting in 12 sites face-to-face Wellbeing training for line managers. Similarly, we would be running a one-hour Wellbeing presentation in establishments. An online Wellbeing platform would be developed with links to Occupational Health, MyHub etc. This could be saved or downloaded to an App on to mobile phone. CR said that we were gathering data to target wellbeing support. HR Performance Managers were delivering a ninety-minute awareness session for managers on the Menopause, and they were involving the Supporting the Workplace in Menopause (SWIM) network.

HMPPS Additional Items

9. MoJ People Strategy – Romy Thomas and Kate Marshall (10:50am)

9.1 As set out in the Apologies section above, unfortunately RT and KM could not attend this meeting. A written update would be provided to the POA.

Action: Romy Thomas to provide a written update on the MoJ People Strategy and HMPPS People plan for circulation to POA union colleagues.

10. Improvements in SSCL contracts re overpayments – James Fritzsche

10.1 This section included the POA item to discuss Pay and SSCL. JF advised he had had a dedicated meeting with the POA to discuss some of their concerns around SSCL issues including overpayments. He was meeting with his colleagues to discuss possible solutions e.g., could look at renegotiating overpayments as suggested by the POA. We would also consider how to improve the appeals process. The POA wondered if a quarterly dashboard could be produced showing overpayments and what their status was. JF agreed that improved data around resolving these issues was very important and this would form part of the discussion on improvements with his team.

POA items to raise continued

11. Compensation for Staff who had missed out on Payment Plus because of being off sick after being injured on duty

11.1 The POA thought that at some stage we had discussed that if staff had a pattern of Overtime and Payment Plus then they should still receive these in the circumstance of being off sick after being injured on duty. HMPPS asked the POA to let us see that agreement and the POA said they would seek it out. JH advised there was currently no specific policy directly related to Payment Plus. The issue remained a matter for legal consideration and until matters had been resolved through that process, we were unable to make any further comment.

12. Annual Leave / Carry over of Annual Leave

12.1 The POA thought some provision should be made for those staff who had carried over annual leave from the pandemic. Currently some prisons were not giving enough leave to cover this year's allowance, but we were not aware of any prison which had built into its annual leave plans something which incorporated the additional leave. DB said there was a long-established methodology for working this out. He explained there was a temporary change to the Working Time Directive which would end next year. This was an issue and a mid-leave year point review had taken place. It looked as if some staff in twenty or thirty prisons would be carrying over more than nine days leave. DB acknowledge we needed to fix this, but it was too early at this point to resolve. We will be providing a summary to the Prisons Operational Management Committee (POMC), and we would share this with the POA after.

Action: Dan Billingham agreed to share with the POA the annual leave data analysis across establishments and the annual leave dashboard that he currently held.

13. Reward and Recognition Data

13.1 The POA would like a breakdown of operational and non-operational rewards that would be issued to staff over the next 12 months. This issue concerned the performance management pilot. RW agreed to provide a regular

update at this meeting under the HR Policy Focus section.

Action: Rachael Waters agreed to provide the POA with an update on Performance Management including sharing reward and recognition data on operational and non-operational rewards issued to staff at future HR Whitley sub-committees.

14. Fitness Test at Low Newton

14.1 The POA asked for an HR opinion on fitness testers refusing to carry out a third test on 14 members of staff at Low Newton, because their line managers decided not to issue them a performance warning. The POA asked for clarification that the fitness testers were wrong to do this? The POA also wondered if fitness testers would refuse staff on the second test. It was pointed out by the POA that these fitness testers were not line managers.

14.2 AH advised that we were writing to the POA concerning the first test failure. We would also be writing out to clarify the situation for managers: the toolkit and policy will be updated and wanted to make the occupational health (OH) aspect clearer with OH staff. He advised this would be discounted and the second test would effectively become the first. A bespoke meeting with the POA on the fitness Test would be arranged (this was an ongoing action on the POA Equalities Sub-Whitley). AH explained that staff should be issued with a warning only if they had not got a medical exemption. The POA asked about the wording in the guidance around pregnant staff doing the fitness test. AH advised Ian Tune, Staff fitness strategy delivery manager, was looking at this aspect.

14.3 The POA continued to make the point that the Fitness Test should be discontinued. They advised that any changes and clarifications to the Fitness Test guidance would need consultation and felt the original consultation had been poor.

Action: Ian Tune to write to the POA concerning the clarifications being made to the Fitness Test policy and toolkit in-light of the situation at Low Newton where staff were denied a third fitness test by the testers because their line managers decided not to issue them a warning.

15. Supervising Officer (SO) Legacy Candidates

15.1 The POA again asked for confirmation that Supervising Officer (SO) legacy candidates were eligible to apply for Custodial Manager (CM) posts in-light of what was sent to a legacy candidate at HMP Manchester, when they applied for the Custodial Manager Assessment Centre (CMAC):

CMAC process 2022

1. *The CMAC 2022 incorporates a 'Day in the Life of a CM', and will comprise of the following:*

Part 1 – Role-play and Written Exercise

Part 2 – Role-play and Written Exercise

Part 3 – Role-play and Written Exercise.

Please note this assessment is in the new format of our assessments, following a review into the assessments in 2019.

As a result, it is no longer possible to have Legacy Status candidates, and therefore candidates who wish to sit an assessment in 2022 will need to complete each part, regardless of previous status.

This has been communicated via several channels, including to the HR Community and Senior Leaders Bulletins since December 2020.)

The POA advised that the original agreement said there would be a lifetime legacy accreditation. However, it now seemed that certain staff were being prevented from progressing because they did not have this accreditation. AH advised that HMPPS had set out an alternative option and that Deputy Director Will Styles was considering this. The POA said that they preferred the life-long protection and said that staff were unhappy that they had not been put forward for CMAC. The POA would like this resolved quickly.

Action: i) Andy Hewitt to discuss with Will Styles the POA concern that SO legacy candidates were being prevented from applying for CM roles and how we would address this in the alternative option we were considering. AH would then update the POA accordingly.

Action: ii) It was agreed, as part of the next Learning and Development update on this forum, that the POA would be provided with an update from the Assessments Team (Humaira Anwar) on the numbers of Bands 3 and 4 being given assessments for CM roles for the last assessments round.

Any Other Business

16. On the request of the POA, it was agreed that the HR Sub-Whitley meeting would extend to 2hrs:40minutes in future, with a 10-minute comfort break in the middle.
The meeting ended.

The next POA HR Sub-Whitley meeting was set for 21 November 2022, 2:20 – 5pm.

Minutes of the POA HR Sub-Whitley Meeting 21 November 2022, 2:20 - 5pm by MS Teams

Attendees

HMPPS

Francis Stuart (Chair)	Head of HMPPS Employee Relations
Nikki Secker (NS)	Senior Employee Relations Lead
Samantha Beard (SB)	Head of Delivery & Development - C&D
Chris Marr (CM)	Divisional Head of HR Prisons North
Rachael Waters (RW)	Interim Divisional Director, HR Policy and Transparency
	Head of HR – Business Continuity
Merlyn Ipinson-Fleming (MIF)	MoJ Director, HR Operations
Dave Mann (DM)	Head of HR Services (Efficiencies)
James Fritzsche (JF)	Head of HR, HMPPS HR Workforce Strategy Team
Karen Mulliner (KM)	Deputy Director (prisons) Resourcing Team
Michelle Riley-Flinders (MRF)	
Alex Metcalfe-Pearce (AMP)	HR Services Manager
Humaira Anwer (HA)	Lead for Assessments, Leadership, Talent and Capability Employee Relations Team
Roberto Pesci (Minute Taker)	

POA

Mark Fairhurst	National Chair, POA
Dave Todd	National Vice-Chair, POA
Terry McCarthy	POA NEC
Sarah Rigby	POA NEC
Geoff Willetts	POA NEC
Angela Montgomery	Full-Time Officer

Apologies

Andy Hewitt	Senior Employee Relations Lead
Jim Heavens	SBO Resourcing for HMPPS
Samantha Lappage	HR Policy Adviser, MoJ People Group
Kate Marshall	HMPPS People & Risk Senior Manager
Claire Mulla	Senior HR Policy Adviser
Caroline Rostron	HMPPS Staff Wellbeing Lead
Ian Carson	POA NEC

1. Apologies were received as set out above.

2. Minutes of the Previous Meeting

The Minutes of the meeting that took place on 8 September 2022 were agreed as a true record.

3. Matters Arising (Actions Log) – Nikki Secker

3.1 The Chair thought it might be helpful if a pre-meeting with the POA could be organised between now and the next meeting to discuss progress on the Action Log for this forum.

Action: ER Team to organise a meeting in January 2023 with the ER Lead and the POA to discuss progress on the HR Sub-Whitley Action Log.

3.2 It was noted that the Grievance policy recommencement was delayed. The POA asked if there were any interim arrangements. NS said we would continue to seek updates from HR Policy on this and it would remain ongoing on the action log. The current Grievance Policy remains in place.

3.3 The POA were content with the action log discussed and we recognised more work was needed on the other outstanding actions.

HMPPS Additional Item (brought forward)

4. Cost of Living update – Dave Mann

4.1 DM presented a slide pack concerning the Cost of Living. He advised that he had met in August with the POA at which point work around the Cost of Living had been commissioned and staff focus groups had been brought together to galvanise ideas. We had established a pan-MoJ working group to impact-assess viability of options being put forward. We now had a first tranche that we could put in a staff information pack - mostly around sign-posting the support that was already out there for staff. New initiatives would take shape in slower time.

4.2 DM said the information pack included areas such as financial wellbeing, childcare, employee discounts, and mental health. There was also support for staff around season ticket loans; the Charity for Civil Servants had developed a Thrive App to assist wellbeing; we were awaiting an implementation date for the imminent introduction across MoJ (including the HMPPS estate) of free sanitary products; we were introducing a Blue Light Card for prison staff; we were introducing a rental deposit scheme for staff to help them get onto the housing ladder. The POA thought introducing creche facilities in prisons should be considered.

4.3 DM mentioned there was also the Employee Discounts portal that staff could use and new Cycle to Work and Gym Membership schemes. He advised that a focus group had devised a car-sharing scheme on a temporary basis whereby staff could claim home to office mileage if they took two other members of staff to work with them. Another issue being considered was annual leave/time off in lieu where staff were unable to take this, we would temporarily extend the period of carry-over. Additionally, we were considering the option of buying and selling annual leave as was already available in the wider Civil Service. We would prefer that staff took leave but recognised the reality that this was not always possible. DM advised that the Civil Service was looking to provide staff who received under £30k salary per year a £650 one off payment. Additionally, we were considering that the salary sacrifice scheme should include essential broken-down electric items like boilers and fridges etc. We were aligning with other departments around longer-term work to ensure we did not miss any additional opportunities.

4.4 The POA asked what HMPPS was doing to support staff around the increasing price of energy, food and fuel and suggested free food for staff, free travel into London, free parking and a four-day week. Additionally, they suggested we should pay staff more. The POA also felt quite strongly that members should not have to sell their annual leave. They also thought more needed to be done now to help staff. Overall, they advised that our current action was not enough. In response to a POA query, DM said that we had requested Key Worker status from Transport for London (TFL) but they had not granted this. DM also advised that we could not offer subsidised meals because of the different arrangements across the organisation. We were however working through options to support staff with car parking, though this would take longer to resolve. Around the four-day working week suggestion, DM said we had carried out flexible-working pilots at Style and Onley.

4.5 The POA asked what we were doing to support staff who were seeing significant interest rate rises on their mortgages as action was needed now. DM advised that we were considering pay-remit advice. The POA mentioned that they had seen cases where SSCL had not been able to pay overtime to staff within the required timescale. Additionally, staff were still being presented with large repayment plans for overpayments made by SSCL. On the payment of overtime issue, HMPPS understood this was being resolved by Claire Mulla, Senior HR Policy Adviser. We agreed to discuss with James Fritzsche the repayments issue later in the meeting. The POA made the point that the staff information pack we were producing needed to be shared with staff in a variety of ways and not just on the intranet.

Action: Dave Mann agreed to share the Cost-of-Living Slide Pack with the POA.

HMPPS Standing Agenda items

5. Learning and Development – Samantha Beard

5.1 SB advised that we had offered some 4,800 Officer Apprenticeship places from April 2022. The Officer Apprentice Trainer secondments were being prioritised. SB mentioned that the Checkpoint 1 delivery for Apprenticeships was now being piloted. There had been high demand for PE Training. Operational training had offered 13,335 places with an 82% occupancy, 2243 were offered via Teams with an 88% occupancy. We had launched a course for trainers on working in custody with children. The prioritisation of Safety training had paused the other work we were doing. We were developing an OSG and Support Officer guide. Concerning the 2021 review of Learning and Development, we now had a transformation programme in-hand. There would be no reduction of headcount. We were bringing in a commissioning process for new training. We would be holding a curriculum review, identifying what could be digitalised, where our learning gaps were and generally looking to make the process more efficient. The POA asked if SB could confirm if a former prisoner who had recently been employed by HMPPS would be participating in C&R Training. SB confirmed yes as that individual had been through vetting and would be joining us but was not certain whether they had seen the C&R module yet. SB would find out for the POA.

Action: SB to confirm with the POA HR committee whether a former prisoner who had joined HMPPS as an employee had yet seen the C&R module.

5.2 The POA also asked if we were about to pause the Apprenticeship Scheme. SB advised that the Higher Leadership Team (HLT) had wanted us to consider some radical options to get staff back onto the frontline without compromising Safety training. There were two options: stop all apprenticeship training or pause training on any new apprentices to focus on the rest. It was the latter option that had been discussed but no decision had been made. We would engage further with the POA at the appropriate point.

5.3 Agenda Item 16 was brought forward. The POA noted that there was currently no mandatory training for OSGs on night shifts. They wondered how these staff were supposed to update the Assessment, Care in Custody and Teamwork (ACCT) logs without the training and would like to know what HMPPS plans were going forward. The POA wanted to urgently request appropriate training for those OSG staff. SB said that concerning the Nights Training Module, staff received the correct guidance for ACCT recording. SB appreciated not everyone had attended national OSG training. The POA asked if staff had not received ACCT training, should they not do ACCT? SB advised that she did not know what was done locally and that Safer Custody colleagues would need to consider that. The Chair agreed to follow this up with Safer Custody colleagues.

Action: Francis Stuart to ask Safety Team what ACCT Training was carried out locally for OSGs on night shifts to ensure they could complete ACCT logs correctly and advise the POA.

6. Recruitment and Retention Update – Jim Heavens / Karen Mulliner

6.1 As Jim Heavens was unavailable to attend this meeting, the Chair advised we would seek a written update on the Prisons recruitment and retention situation.

Action: ER Team to seek a written recruitment and retention update from Jim Heavens to provide to the POA.

6.2 KM advised that her team now provided a quarterly workforce data pack covering National Band 2 OSG and Bands 3 – 5 Operational Staff. The first pack, which covered July – September 2022, was shared with the POA on 14 November. KM mentioned that Band 3 – 5 resignation rates had reduced by 33 percent, some 60 establishments saw their resignation rates reducing.

6.3 Concerning the Exchange Transfer Strategy that we had been devising, POMC-R have agreed principals of Level Transfer. This would go to Senior Leaders and Trade Unions for consultation soon.

6.4 KM advised that we were updating the Retention Toolkit and reviewing the Exit Interview process. We were also working on an outreach pack to enable all establishments to sell themselves appropriately. There would be a consultation on this in the new year. KM said that the Career Pathways consultation would close on 13 December, and we would respond to union comments after that.

6.5 The POA asked what the driver was for the drop in attrition and KM advised that these were different across establishments. There would be much more local engagement to improve retention and the Toolkit was helping here. We also now had a retention oversight process with national interventions. More evaluation was happening, and we were able to interrogate the data in greater detail. KM advised that there would be more information from the free text comments in the Exit Questionnaire now that we were training staff to extract this.

7. HR Policy Focus: current/new policies – Rachael Waters

7.1 RW sent apologies for Claire Mulla and Samantha Lappage who unfortunately could not be with us today. RW advised that her team were developing a workplan setting out priorities over the next twelve months. This plan would be shared with the unions in the next few months. We were currently in the research stage of the workplan but informal discussions and an indication of formal consultation with the unions would follow.

7.2 Concerning Grievance policy resolution, we wanted to be able to consult again with unions this year. We would come back to the unions as soon as we had an update on that but in the meanwhile, the Action Log for this forum provided some update.

7.3 RW advised that the Declaration of Interests consultation was ongoing, the Working Remotely policy should be finalised soon and a meeting to discuss terminal illness guidance for staff and managers with the POA was due shortly. RW's team were looking to produce short guides for staff around Travel and Subsistence, Annual Leave and the calculation of Annual Leave.

8. Wellbeing update – Caroline Rostron sent apologies and provided a short-written update with the papers for this meeting. The POA advised they were content and had no questions at this stage.

HMPPS Additional Items (continued)

9. Improvements in SSCL contracts re overpayments – James Fritzsche / Alex Metcalfe-Pearce (3:35pm)

9.1 JF advised that concerning the overpayments issues mentioned in paragraph 4.5 above, we were aware of the situation and working proactively with SSCL to resolve. This was due to an SSCL accounting error and Steve Buxton, HR Services Manager, was looking at the overpayment values to understand the causes. For Custodial Manager (CM) guidance around regular activities on SOP would come from HR Performance Managers (HRPMs) and HR Business Partners (HRBPs) in establishments. JF advised that we were looking to improve the process for when staff leave HMPPS. AMP said that the resignation process was being reviewed as the majority of pay issues occurred at this stage as there were elements that needed oversight by different parts of the organisation. What was needed was one central point where staff and line manager could go to view and understand the situation. This would be through MyHub and include a dedicated phone line where an employee could initiate the resignation process and a notification would go to the line manager for approval. The employee would then be able to track progress. There would be a test launch in the first quarter of 2023, then this would expand to all HMPPS after that.

9.2 The POA said that Overpayments were also common around promotions and the complexity of payslips made this harder for staff to understand. Could these payslips be made easier to understand. JF said that we could make

the glossary clearer but that this would require a system-wide change where we put different elements of someone's pay into a more logical order, but this would be a long-term change. The POA wondered if we should have a single point of contact (SPoC) concerning pay rather than different staff for different elements. JF said that there would be a risk that the SPoC might not always be available, and an element of team work would be needed which is not so different to what we have now. On the issue of pay rises, JF said that he would discuss this with Steve Buxton. On the enquiry of whether staff could access the Leavers process from home, it was confirmed above that there would eventually be a phone number available on MyHub. Also, it was confirmed by AMP that notifications when the Leaving process is triggered would go both to the Line Manager (LM) and the LM's manager. There would also be an option for the HRPM to have oversight also (or the Admin Hub Manager) – the POA's point is that it would need to be someone in the establishment.

Action: James Fritzsche to discuss with Steve Buxton the POA suggestion that pay issues were arising because of promotions and pay rises were not set correctly. JF would feedback to the POA what we might be able to improve here.

10. National Assessments Team update – Humaira Anwer

10.1 The POA had raised a query around the numbers of Bands 3 and 4 being given assessments for CM roles for the last assessments round; and a query about Supervising Officer (SO) legacy candidates as these were actions on the Log to be addressed. HA advised that there had been 487 applications (readiness forms) for CM. 118 of these at Band 3 and 334 at Band 4 were put forward to online sift. A total of 352 staff went to the Assessment Centre with 83 of these at Band 3 and 246 at Band 4. HA advised this data was very recent.

10.2 Concerning the POA query around SO legacy candidates being eligible to apply for CM posts in-light of what was sent to a legacy candidate at HMP Manchester, HA advised that the Custodial Manager Assessment Centre (CMAC) exercise process changed for 2022. Legacy candidates who sat assessments before 2019, and who failed some of this, were able to take it again during the period up to and including 2021. Concerning the SO accreditation, those with full accreditation retained this for life and could apply for CM roles. The confusion was around those who only had part SO accreditation (and part CMAC accreditation), as these would now have to go through the new CMAC process in its entirety. Where staff were not sure of their status, they would be able to call us, and we could check the database. The POA had raised this issue because members were not aware that their part CMAC qualification was now no longer valid because the CMAC process has changed. HA stated we did share this information but from the POA's point of view, it did not reach the right people as members at the Verne were unhappy that they now found themselves unqualified and had to start at the beginning again. HMPPS confirmed there was nothing we could do. The POA said that staff at the Verne had raised grievances in relation to this. HA confirmed there was no need for full SO accreditation to complete workbooks, unless staff wanted to for their own development. Where Governors did not accept completed workbooks (and therefore staff were not deemed ready for assessment or indeed staff had failed at the online sift stage having already completed their workbooks), HA advised that these should be kept up-to-date and would be used for the next year.

10.3 The POA asked how many Band 5 CM spaces we currently had? HA said we were awaiting that information. The POA made the point that too many staff were "acting-up" therefore why could not anyone go through a CMAC as required? HA said this remained under consideration by senior staff in HMPPS. The POA said that part-qualified staff at the Verne had not been advised of the CMAC change of approach for 2022 whereby their part-accreditation was no longer valid. HA advised that communications had gone out across HMPPS but agreed with the POA that the communications strategy for such important information needed to improve. HA also mentioned that the Head of Function Assessment had launched this week.

11. HMPPS People Plan update – Kate Marshall has sent apologies and provided a written update with the papers for this meeting. The POA were content with the written update.

POA items to raise

12. SSCL Training for Custodial Managers (CMs) and Trade Union Representatives

12.1 The POA raised the above item but thought the wording was not captured correctly. Their concern was more about raising awareness of Ill Health Retirement (IHR), Sick Leave Excusal (SLE) etc. CM said that HRBPs should be providing this advice to staff and managers. He said this is a key area and welcomed specific information from

the POA so that we could assist. RW also wanted to understand where the issues lay, for example, was this about the application of policy. The Chair thought Andy Hewitt, Senior ER Lead for the POA should organise a meeting to discuss further between colleagues and the POA.

Action: Andy Hewitt to bring together the POA, James Fritzsche, Rachel Waters, Chris Marr and additional SSCL colleagues as required to consider the effectiveness of the IHR and SLE policy and process.

13. Recent Travel and Subsistence Claim issues

13.1 Some members had approached the POA recently advising that their T&S claims had not been paid within the required period despite going through the MoJ Finance escalation route. RW advised this was a wider systems issue which HMPPS was looking to improve but confirmed there had been no policy change concerning timescales for T&S payments.

14. Part-time staff and Detached Duty

14.1 The POA asked: if part time staff could be sent on Detached Duty (DD), could they be ordered to be away from home overnight, and could they be ordered to bump? The Detached Duty guidance states: *All staff should be considered, including those who are part-time. The suitability of those staff subject to restricted duties, phased returns and performance monitoring etc. should be consider on a case-by-case basis with the Governing Governor deciding on suitability to undertake a period of DD. Mobile grades document states – Part time staff, job sharers and casual employees are classified as non-mobile even if in a mobile grade.*

14.2 MRF advised that the mobility clause was for permanent transfers. If a member of staff is non-mobile, they could not be posted to Pentonville then be moved on a permanent transfer to Gartree for example without their agreement. MRF said we could deploy staff short term to other sites and compelled staff only go on DD for two weeks at a time so all staff, including non-mobile operational grades and part time operational grades, could be deployed on DD. Whilst we were working hard to use bumping to avoid compelling non-volunteers overnight, we could do this if necessary. RW said she was looking into this to be sure it was consistent across the organisation. If part-time staff were being compelled to do this, they could escalate if the process was not being followed correctly. The POA thought this was unclear and would welcome some clarification.

Action: Michelle Riley-Flinders to clarify the position concerning the policy for part-time staff on Detached Duty and would write to the POA.

15. Band 3 – 7 receiving Temporary Cover payments

15.1 At last week's Stocktake meeting with the POA, Alan Scott agreed to their request for a breakdown of the number of staff in bands 3 to 7 receiving temporary cover payments. KM advised that Slide 9 of the recently distributed quarterly workforce data pack covering National Band 2 OSG and Bands 3 – 5 Operational Staff provided some of the response, but it would not have included Band 7 staff because there was an issue in breaking down this data in SOP. KM discussed Slide 9 in the meeting.

The meeting closed.

The next POA HR Sub-Whitley meeting will be held on 21 February 2023, 2 – 4:40pm.

SECURITY

Security Sub Whitley Annual Report 1/1/22 – 31/12/22

The POA Security Sub Whitley was suspended during the Covid pandemic and replaced with a weekly update meeting chaired by the National Head of Security Risk, Chantel King.

The meeting attendees were the POA Security Whitley Team along with Heads of Operational Response and Resilience Unit, the Heads of the National Intelligence Unit, the Head of the Joint Extremist Intelligence Unit, Head of MARSOC, Head of Drug Reduction, Security Investment Program Lead, Enhanced Gate Security Program Lead, Head of former Risk Capability Unit.

Discussions took place through Covid around how safe working could be implemented in relation to security issues such as searching of cells, searching of the person, standing down MDT testing, the initial modifications and eventual suspension of C&R refreshers, impact of SOPs and modifications to SOPs expedited in a timely manner, the roll-out of PAVA and RBHC. The benefits of the weekly meeting meant that the members of the POA Security Sub Whitley team could raise issues away from the meetings as they developed.

The Security Sub Whitley resumed meeting in July 2022.

Present: Sarah Ashcroft, Chantel King, Sally Hill, Sarah Stevenson, Farhana Rahman

1. Welcome and Introduction

- SA apologised on behalf of non-attendees, welcomed attendees and confirms there is one action from the last meeting – JB to ask Glenn Knight to carry out a review on PAVA and bring it back to the group.
- Before Victoria Atkins left, she gave a commitment that within this calendar year the youth estate would be carrying PAVA – the policy should remain now she has left. Helga brought this to the table in the previous YCA Operational meeting.
- **Action: Andy Rogers to discuss this with Helga urgently to find out what is going on.**
- **Action: Andy to consider reducing the 50% of staff-trained criteria in the ongoing roll-out plan.**

2. SOCT Update

- Andy Rogers is going to be taking over as head of OSG on 8th August.
- Richard spoke about heavy focus on the challenges that the Long Term High Security Estate face, pay review submission.

3. ORRU Update

- As we start to open up regimes and come out of Covid restrictions, we are seeing more prisons instability, more prisoners protesting behaviour and more disorder – starting to show itself in our month statistics that we collate in ORRU. 20% increase since the beginning of the year, in line with what we would have expected.
- The top 5 reportable incidents are assault prisoner-on-prisoner, instant at height, assault prisoner-on-staff, key lock incidents, death in custody. An increase on assaults on staff in last few months. 9 absconds recorded in June, high number with a total of 40 in the year so far.
- In June, ORRU were deployed to 53 incidents which was a better month than May (70 times) highest call-out months over the last 4 years.
- Top 5 reasons for deployment continue to be: internal at height, external at heights, operational support such as people on stand-by, barricade and hostage.
- Overall trend is increased demand for operational response resources, and we are seeing increased levels of instability and prisoner disorder across the estate.
- Running of the restart and recovery programme has been ceased, returning to normal program. For the month of June, ORRU had 38 scheduled courses of which 36 courses went ahead. We

had a capacity for 1397 spaces of which 1109 spaces were actually taken up, with a pass rate of 92.7%.

- ORRU have been inundated with regional and establishment based requests for advanced courses and instructor courses – a few colleagues have investigated this to find people have been booking more than one course, taking away available spaces for others. No more covid restrictions, returning to normal methods of training.
- First LRT course has been run. S.S can get exact figures for D.C. S.A says no recommendation to have LRT on Isle of Wight as no evidence to support need – there is no historical risk or threat level to justify it.
- Priority project work – Richards exec office confirmed Richard would like us to go ahead with a review of tornado arrangements – this will include looking at tornado staffing and tornado dogs, trying to assess worst-case scenario is, target number of staff and tactical resources including dogs should be, and how we go about trying to identify, recruit, retain, train and provide proper recompense to staff who put themselves forward to be part of that response.

4. RaCU Update

- Recent event from Bedford regarding escape – a piece of research was completed a few years ago around escape – 3 sets of circumstances that were present in every escape and most attempted escapes: a change of circumstance, perception from the prisoners that it was worth taking a risk and had an opportunity to look at our security and identify whether there were witnesses, and some stage during the escape a member of staff has not followed procedures or done something incorrectly.
- RaCU will contact Bedford to see if there's anything we can do to support them, help with their risk mitigation, or anything else we need to know in regard to immediate learning.
- C.K has visited Fosse Way this week – suggests if anyone has the opportunity to visit the newer built prisons to appreciate the sense of strategy and direction that we are going with these prisons as at some stage HMPPS will be running them.
- Deputy PM released the drugs money earlier this week (£150m) to support drugs in prisons.
- New cyber e-learning package that has been launched as part of RaCU's commitment in delivery plan. Trying to track and see how many people access this.
- RaCU are working with colleagues from JEXU on an addendum to crime in prison protocol. RaCU's role is to host this but led by Andy Milner from JEXU.
- Xray body scanners in women's prisons – first stage in a very long process, about adopting a less intrusive way of searching. From a trauma-informed perspective, it doesn't provide what the women's team are looking for. From a security perspective it does.

5. CCPU Update

- SOCU – now at testing stage for a piece of software we have been designing with NIU around cohort identification work. Working with the NCA Law Enforcement for around 18 months to get a share of their data sets. Information is currently excel spreadsheets which has thousands of information – NIU has built a tool for SOCU to enable us to risk assess and apply data science to a whole load of metrics. Alongside this, we can access the NCA's corrupted data. This new tool will give a risk score, and also narrow it down to where people are in the cell.
- S.H happy to put all information regarding new tool in a presentation that can be put in a comms roll-out
- CCU probation space have not had an intelligence management system (previously done by CrimeStoppers and inputted into a spreadsheet.) CCU has built an interim solution, a product called Clue which enables probation colleagues to now report corruption which launched this month.
- CCU has had no mechanism to effectively manage corruption. With the new corruption policy (revised and published in May) there is a section specifically on the management of corruptors. CCU will now proactively manage disrupt and risk assess the likelihood of corruptors and the impact they have on an establishment.
- Significant amount of work has been done in the inappropriate relationship space – looking at what is an overstep of boundary but not criminality.

Action: S.H to book in time for a POA presentation on SOCU data

6. SIP Update

- Delivered the first 10 trace detection.

7. Any other business

- There was no other business.

Other work progressed by the Security Sub Whitley team this year has been the roll-out of Rigid Bar Hand Cuffs in the female estate. Although the work started in 2022, the actual roll-out to the female estate begins in this reporting period.

28th December 2022

To: Dave Todd

POA NEC

Dear Dave

As part of revising the use of force policy framework, we took on board comments from trade unions on the limited availability of rigid bar handcuffs (RBH) within the women's estate. After consultation with the Director of Women's Services and her SLT, I have amended the operational procedures for RBH within the Use of Force Framework to reflect that RBH must be available to all operational band 3-5's working in women's and open estates.

The Framework will be published in 2023 but preparations for these changes to operational procedures has started in two early adopter sites.

HMP Eastwood Park and Low Newton will be early adopter sites. Local instructors will deliver the training starting in early January 2023. ORRU will conduct assurance visits to review their progress with training delivery and support the local SMT with evaluation of impact.

Whilst RBH will be available to all B 3-5 staff, the operational procedures will afford governors' discretion as to where within women's and open prisons they are carried. Governors will carry out a risk assessment based on local criteria including use of force and violence data to identify areas where it is not necessary to carry RBH (e.g. mother and baby units)

The early adopter sites are currently working through a checklist of activities in preparation for commencement of training. This includes ensuring that they have the facilities to store RBH, a communications plan to inform staff and prisoners of the change to policy and access to the revised operational procedures.

I will be visiting Eastwood Park in January and will remain in discussion with the Women's Directorate team as these changes are introduced. Please do let me know if you receive any feedback via your networks that you would like me to take account of.

The issue of PAVA and BWVC to be carried outside of the establishment by Prison Officers on escort duties was discussed throughout the year, although the response from the employer around PAVA was disappointing, BWVC can be carried on Escort at the Governors discretion dependent on it being covered in the establishments local security strategy.

The following is from Andy Rogers PAVA and SPEAR SRO.

To: POA NEC

24th February 2023

PAVA, RBH & BWVC – on external duties

Dear Colleagues

Thank you for meeting on the 02 February 2023 to discuss the subject of staff taking PAVA, Body Worn Video Cameras (BWVC) and Rigid Bar Handcuffs (RBH) on escorts, bed watches and other external duties. As per the meeting I am writing to confirm the points discussed.

An update on the PAVA rollout was provided outlining that 59 prisons are now live, 37 remain and the majority of these are making good progress to meet the completion date of the end of March 2023. Whilst we have concerns that some prisons are not moving at the desired pace, their rationale for this varies and I am personally contacting Prison Group Directors and Governors of these prisons to address this.

On the matter of items that can be taken out on external duties I confirmed that both RBH and BWVC can be used on escorts. Policy states "*Operational Prison Officers (band 3-5 and closed grades) who are trained and issued with rigid bar handcuffs (RBH) must carry them for the duration of their duty including bed watches and escorts*". Where Paragraph 4.123 of the BWVC policy framework states "*Where an establishment intends to deploy staff equipped with BWVC outside of the establishment itself (such as during external prisoner escort, hospital escort, bed watch or establishment perimeter patrols) the use and rationale must be documented within the establishment LSS*".

I also provided clarification that BWVC, RBH and PAVA are not PPE. The Work Regulations 1992. Regulation 2 (1) defines PPE as "*all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects him against one or more risks to his health or safety, and any addition or accessory designed to meet that objective*". Whilst we recognise BWVC can assist in de-escalating incidents, its primary use is evidence capture. RBH are restraints and would not constitute PPE and PAVA cannot be considered PPE by virtue of it being a section 5 firearm.

It will remain the case that PAVA cannot be taken on escorts due to the risk of affecting members of the public if PAVA was deployed. This is especially pertinent in a hospital setting, where those present will be in poor health. Any discharge would also cause issue for the area that it's deployed in, potentially needing it to be closed while PAVA dissipates, and the area is cleaned.

Consideration has been given to the value PAVA may have on escort. Policy states that it would not be reasonable to use PAVA "On a prisoner in respiratory distress or showing other signs of poor health." Given that most escorts are to hospital, it may well be that it would not be reasonable to use PAVA.

There is a need to consider the risk of staff being adversely affected by PAVA and the problems that will be encountered from contamination by PAVA. I.e., if PAVA is deployed and is on both the prisoners and officers clothing, the escort chain, RBH etc, there will be a need to clean the equipment and change clothing to wash the contaminated items. This will be problematic when carrying out an escort.

There is a risk to staff should the prisoner become refractory to gain access to their PAVA and use it against them. As one person is usually cuffed to the prisoner, and therefore in close proximity, any use of PAVA would risk reducing the effective escort strength.

The effective working range for PAVA is between 1 and 5 metres (from the canister to the subject). Maximum accuracy will be achieved between 1.25 – 2 metres. The accurate and effective use of PAVA when on escort may therefore be reduced.

Given the status of PAVA as a firearm and the risk associated with carrying PAVA to both staff, and the public, we cannot justify changing our policy position at this point. I will however review this position on completion of the rollout and evaluation.

We continue to manage issues regarding the safe control PAVA. To date, we have had 23 reports of PAVA being accidentally discharged, 9 reports of PAVA being lost, and 24 reports of PAVA being taken out of the establishment, totalling 56 reports across 21 prisons. Given the difficulties faced where PAVA is currently not being used within the parameters of policy, this indicates a lack of understanding by staff of the serious nature and responsibilities they have when carrying PAVA. This has caused great concern, as if staff are found in possession of PAVA outside of prisons, in breach of policy, staff are making themselves criminally liable and putting themselves at risk of being prosecuted. We are mindful that staff carrying PAVA outside of establishments not only puts themselves at risk, but also puts the public at risk should PAVA be lost, stolen, or used.

By working with establishments, we hope to resolve this issue. Following each report, we follow up with the prison to seek assurance that appropriate steps have been taken to prevent it happening again and to ensure that the PAVA has been located. Where losses have occurred, we seek assurances that prisons have strengthened their monitoring and control systems, increased visual reminders and checks as staff exit the prison.

I seek your support in reiterating this message, by circulating the enclosed communications to your members which highlight the individual responsibilities associated with carrying PAVA and the risk should staff fail to comply with policy. We will also be contacting PGD's, ED's and Governors highlighting this issue, and will request the communications are distributed to staff.

Kind regards

The Security Sub Whitley is due to resume on a quarterly basis with Andy Rogers as the new chair on 16th March 2023.

OPERATIONS

Operations Sub Whitley Annual Report 1/1/22 – 31/12/22

HMPPS Operations Whitley Sub-Committee (Joint Bodies) 3 March 2022, 10.00am – 12.30pm, by MS Teams.

Opening Remarks

2.1 The Chair acknowledged that the recovery from Covid continued to exert pressure on HMPPS and therefore welcomed the good relations with the Trade Unions around this. The POA raised their discontent with the HMPPS evidence submitted to the Prison Service Pay Review Body (PSPRB). They did not think we had adequately taken into account data around recruitment and retention. NTUS registered their agreement with the POA. NTUS welcomed the relaxation of mandatory testing and hoped HMPPS would continue to support staff around testing and cleaning schedules etc. The move to Stage 1 was considered by both unions to be too fast and it seemed like pressure was being put on Governors to go further. NTUS thought we seemed to be reverting to pre-Covid practices, e.g., Workshops opening without adequate cover.

3. Minutes of the last meeting – Andy Heppell

3.1 The Minutes from the meeting on 16 November 2021 were agreed as a true record.

4. Update on Actions Log – Andy Heppell

4.1 Concerning the disputes action on DHL Performance at Bullingdon and Lancaster Farms, there was a meeting in the diary on 24 March with the POA. NTUS thought a meeting would be useful to PCS and Prospect around DHL contracts when these come up for re-tendering.

4.2 The action regarding staff coming off shifts late due to Receptions issues would be discussed later in this meeting. It was also being considered on the National Whitley forum.

5. Standing Items

5.1 Operational Update – Richard Vince

5.1.1 The Chair advised that a life sentence had been given to the perpetrator of an assault on staff at HMP Swansea.

5.1.2 We were shortly awaiting annual financial allocations from the Spending Review. A considerable amount of funding had been allocated to the Prisons Task Force and the Safety Team would be better enabled to work on reducing crime in prisons thanks to this. Other allocations mentioned were for reducing re-offending and drugs-related issues.

5.1.3 The Chair said he understood the trade unions' concerns around the pace of recovery. The shortage of staffing remained a significant pressure that could impact our work but there were initiatives to support recruitment and retention to help mitigate this. Also, the growing prisoner population was noted: at the time of this meeting, we had 79,681 prisoners. The population growth was based on the increased court activity. The chair also mentioned that we currently had 54 outbreak sites.

5.1.4 The POA noted that the Prisons Strategy White paper set out Key Performance Indicators (KPIs) for drugs reductions. They wondered if there would be such indicators for Governor performance in establishments. The Chair said the White Paper was still being worked through. His view was that we were not going to introduce punitive measures against establishments given the recovery difficulties including staffing issues.

5.1.5 The Chair advised that Bedford, a former urgent notification prison, had shown improvement at re-inspection but remained a site of concern. Swinfen Hall had an Independent Review of Progress (IRP) and from that received a positive outcome. But six areas had not progressed. Our emphasis remained in supporting these prisons to

improve decency and respect. Concerning Wales, our focus was on Berwyn which had the highest levels of staff attrition in that region. There were also pressures on the Long-Term and High Security Estate in the south of England. There were significant staff / experience shortages at Woodhill especially as many of these were junior. The POA shared this concern. While there were no changes to stability, this was being monitored weekly. The POA wondered how the situation at Belmarsh could have arisen and thought the risk assessment (RA) process had not worked. The Chair advised that we had investigated this issue and were satisfied the RA was dealt with correctly.

5.1.6 The POA raised the HMIP Report for the Female estate especially around the high numbers of prisoners with mental health issues. Often, the staff were not trained to support these women. The Chair agreed that there were specific challenges around the Female estate, and these were being recognised. AR advised that we did have mental health teams supporting where we could. AR agreed to invite representatives from the Women's estate to one of the bi-monthly Safety meetings with NTUS/POA.

Action: AR agreed to invite the representatives from the Women's estate to one of the bi-monthly Safety meetings with NTUS/POA.

5.1.7 The POA said that the HMPPS evidence to the PSPRB showed the attrition rate for OSGs was over 16 percent. They wondered why the Market Supplement for these was being removed. The Chair said that we needed to operate within the pay envelope but that the PRB could recommend differently.

6. Interim Item (brought forward)

6.1 Video Calling update – Tim Lloyd

6.1.1 TL advised that the Purple Visits contract was now finishing and the Prison Video roll-out by Prison Group Director area had started on 28 February. We were refreshing the software rather than the hardware and the booking system would remain the same. The new system was now operating at Huntercombe and Morton Hall. TL said that while Video Calling was a permanent feature, how it would operate remained to be decided and the policy was likely to be shared in the next few weeks. The POA wondered if this would run alongside social visits and TL said it would be at Governors' discretion. The Digital Team were researching best practice around these types of issue. They were also working on a digital booking system that would eventually link into the National Offender Management Information System (NOMIS) and so reduce the burden on administration.

6.1.2 The POA advised that while there had been no opposition during Covid to the temporary arrangements for video calling, now these were being made permanent, they would like to see management proposed changes around this as they needed to understand how it fitted in with the regime management planning (RMPs), Risk Assessments etc. The Chair agreed that TL would need to consult TUs at an early stage. ER Team would liaise with Transforming Delivery in Prisons (TDIP) over safe systems of work (SSOW) and risk assessments (RAs) around video calling.

Action: The POA would like to be consulted on the management proposed changes around Video Calling at establishments to consider profiles, risk assessments, safe systems of work etc that did not necessarily happen during COVID. Tim Lloyd would work on this while ER Team would liaise with Transforming Delivery in Prisons (TDIP) over safe systems of work (SSOW) and risk assessments (RAs).

6.1.3 The PCS mentioned that Foreign National prisoners who requested video calls abroad had to provide details they simply did not have e.g., address/postcode details that did not exist in some countries. This put them at a real disadvantage given family/loved ones could not visit in-person. TL said that these issues would be considered in the Equalities Assessment.

7. Standing Items (continued)

7.1 Drugs Reduction Strategy update – Rachel Radice

7.1.1 RR said that the ten-year Drugs Strategy had been published at the end of December 2021. RR also mentioned an article by the Deputy Prime Minister in The Daily Telegraph today concerning the Incentivised Substance Free Living (ISFL) initiative. The long-term ambition was abstinence, but the biggest challenge was to substitute opiates and to provide therapy to help prisoners over their addiction. We continued to work closely with the Department of

Health and Social Care and the NHS.

7.1.2 RR advised that we would be re-allocating to SOCT some of the £120m from the Spending Review. RR said the team had made 74 drug diagnostic visits to establishments and mentioned that there were issues at Bedford. The POA asked to see the Drug Diagnostic Reports but RR said these were just for PGDs and Governors so the POA would need to seek these from them. Concerning ISFLs, RR advised each establishment running this would receive an additional £5k grant if required. IFSLs had been piloted at ten prisons but would be rolled-out to 80 establishments in the next two years. The profile concerning Mandatory Drug Testing was 25 percent but by the end of March we had hoped this would rise to 100 percent. However, given covid recovery issues, this was unlikely to be met just yet.

7.1.3 The new drugs testing contract tendering process had begun with an award likely to be made in January 2023. A focus of the contract would be innovation and waste- water. A new drugs seizure contract would be tendered in summer 2022 and by 2023 establishments would have somewhere to send their seizures and to have timely procedural justice. We were also introducing a telemedicine scheme in all English prisons whereby prisoners could order medication online by laptop: communications were being prepared and an article in the Senior Leaders Bulletin would come out to counter nervousness around giving prisoners this freedom.

7.1.4 RR spoke about a new safer vaping pilot at Stafford and Drake Hall. She explained that half of fires had started using vapes and their chargers. Additionally, Operation Illusion had launched looking at the use of psychoactive substances (PS). Though the problem had become less visible due to Covid lock-down measures, we wanted to reinvigorate our approach especially given the links PS had to organised crime. The POA asked how much of the £100m budget from the Through the Gate programme had been spent. The Chair thought that by the time the programme ceased at the end of March 2022, we would have probably spent £80m. The POA agreed to contact the Chair to confirm this point.

7.2 Offender Management in Custody (OMiC) – Zoe Markham

7.2.1 It was agreed that the OMiC update provided at this meeting would be shared in the minutes – please see enclosed.



Operations Sub-W
OMiC Update - Marc

7.3 Population Capacity Management and Reconfiguration Update – Stacey Tasker / Tim Coates / Paul Durham

7.3.1 A presentation on Capacity and Population Management was provided with the papers for this meeting and is provided here for ease.



Capacity and
Population Manage

7.3.2 The POA agenda item concerning staff coming off duty late due to receptions work, was brought forward for discussion. ST pointed out that her team could speak to issues regarding late arrival of receptions, but that this was a separate issue to some of the POA concerns. One of the POA concern centred around Lincoln, but also Hull and Durham were mentioned, where data showed staff had not been able to come off duty until very late in the evening - this had happened 16 times earlier this year. The Chair advised that late off duty had been a perennial issue but clearly had become a problem if it was happening continuously. This should be raised with operational managers on an individual basis and the Chair said he would raise at the next Senior Management Board (SMB) and respond to the POA by Monday 7 March.

Action: Richard Vince to discuss with the Senior Management Board (SMB) the issues around staff coming off duty late and use at HMP Lincoln as an example. Richard would respond to the POA on 7 March.

7.3.3 Concerning late receptions, TC recognised that there had been some late sitting courts but also that recruitment and retention of staff had been an issue and we were monitoring this. Overall, in January there had been some 15,000 prisoners returned from court with over 99% of these being on-time. We were therefore meeting our contractual targets. Concerning Durham and Hull, as mentioned by the POA, there were only two late arrivals at Hull but acknowledged that more work was needed at Durham where there had been 44 late arrivals in January mainly because of its distance from Carlisle. Lincoln had had a difficult January due to some 135 redirections.

7.3.4 ST advised that MoJ Property had a significant budget of £225m to use for critical maintenance of establishments across the estate. Therefore, this would have repercussions for prison spaces and redirections. PD said that an example was Forest Bank that had lost 200 beds for a time but had now got 100 back with the rest returning in April. This had had a significant effect all the way down from the Midlands. Similarly, work at Leicester, where 80 places were out, was affecting Lincoln. These should be back in May-June. Hull redirections had been at 96 but had reduced to 30. There were still 160 beds out at Nottingham. PD explained that what we were trying to do with Lincoln was to reduce spaces upfront so that they did not have redirection pressures down the line.

7.4 Safety in Custody update – Andy Rogers / Jenny Rees

7.4.1 JR advised that the Safety Team continued to meet with TUs every other week and were sharing related data regularly. After the pause in work due to Omicron, we had now started upskilling sessions especially around the Challenge Support and Intervention Plan (CSIP), Cell Sharing Risk Assessments (CSRA) and Physical Safety. This would be done as MS Teams-based bite-size learning. JR said that we were working with the Risk and Capabilities Unit (RaCU) on developing guidance around Debt and the illicit economy. We were planning to restart the face-to-face family liaison arrangements and the guidance around this would be shared after the meeting. For ease it is also provided here.



Draft FLO guidance
to prisons March 20

7.4.2 JR said that the Safety Training, PAVA, SPEAR and TRiM, continued to move forward though there had been some hold-up still due to Covid. We were learning from arrangements during the pandemic, and this would inform our immediate work around cohorts and early learning from incidents/deaths in custody. These were key themes to try and address. The Operational and System Assurance Group (OSAG) audits that were paused were also restarting this month including for OMIC. The team were now carrying out a thematic review on the Women's Estate. Concerning PAVA roll-out, AR advised that he had written to the TUs about the evaluation report which was out. We had also shared with TUs the latest data broken down by protected characteristics. A Disproportionality Sub-Group had been set up to look at the use of PAVA and AR would provide the TUs with a written update on this. Rigid-Bar Handcuffs would be rolled-out by the end of March. The Safety Team would also be meeting with the TUs on 15 March to discuss the Next Generation Safety Programme. The POA wondered when the PAVA roll-out would be complete and AR thought some of his would be done by end of March but would discuss with Operational Response and Resilience Unit (ORRU) and clarify in his written update.

8. Interim Items (continued)

8.1 Facilities Management Update – Elisabeth Goulden

8.1.1 EG advised that we were reviewing the scope and strategy of the FM contract re-procurement following the change in Senior Leadership Team. A future contract would cover all the Ministry of Justice organisations but there were lots of milestones that still needed to be defined and we were reprofiling timescales. The Strategic Outline Business Case would be drafted by May and approved by July. The team were aiming to tender in spring 2023, with contracts going live in quarter 4 of 2024 / quarter 1 of 2025 but these timescales might shift. In the meanwhile, we were looking to improve services through the current contract. Significant stakeholder engagement continued across HMPPS.

8.2 Rehabilitative Culture Programme (RCP) Update – Steve Pearson

8.2.1 SP said that we had been considering culture hack research, some 400 pieces of evidence, and on that basis had established 10 principles of good culture which we would share post-meeting. For ease it is also included here.



10 Behaviours -
updated Dec 2021 e

8.2.2 SP advised that we were working with colleagues in Effective Practice and Service Improvement Group (EPSIG) on coaching standards and we were writing a national RCP Strategy which would be a light-touch guide complementing business as usual work. We were piloting our methodology in twelve establishments and were working with HR colleagues and the Performance Assessment Leads there. We were also working with MoJ Sustainability Team to develop good environments and a package called Leading from the Middle, supporting middle managers in rehabilitative leadership.

8.2.3 SP advised that we were looking at wider culture with Transforming Delivery in Prisons (TDIP) and were starting to write a terms of reference for acceptable behaviours collaboration. We were also working with the OMIC Team and Key Work and how we improve the quality and outcomes of Key Worker sessions. The POA said that there was only a finite amount of time available to Key Workers therefore we should be careful not to overload them. If more responsibilities were to be added here, further discussion would need to take place with the TUs to see how we could resource this. The Chair advised that it was important to maintain the integrity of the Key Worker role and senior leaders shared the POA concerns. Our focus should be on better equipping and training staff for the role rather than more work.

The meeting ended.

The next Operations Sub-Whitley meeting was set for 6 June 2022, 2 – 4:30pm.

HMPPS Operations Whitley Sub-Committee (Joint Bodies) 6 June 2022, 10.00am – 12.30pm, by MS Teams.

2. Opening Remarks

The Chair advised recovery from Covid continued to exert pressure on HMPPS. He acknowledged the ongoing constructive relations with Trade Unions around this and that Employee Relations Team were capitalising on how we continued to engage now that we were out of the Gold Command structure. The POA Joint-Vice Chair highlighted the ongoing chronic staffing issues and that HMPPS had missed an opportunity to develop the regimes to deliver the backlog of training.

3. Minutes of the last meeting – Andy Heppell

The minutes of the meeting of 3 March were agreed as a true record. The POA observed that they should reflect the Chair's new job title: Director, Directorate of Security.

4. Update on Actions Log – Andy Heppell

4.1 AH acknowledged the time it was taking to complete the action around PSPI Workshops. The PCS made the point that it had been live for 14 months and asked for more information as to why it had taken this long. The Chair agreed this needed to come to a conclusion as soon as possible.

4.2 The POA asked that the Video Calling action remain as ongoing on the Log rather than as complete.

4.3 The POA asked that the HMIP Report on the Female Estate action remain ongoing until the Safety Team could confirm the date that representatives from the Women's estate would attend one of the bi-monthly Safety meetings.

4.4 Concerning the Lancaster Farm action: it was confirmed by the POA that this had reached a mutually agreeable conclusion between the Governor and the Branch so could close on this forum. The Bullingdon action could also close here as it was being dealt with on the Disputes forum.

4.5 Concerning the action around staff getting off shift late at Lincoln, while this seemed to have improved, issues remained at Leeds and Durham. The POA would send more details shortly and we would keep this ongoing on the Log.

5. TUS (Joint Bodies) Additional Items (brought forward)

POA Items

5.1 Training Non-Effective PAVA, SPEAR, and the Apprenticeship Scheme

5.1.1 The POA advised they had branches telling them that delivering PAVA and SPEAR training with no increase in non-effective was unsustainable. Concerning the Apprenticeship Scheme, the candidates spent two weeks off the detail as part of their course, yet establishments were expected to cover these absences with no increase to their non-effective. There had been a huge increase in mandatory training and the POA calculated that apprentices would have to come off detail for three weeks to cover the backlog (that was 7,659 days off duties). The POA thought this added 10.75% to Training non-effective. DB advised that for Operational staff (Band 2 – 5) we currently set 2.3% of their time for training. However, he acknowledged there was an unprecedented vacancy gap, and more training was now required. While this had all been considered in one bundle for detail purposes, DB said we did need to separate the strands out. Establishments were unfortunately having to backfill.

5.1.2 The key issue was whether the 2.3% training figure remained adequate given the vacancy numbers. DB said there were options, perhaps separating out the non-initial training (SASH, PAVA etc) and this was something we might visit in future. We had considered increasing the 2.3%, or we could introduce a Training Day locally for all staff, or perhaps a shorter core-day. DB said that we would like to review and increase the 20% non-effective rate either by persuading Ministers/HM Treasury or by doing it within cost. Either way, lots of discussion with Trade Unions would need to happen.

5.1.3 The POA said that they were alarmed that HMPPS were cancelling work to catch-up on training but would welcome DB's offer to talk more. They said that 981 main shifts just to apprentices were being lost to facilitate apprenticeship training. The Chair said we were in a difficult position because an increase in non-effective would require a significant increase in budget and other things would need to go.

6. Standing Items

6.1 Operational Update – Richard Vince

6.1.1 The Chair advised that Covid figures continued to show a downturn: outbreaks, infections and absences were reducing. However, there was still lots of pressure on the staffing in post figures: the attrition rate continued to be high, and we had recruited fewer staff than those who had left.

6.1.2 The Chair advised we were waiting for the Prison Service Pay Review Body to submit its report for 2022/03 to Government. He mentioned that the prison population was rising – more information would be provided later in the meeting. The new Executive Director for Transforming Delivery in Prisons (TDiP) would be announced soon. TDiP would be working on future regimes with Next Generation Safety Programme priorities underpinning there.

6.1.3 Concerning Prisoner Location, we had moved fewer prisoners around the country. There had been a rise in the number of remands and some prisoners were in the wrong place/location. Due to Covid and the subsequent Courts backlog, placements had become misaligned. The Categorisation Tool was 12 months old and less algorithmic with more elements considered now. However, there were still some outliers and some prisoners had gone into the wrong category.

6.1.4 The Chair advised that we currently had 12 Outbreak Sites for Covid. 93 Prisoner cases and 287 staff cases were recorded. 293 staff were currently off sick. There had been no Monkeypox cases reported in establishments. The Compartmentalisation policy was due to be republished and a Monkeypox briefing would be provided.

6.1.5 The POA said that concerning ROTL there had been failures because people were overwriting risk assessments. The Chair agreed: there had been five absconds last month and we were looking into why this had happened.

6.2 Safety in Custody update – Jenny Rees

6.2.1 JR said that the Next Generation Safety Programme work was now in place. We continued to provide regular Safety data updates to the Trade Unions along with the quarterly published statistics. The Programme, with its ten themes, meant the Safety Team were undertaking a wide range of work. JR advised TRiM (Trauma Risk Management) would finish rolling out soon and funding was available for staff support leads. We were carrying out work around clusters of establishments where Self-Inflicted Deaths had been more prevalent. Related to this we were also looking at time prisoners spent on Remand given a rise in Self-Inflicted Deaths here. We would feedback on all this work to the Trade Unions in due course.

6.2.2 The roll-out of physical safety work (including PAVA) was progressing and should be complete by end March 2023 in the adult male estate. JR advised that the Safety Team produced a data summary of PAVA usage which had been shared with the Trade Unions. This report was in the process of being updated and would be shared further. Additionally, JR mentioned that we were rolling out improved Body-Worn Video Cameras. The Safety Team was carrying out a snapshot analysis of Segregation and JR would bring the results to the next bi-weekly safety meetings with the unions. We were still working on recovery from Covid and looking at Debt as a driver to violence and how establishments managed the situation.

6.2.3 JR agreed to spend time going through the scrutiny of PAVA use at Feltham B as per the POA request: they advised that issues were raised in POA Chair Mark Fairhurst's letter concerning the Juvenile Estate to Victoria Atkins MP, Minister of State. AR mentioned that the Safety Team had met with YCS colleagues regarding PAVA and had the evaluations. We would meet with the Trade Unions at the end of this summer around this.

Action: Jenny Rees would discuss with the POA the scrutiny of PAVA use at Feltham B Young Offenders Institution as per POA Chair Mark Fairhurst's letter concerning the Juvenile Estate to Victoria Atkins MP, Minister of State.

6.3 Offender Management in Custody (OMiC) – Zoe Markham

6.3.1 ZM said her Team were working closely with the Security Team on Absconds and Release on Temporary Licence (ROTL). ZM thanked Trade Unions for their support around the Case Management Refresh consultation and we would write to unions regarding the next stages. While we had increased Prison Offender Managers (POMs) nationally, ZM admitted we might not be able to get the necessary numbers in some establishments. We were working on a critical task list and would share this with the unions before the next meeting. ZM said the HM Inspectorate of Prisons (HMIP) OMiC Thematic had just started with fieldwork being done in prisons and feedback to be provided to Governors.

6.3.2 ZM advised that there was a huge commitment from the business toward reinstating Key Work now that we had exited the National Framework despite resourcing issues. A Quality performance measure was needed therefore we were looking at the latest evidence for Key Work delivery and would engage with the Trade Unions over this.

6.4 Drugs Reduction Strategy update – Rachel Radice

6.4.1 RR advised that her Team were looking at the issue of Gambling in prisons. In a survey, 5.4% of male prisoners thought their offence was linked to gambling. Therefore, we were now looking at how we could screen prisoners for addiction. As with drugs and alcohol, we believed that gambling had underlying roots.

6.4.2 Concerning Narcotics trace detection, we were rolling out fifty new machines across the estate. We were also piloting the washing of clothes that were brought into prisons to remove narcotics but there was no current expectation of staff doing this. Evidence suggested there was more impregnation of clothing with drugs because we had been successful in stopping drugs entering prisons via paper. So far there had been mixed findings on how effective clothes washing had been and more research was needed. If we move forward on this, we would discuss with the Trade Unions.

6.4.3 RR said that we were recruiting for eighteen Band 7 Drug Strategy Leads. She also mentioned that the Deputy Prime Minister was interested finding ways prisoners with drug addiction could practicing abstinence. We would be

looking at the feasibility of providing wings in establishments where such prisoners could voluntarily enter and support each other to come off their addiction. RR said that her Team had carried out 80 Drug Diagnostic visits to establishments and the target was 110 visits. The Drugs Team were moving into the newly formed Directorate of Security from Central Operational Services.

6.4.4 The POA said that concerning abstinence spaces, any changes to the physical layout of wings and or resourcing would require a risk assessment. RR agreed that risk assessments would be needed due to additional staff and drug testing but there would be no capital investment. The POA thought that if this initiative were only for drug addicted prisoners, it would ignore those who wanted nothing to do with that culture. What were we doing for these prisoners? RR thought this was a fair challenge however the Incentivised Substance Free Living (ISFL) model continued to roll-out to help such prisoners. The Abstinence wings would only be for addicted prisoners who wanted it and needed it quickly.

7. Interim Item (brought forward)

7.1 Rehabilitative Culture Programme (RCP) Update – Steve Pearson

SP advised that we were running a workshop on good culture for our Band 6 HR colleagues. We would do this at local level too which would give Senior Leadership Teams a focus for where to prioritise their work. RCP had a talking spot on the Governing Governors Forum and was well received; feedback from staff was shared with Governors and RCP continued to assist Governors to help staff shape their vision. RCP was working with The Unacceptable Behaviours Unit (TUBU) and MoJ People Group on the Acceptable Behaviours Collaboration (ABC). There were 350 workstreams looking at culture. The POA suggested we introduce a Rehabilitative Culture achievement award. SP thought an establishment award was a good idea and would discuss further with the Insights and OMiC Teams.

Action: Steven Pearson would discuss with the Insights Team and OMiC Team the POA idea of introducing an establishment Rehabilitative Culture award and feedback progress to this forum at the next meeting.

8. Standing Item (continued)

8.1 Population Capacity Management and Reconfiguration Update – Mary Bemment / Verity Smith

MB and VS discussed the enclosed presentation shared with attendees before the meeting.



Population
Capacity Slides June

The POA asked if there was enough staffing for the capacity coming back online. MB advised we were working with the national team (including Kevin Reilly) around this. The POA also asked once all video conferencing centres (VCC) were open, what impact would this have on the prisoner escort contract as a new ten year one had been awarded recently. VS advised that we had worked with the Prisoner Escort and Custody Services (PECS) Team, and they had not flagged any issues with VCC but would confirm a response to the POA.

Action: Verity Smith to check with PECS Team concerning the impact of VCC once all centres were open on the new prisoner escorts contract and feedback to the POA.

9. Interim Items (continued)

9.1 Facilities Management Update – David Bailes

9.1.1 DB joined this meeting on-behalf of Property Services. He advised the area was now called Compliance Assurance Standards. DB said we had agreed Level 2 Audits for the Intelligent Client Function across all estates. We were finishing the work on automated gates and doors. The Fire Premises checklist was mentioned – there were around twenty standards for each of the Crown Premises Inspection Group (CPIG) visits taking place between July

– September this year. These include Water, Gas and Asbestos Management checks.

9.1.2 DB advised that we had changed how audits were captured. This was now cloud-based on iAuditor which provided high-quality analysis tools. We were also utilising Computer-Aided Facilities Management (CAFM) Software and using Area Property Operations Managers (APOM) to validate the work, especially red items, (weekly) with Site Managers and Occupational Health, Safety and Fire (OHSF) team.

9.1.3 DB mentioned that 99.08% of High Voltage Audits had been completed. We planned 67 surveys on Asbestos Management but due to Covid we still had 40 sites to complete in 2022. We were working on a gap analysis to update our records and would be providing a new Asbestos register. Concerning Fire Safety, we were carrying out some trials in residential areas and there would be follow-on surveys regarding fire doors. We were working with OHSF on fire risk assessments. We were also completing surveys this week on fire safety in non-standard accommodation and a report would be provided.

9.1.4 The POA asked that discussion concerning Fire Safety should take place on the OHSF Sub-Whitley forum rather than or as well as the Operations Sub-Whitley meeting. The POA had serious concerns over an area monthly report that had mentioned issues with doors having the wrong fire seals. They mentioned the evacuation of 42 cells in a northern establishment due to asbestos and questioned the accuracy of our current asbestos register as it seemed out of date.

Action: Employee Relations Team would request that David Bailes attend the next OHSF meeting to provide an update on fire-related issues to that forum.

9.2 Video Calling update – Tim Lloyd

9.2.1 TL sent his apologies but was unable to attend the meeting. A written update would be provided to the Trade Unions, and he was content to address any queries in correspondence. The written update is provided here for ease:

9.2.2 The transition of providers in the public prisons from Purple Visits to Phonehub (Prison Video) had gone well with over fifty prisons moved over. However, this was paused last month due to technical issues including network-wide connectivity problems that were impacting on user experience. We were now confident that these issues had been resolved and we were looking to restart the transition to the remaining sites shortly.

9.2.3 The delay on transition to the new supplier had caused further slippage to the development of the long-term policy for video calling. Work would begin to explore the feasibility of charging for video calls and findings would be used to inform the policy. We would consult with Trade Unions as part of this policy refresh. Research was continuing to help inform best practice around the most effective operating model for secure video calling.

10. TUS (Joint Bodies) Additional Items (continued)

NTUS

10.1 NTUS confirmed no items

The meeting ended.

The next Operations Sub-Whitley meeting was set for 6 September 2022, 10 – 12:30pm.

HMPPS Operations Whitley Sub-Committee (Joint Bodies) 6 September 2022, 10.00am – 12.30pm, by MS Teams.

2. Opening Remarks

2.1 The Chair mentioned we were awaiting details of Government appointments now that the new Prime Minister was in place. He advised that Amy Rees had been confirmed as DG CEO of HMPPS and that Phil Cople (Operations DG) would be working to Amy. The Chair acknowledged the stress on staff brought about by the cost-of-living crisis and that work was underway in HMPPS to support staff.

2.2 The NTUS Vice-Chair said it felt we were moving from one crisis to another and that Civil Service 2025 and One HMPPS would lead to more challenging times. NTUS and the POA would welcome concrete information on both these programmes as soon as possible in-order to help answer members' questions. The Unions asked that One HMPPS be made a standing item on this Whitley. The Chair mentioned he would speak to Jim Barton who was leading the programme.

2.3 The POA Vice-Chair said that the cost-of-living crisis had reduced the impact of the Prison Service pay award. The issues of safety, staffing levels and operational stability remained of paramount importance to the POA. They felt lessons had not been learnt from the Covid pandemic.

3. Minutes of the last meeting – Andy Heppell

The minutes of the meeting of 6 June 2022 were agreed as a true record.

4. Update on Actions Log – Andy Heppell

4.1 The action concerning the new policy framework around the process for opening, closing, or re-designating Industrial Workshops was almost complete. We were just awaiting publication on the intranet.

4.2 It was agreed the issue concerning late receptions would move to the POA National Whitley forum as an ongoing action and would close on this forum.

5. Standing Items

5.1 Operational Update – Richard Vince

5.1.1 The Chair expected the work around Civil Service 2025 (CS2025) to gain momentum soon and the Lead for the One HMPPS, Jim Barton, would be moving that work forward also. We would communicate with the Trade Unions as soon as we could information on this, including consultation. The POA asked if we were likely to see a bigger impact on CS2025 with the new Government. The Chair said that the HMPPS CEO was focussed on operational delivery and stabilising the workforce in prisons as a priority. The Chair mentioned the recent murders in the city of Liverpool and that this had affected the work of HMPPS there. Those arrested were known to the Probation Service and there were links to the prison. The Chair thanked all colleagues involved in trying to resolve the situation.

5.1.2 The Chair touched upon the growing prison population, 81,289 as of yesterday. We had 1,400 spaces available in the adult male estate and 515 spaces in the Women's estate. We had a growing remand population of some 14,000. The industrial action by Barristers had not helped the situation.

5.1.3 The Chair advised that we were hoping to see stabilisation in staff attrition rates based on the modelling for December 2022 to March 2023. There had been a net loss of staff in June, but July had shown an improvement due to an intake of the Unlock cohort. We had done considerable planning around our response to a potential increase in Covid and Flu this winter. Similarly, we had put plans in-place around the risk to our utilities (gas, electric etc) should there be a loss of capacity. The monthly No10 Downing Street Counter Terrorism (CT) Steering Group was still in place as CT remained a major risk.

5.2 Safety in Custody update – Jenny Rees

5.2.1 JR confirmed that we had invited Mahala McGuffie from the Women's Taskforce to the next Safety update meeting with NTUS and the POA on 8 September. This concerned the POA's request to discuss the HMIP Report for the Female estate with someone from that area. JR also confirmed we were aligning attendees for a meeting with the POA on their request to discuss PAVA at Feltham and would be in-touch shortly. More generally, JR advised that a PAVA scrutiny panel had been set up and met every two weeks. The POA thought it would be important to maintain the trajectory of the national rollout of PAVA and SPEAR. JR said we would flag any risk to the Programme Board. The Chair added that it would be important to add any slippage on this work to the Senior Leadership Team (SLT) Risk Register.

5.2.2 2 JR confirmed that Kevin Reilly had taken up the role of Deputy Director for Safety in Transforming Delivery in Prisons. Andy Rogers would, however, maintain responsibility for the rollout of PAVA, SPEAR and the new Body Worn Video Cameras in his role as Deputy Director for Operational Security Group. Oversight for this took place through the Safety Programme Board. More information, including Safety data e.g., women and self-harm, would be provided at the update meeting later in the week. The POA asked if we could also discuss at that meetings peaks in violence and self-harm and identify at which prisons this was happening. JR advised that the Safety Team were concerned about the current Remand and Recall population and had connected with the Custodial Capacity Management team on this.

5.3 Population Capacity Management and Reconfiguration Update – Stacey Tasker and Sean Clack

5.3.1 ST proceeded to discuss the attached presentation with the trade unions.



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POA slides 6th Septer

ST advised that the industrial action by Barristers was having an impact on the population as short sentence prisoners were still entering the prison system. Remands were at a record high, and we were looking at where accommodation could be brought back online in the reception estate. Additionally, 620 crowding spaces were coming online in public sector prisons and 200 coming online in the private sector estate.

5.3.2 The POA asked what accommodation was being taken offline for maintenance, especially around Swaleside and Bullingdon. ST confirmed there was the Strategic Enhanced Resourcing Support Panel (SERS) led by the Prisons Chief Operating Officer and the Deputy Director of Prisons deciding these critical issues. The POA Branch view at Swaleside was that the situation there was very bad. ST mentioned that the SERS Panel's view was that staffing at Swaleside had not been at as great a risk as other establishments but acknowledged that fine judgements needed to be made here.

5.3.3 The POA said they did not have confidence in the prison categorisation system and cited Berwyn as an example. The Chair said that closing a wing in one place meant that this would impact somewhere else and there was not always space elsewhere. The POA asked what else could be done to help staff if a wing cannot be closed. The Chair said that we could prioritise allocation to other sites e.g., Young Offenders would go to sites with greater stability. Expertise was being provided to help Governors with regime design. The POA worried that we were sliding back to a past situation in which they felt prisoners ruled wings rather than prison officers. The POA asked if they could see the SERS Panel results. The Chair said we would approach the Deputy Director of Prisons to consider this request.

Action: In response to the POA request to see the results from the Strategic Enhanced Resourcing Support Panel (SERS), Richard Vince agreed that we would approach the Deputy Director of Prisons, Ed Cornnell to consider this request.

5.3.4 SC advised that 85% of the prisoners in the closed male estate were categorised correctly and therefore in the right place. The POA, looking at the presentation provided, asked for clarification around the figures for Resettlement Category C Trainers as they seemed overpopulated. SC advised that there was some misalignment for 2022 – 23 because the population projection was slightly out of date as it was generated in 2019. We were creating a new vision using more current data and would show more accurately the number of male prisoners and where they should be. The presentation set this out on page 5.

5.3.5 The POA asked that we note here their support for the strike action being taken by Barristers and their solidarity with them.

5.3.6 The POA asked what capacity we had reached around the introduction of Video Conference Centres (VCC) and when would we reach 60% of utilisation. SC agreed to find out from Steve Rodford, Business Delivery Manager for Prison Video Utilisation.

Action: Sean Clack to approach Steve Rodford of the Prison Video Utilisation to find out for the POA what capacity of usage had been reached for Video Conference Centres. (VCC).

5.3.7 SC mentioned that Mary Bemment in Custodial Capacity Management would take over the Reconfiguration Project in future.

Action: ER Team to invite Mary Bemment to future Operations Sub-Whitley meetings to cover Reconfiguration.

5.4 Offender Management in Custody (OMiC) – Zoe Markham

5.4.1 ZM said that we had held an event on Key Worker delivery and were picking up the actions from this. We were taking into account resourcing pressures. We were building more flexibility into the system and would continue to discuss with stakeholders including the trade unions. ZM spoke about the Staff Management Strategy and case management (the Workload Management Tool). She advised that from a Probation Service perspective, the resource issues would not be resolved for some time. The closing date for consultation was yesterday and ZM thanked the unions for their comments.

5.4.2 ZM said she would also address POA agenda item 7.4 here - Female Estate Probation Resources. There were resourcing pressures in the Women's Estate: there was a focus on case management issues at Send and Bronzefield and we were working with the Governors there to improve the situation. The POA were disappointed at the local arrangements that had been implemented to cover the lack of probation officers in these establishments. They thought HMPPS should have engaged with them first on operational Band 4 staff covering Prison Offender Manager (POM) roles as this had national implications. This should have been a negotiation in their view. Additionally, regarding the local proposals at Send, the POA thought there was a large percentage of high-risk female prisoners who were not being supported appropriately whereas the lower risk ones were, and this seemed somewhat skewed. The POA also thought the Annex A introducing these local measures had identified a six-month timeframe, but it looked as if the roles would last for up to three years and the POA had not agreed to this. In their view it was outside of the policy. ZM advised that there had been a discussion with the POA last week on the issue and ZM was working closely with stakeholders including the Probation Service because it was concerning.

5.4.3 Related to above, ZM advised that a Joint-HMIP Thematic had been received into Operational and System Assurance Group (OSAG) raising the concerns in paragraph 5.4.2 above. The issues raised therein would be addressed through a board that was being set up to consider the situation. The POA thought it would be helpful to see a list of regions at risk. ZM advised that Offender Management in Custody (OMiC) had not properly embedded the case management element because of the Covid pandemic so the response to the Thematic would consider this. ZM assured the POA that engagement with the unions would continue concerning the above issues.

5.5 Drugs Reduction Strategy update – Richard Vince

5.5.1 The Chair advised that the Directorate of Security, had taken responsibility for the Drugs Reduction Strategy. He said that there were eighteen new drug recovery wings on the horizon which fifty new Health and Justice Partnership Coordinators would support. In-addition, we would be introducing Drug Strategy Leads into fifty establishments. The POA asked what areas will be prioritised, e.g., support for Probation Officers or Prison Officers. They also wondered at what grade these roles would be at. The Chair said he could not advise this yet. The POA asked to see the Annex A consultations on these roles when they came out and FS agreed to consider this. The Chair advised that £15m had been set aside to assist drugs treatment in Wales. The POA wondered if this money came from our spending review settlement or was it supported by the Welsh Government. We could not advise the POA at this stage on this point.

5.5.2 The Chair said that Trace Detection technology was also being introduced. Detections of Fentanyl were now occurring. The Chair explained this was a new synthetic opioid that replicated heroin and was dangerous – we had seen four recent prisoner deaths that we suspect were because of Fentanyl. We had put out an early learning briefing around this issue. We had rolled out telemedicines technology to another 86 prisons. This meant all prisons now had the capability to enable prisoners to make contact with treatment providers that they would move to under probation, supporting continuity of care for substance misuse. The POA asked to see any data we might hold comparing the numbers of escorts before and after the introduction of telemedicines.

Action: Rachel Radice to consider the POA request to see any data we might hold comparing the numbers of escorts before and after the introduction of telemedicines.

6. Interim Item

6.1 Rehabilitative Culture Programme (RCP) Update – Steve Pearson

6.1.1 SP advised that the joint-action with OMiC from the last meeting concerning RCP accreditation was a good idea but perhaps not at this time given the current situation. The POA were content for this action to close.

6.1.2 SP spoke about a survey (a local hack) that was taking place to establish what was good and bad about RCP. We were starting to analyse RCP data from seven of the twelve pilot sites. The POA asked if we could share the relevant reports, but SP agreed to share the thematic. In January 2023 we would roll out and encourage Governors to share findings with local POA Branches. We did not advise the pilot sites in advance that we would share their data with third parties so we could not share retrospectively. The Chair added that we wanted to test the data to ensure it was sound, but it would eventually be shared. SP continued that the Governing Governors Forum (GGF) and the Youth Custody Service (YCS) were interested in what we were doing with RCP, so we had also developed a “Ten Seconds In” toolkit to assist establishments. It would rollout to the YCS in October. SP advised we were working with Tackling Unacceptable Behaviours Unit (TUBU), Effective Practice and Service Improvement Group (EPSIG), and Learning and Development Team with the work around acceptable behaviours, micro-aggressions etc.

Action: Steven Pearson agreed to provide the POA with a thematic around the analysis of RCP data (local hack) collected from pilot sites.

6.2 Video Calling update – Tim Lloyd

6.2.1 TL advised a workforce delivery project was considering the resourcing for Prison Video Calling. TL said that social visits were not up to pre-Covid levels and prisons were utilising this time to support video calling. The related long-term policy framework would be consulted on with the trade unions when ready. TL said we were considering whether a central location or wing sites were the best location to base video calling. TL also advised that we had two key suppliers, and the contract would run for two years. The existing contract still had one year to run. The POA thought that video calling would have a resourcing impact on establishments because this had not been profiled. Additionally, they did not accept the reduced social visits argument put forward by TL above.

6.3 Facilities Management Update – Lorna Campbell

6.3.1 LC advised this update focussed on the Facilities Management Operation Model. A notice to staff had been sent out in August explaining the situation. Because of key issues such as CS2025 we had decided that some parts of the new operating model had to be paused. LC proceeded to discuss the notice to staff (attached here):



SI 22 FM
Operating Model.doc

6.3.2 The POA wondered how the pause in the operating model would impact delivery in prisons. LC said this was we were currently considering. The POA also advised of issues at Wandsworth where in their view basics like cell door observation panels had not been replaced – they had been removed because of the heatwave earlier this summer. They thought this was a safety issue and asked to investigate it. LC suggested it could be progressed with the Governor at Wandsworth.

Action: The POA concern at Wandsworth where observation panels had been removed during this summer’s heatwave and had not been replaced would be investigated further with the Governor.

7. TUS (Joint Bodies) Additional Items

NTUS

7.1 CU172 performance measure

This measure requires five sessions to be attended per week or it will be regarded as a fail. This measure may drive perverse behaviour due to much of the part-time work not being counted as many will not be able to reach five sessions. This metric could cause more prisoners to be locked up as governors change direction to meet this indicator by only having full time work and locking up those less likely to engage.

7.1.1 NTUS (PCS) were concerned to understand if this had been resolved. In their view it was a concern if regimes were run to meet RAG ratings only; rather, it was important to measure a good regime. NTUS thought that post-Covid we had seen more regimes going to part-time and there was a danger that part-time work would be preferred by Governors because it “counted in” more prisoners. JE thought it was too early to tell if our approach would drive perverse behaviours. He advised that he had met with leads from New Futures and TDiP and assured NTUS the issue was being addressed. NTUS asked to see what a good regime looked like, and it was agreed that TDiP would provide comment on NTUS concerns – the potential effects of CU172 on regimes e.g., favouring part-time working.

Action: To raise with Kevin Reilly the NTUS (PCS) concern to see what a good regime looked like, and to provide comment on their concerns – the potential effects of CU172 on regimes e.g., favouring part-time working.

7.2 Workshop Survey

Governor’s handing over areas to education providers as staff shortages are not being addressed.

Concerned regarding

(a) the extra cost due to private providers contracts

(b) lack of internal market resulting in products being bought in.

(c) the impact this will have on the internal market and decency items.

7.2.1 NTUS (PCS) said they felt like public sector prisons were losing real estate because of this issue and that this was just about meeting performance measures. They had seen spaces that had once been workshops being handed to education services. JE said that we needed to think about why there had been an increase in part-time workshops and Industries were working with Derek Allen on this. DE said that a survey had been commissioned at the end of July: we had plans to refurbish facilities based on that. Once identified, and those premises had been brought up to standard, we would look to develop specialist skills for prisoners. This would not impact the internal market (existing workshops). NTUS said they would have liked earlier engagement around the issuing of a Prior Information Service Notice. JE advised that the policy framework was due to be published and this would protect the internal market. If Governors chose to change the spaces to coffee shops etc, they would lose the staff funding associated with the workshops. The Chair thought it was important that JE and PCS kept in-touch over this issue.

7.3 Progress in Workshops booklets

Some establishments trying to alter agreed procedures regarding Progress in Workshops booklets and involving IOs in work covered by the education contract. Tasks are also not part of the IOs JD, or their national agreement.

7.3.1 NTUS (PCS) thought that local managers were circumventing the agreement for Instructional Officers (IOs) and the advice in the *Progress in Workshops* booklets. They asked if a reminder could be sent to establishments that the Booklets must be adhered to as our national agreement. LC advised that we had been running Industries Management roadshows and IO days (four days completed so far – approximately 18 sessions per day – but not London or the South West yet) reiterating the agreed approach. LC agreed to provide NTUS with a list of visits once they had been completed.

Action: Liz Cox agreed to send out a reminder to establishments that managers should adhere to the Progress in Workshops booklets which set out the nationally agreed approach with the Trade Unions.

POA

7.5 Conference Motion around increasing the non-effective

(POA Annual Conference 2022 - Motion 21: That the NEC again challenge HMPPS in regard to the operational band 2-5 profiling non effective percentage that is currently set at 20%. The national average of actual non effectives is over 30% and by not being profiled realistically it is having a detrimental effect in regard to regime delivery and staff

and prisoner safety. This motion mandates the NEC to negotiate an increase to the profiled non effective percentage with AIM of achieving 30% or greater to reflect the current national average.)

7.5.1 The POA said that the 20% non-effective figure was set some time ago and now was not taking into account additional issues such as the extra five days leave after twenty years' service, the increased training for new staff, maternity leave, special leave etc. Additionally, staff were not getting TOIL back. The Chair said that we wanted to provide a considered response to the POA Conference Motion and that there was a direct financial implication to any change to this figure, but we recognise the concern. FS added that the issue was already under consideration. The POA acknowledged this and thought that Prison Officer Foundation Training and Maternity Leave were areas that should be funded in the immediate future.

7.5.2 DB advised that we would not be able to address the conference motion because of the way it had been worded. 26.5% was the average non-effective figure pre-Covid that was being worked. During Covid, non-effective backfill was used but this was short-term fix. The POA said they would go back to members and explain the situation concerning the wording of the motion. However, HMPPS had employed lots of young women, so the spirit of the motion was fair.

The meeting closed.

The next NTUS/POA Operations Sub-Whitley meeting is scheduled for 1 December, 2:10 – 4:40pm

HMPPS Operations Whitley Sub-Committee (Joint Bodies) 1 December 2022, 2.10pm – 4.40pm, by MS Teams.

2. Opening Remarks – HMPPS Chair and TUs (Joint Bodies) Vice Chairs

2.1 The Chair said he welcomed last week's meetings on Operational issues and the Trade Unions' (TUs) input to this. The NTUS Joint-Vice Chair said there was a recognition that population capacity in establishments was not just about the Barristers' strike action even though this reason seemed to have been most cited. The Remand population was high before any strike and there had been much political upheaval into the autumn. Therefore, we needed a broader explanation of causes. NTUS also mentioned that testing of waste water had shown that Covid was an ongoing concern. They welcomed the pilot, but little seemed to have been done at those sites because data continued to show consistently high instances of disease. The POA Joint-Vice Chair acknowledged the population pressures but noted that the recently instigated Operation Safeguard, where we were using police cells to house prisoners, would be expensive. Where we had uplifted the operational capacity, the POA felt there was an issue around using Payment Plus rather than the appropriate numbers of staff. The POA also said we did need to revisit Prison Officer remuneration especially through base pay. They were pleased, however, that we were not putting prisoners back into accommodation that had been closed for refurbishment etc.

3. Minutes of the last meeting – Andy Heppell

3.1 The draft minutes of the 6 September meeting were approved as a true record.

4. Update on Actions Log – Andy Heppell

4.1 Concerning action 1 on Video Calling, a paper had gone to the HMPPS Senior Management Team this week. The Chair asked AH to follow-up.

4.2 Concerning action 2 on Video Conference Centres (VCC), the POA were now content to close this but would monitor late receptions from the Courts and would open a new action should these rise. It was confirmed that while we held no central data on late receptions, the Prisoner Escort and Custody Service (PECS) did hold information and the POA had seen some of this. The Chair asked AH to see if we could baseline data to make comparisons between use of VCC and prisoner escorts.

Action: Andy Heppell to discuss with Tim Coates, Head of PECS, the possibility of baselining data to make comparisons between use of VCC and prisoner escorts.

4.3 Concerning action 3 on Telemedicines, the POA asked if prisoner escorts had reduced because of this and

wondered if a cost benefits analysis been completed. The Chair advised the issue was around the cost to the business of getting this data. The difficulty was that because appointments got changed, it was not easy to get an accurate evidence base. RR said she was meeting with Simon Marshall, Head of Rehabilitation and Care Services, to discuss the issue. The funding line was for increasing numbers of substance misuse providers. RR promised to update the POA after her discussion with Simon. The action log would be updated on this basis.

4.4 Concerning action 4 on Rehabilitative Culture, Steven Pearson would attend today to provide an update.

4.5 Concerning action 5 on what a good regime looked like, NTUS were content for this action to now close.

5. Standing Items

5.1 Operational Update – Richard Vince

5.1.1 Concerning Recruitment and Retention, the Chair advised that we had seen some small improvement in retention, and we had higher numbers of new applicants. The POA asked if the trend of improved retention was consistent, but the Chair said it was too early to tell. Concerning the prison population, the Chair said that the current level of increase was unusual. To answer NTUS's observation earlier, we did not know why there was an emphasis on stating that the Barristers' strike was the main cause of increase in prisoner population as there were a variety of reasons. Operation Safeguard would potentially struggle over Christmas as we were operating with a small headroom. The situation had been compounded by staffing issues and proposals to manage this were being considered. The Chair thought January would be a difficult time for population capacity but that this should ease in March and April.

5.1.2 The Chair mentioned the recent "Fiscal Event" concerning Departmental Budgets for the remainder of the current period of the Spending Review. While our budget was fixed, we might need to consider how best we use that money within the fiscal constraints. The Chair said the first of two decisions concerning One HMPPS was due this month. The project remained on-target for the final decision which would come out in March. The Chair said he would ask the Joint Unit about the waste water surveillance and would discuss specific issues with Sarah Coccia, Executive Director for PSP South, for the operational update meetings.

Action: the Executive Directors chairing the bi-weekly operational update meetings with the TUs would update TUs on the work being carried out concerning waste water surveillance particularly around the high numbers of diseases being reported through that.

5.2 Population Capacity Management and Reconfiguration Update – Brendan Christie / Mary Bemment

5.2.1 BC advised that HMPPS had activated Operation Safeguard which specifically meant we could now use 400 police cells temporarily to house HMPPS prisoners. The population continued to increase, though it lessened this week. The male estate saw a significant increase of 150 prisoners last week though this was lower than previous weeks. In the month of October, we saw an increase in the male estate of 700, and in November an increase of 800. We were expecting to see a reduction over the Christmas period, but we did not know how much by – the average dip was 1% then numbers would start to rise in January. More capacity in the estate would be available from January, e.g., an increase at Five Wells, and Fosse Way was due to open in May.

5.2.2 The POA asked if the temporary emptying of Harmondsworth Detention Centre had impacted on the prison estate and why had Five Wells taken so long to come online. BC said there was no direct impact regarding Harmondsworth – there had been no direct transfers in from that, but the number of foreign nationals had crept up and we were now housing just under 500. Concerning Five Wells, 40 places a week were being brought online but this had slowed over the summer due to staffing issues, including lots of new staff, with the operators which had caused some push back from an unsettled population. We currently had 850 prisoners there and it would house some 1,700 prisoners when fully opened.

5.2.3 MB updated on Reconfiguration advising that it was 86% aligned with the current vision. We had linked the Flows Team into Reception prisons. MB acknowledged there were pressures on PECS around redirects, and that we had a growing unsentenced population. MB said it was vital we placed prisoners in the right category of prison. We now had three more Video Conferencing Centres (VCCs) going live at Preston, Exeter and Bronzefield and we

had received funding for the next tranche of VCCs – 10 sites were being assessed.

5.2.4 BC made the observation that we did have the building capacity on the estate but for reasons of safety we were not willing to increase that capacity. We would not open wings until it was safe to do so. The POA asked for clarification that prison officers would not be used at police stations to manage prisoners houses there. BC confirmed that we were not using prison officers to do this. Likewise, NTUS asked who was doing the administration of prisoner case work in these circumstances. BC advised that we were not expecting to hold prisoners in police cells for more than one to two nights before they were prioritised into reception prisons or redirected as necessary. He said that most pressures were in the North West and North East, and we would be monitoring the situation and problem solving as issues arose. NTUS pointed out that in 2008 we had a similar issue and the intake process had been quite chaotic: our concern then, as now, was with the wellbeing of prisoners. There was a risk that vulnerable prisoners would struggle in this situation particularly if they did not get the right support.

5.3 Drugs Reduction Strategy update – Rachel Radice

5.3.1 RR advised that the waste water paper being considered by the Higher Leadership Team (HLT) had asked the question of whether we should restart random mandatory drug testing. We needed to be more effective here; if we used waste water to test for drugs that would save on the use of our workforce. A submission on this and communicable diseases was going to the Deputy Prime Minister next week. RR said that we needed to discuss with the TUs the design to unstick central and local data, and this would be discussed at the bi-weekly Operations meetings. RR also said that drug seizures had gone live with the new contract. RR thought it would be helpful to have a dedicated briefing with NTUS and the POA concerning the Drug Reduction Strategy.

Action: ER Team to arrange a dedicated briefing with Rachel Radice, NTUS and the POA on the current work around the Drug Reduction Strategy.

5.4 Safety in Custody update – Jenny Rees

5.4.1 JR mentioned that she would discuss the POA conference motion below (item 7.3 on the agenda), at the next Safety SPoC meeting on 8 December:

That Conference reaffirms current policy as set out in ACM 128/07 that the NEC negotiate with HMPPS to ensure each establishment has the adequate resources to implement the ACCT policy, which is currently nil resourced.

The POA said that some sites thought this was too time consuming and there was no training for Band 2 staff on nights.

5.4.2 JR said that the Safety Team would be involved in Operation Safeguard. This would also be discussed at the next Safety SPoC meeting. In response to the POA enquiry, JR said that the Safety Team had written to the POA concerning SPEAR and PAVA at the eight prisons concerned and followed up with each one. JR said that we were awaiting feedback from these establishments. The roll-out target was March 2023.

5.5 Offender Management in Custody (OMiC) – Zoe Markham

5.5.1 ZM advised that the OMiC Joint-Thematic was published on 2 November, and we now had an action plan reviewing the OMiC model and this had been shared with NTUS and the POA. There was quite a bit of work to do around this and we would be engaging further with colleagues. One action had been completed concerning the OMiC Sentence Workload Management Strategy – this had been signed off. It combined the existing case management strategy with recruiting Probation Service officers to backfill on staff. A task list had been produced for Prison Offender Managers (POMs) and Heads of Offender Management Delivery (HOMDs). This would be going out next week with Prisons and Probation.

5.5.2 ZM advised that the Women's Estate OMiC model would be reviewed in December/January. Also, we continued to support the operational line – supporting visits to prisons. ZM said that OMiC Team continued to meet with the TUs.

5.5.3 NTUS asked if the case management support model was a long-term solution. Their members were having to deal with some Probation Service work but were not seeing the reward for this and it was causing some friction. ZM said that this was a complex issue because staffing was pressurised in some places. We were working with trainee

probation officers (PQiP) and this would take pressure off so that the Probation Service could recruit to that work directly. NTUS also asked if there was data available concerning Community Offender Managers (COMs). ZM said that the difficulty was that staffing was fluid. The Senior Leadership Forums were meeting regionally and signed-off the allocation of resourcing. ZM said that we were holding two-day events for HOMDs and Heads of Offender Management Services (HOMSs) to work through how the case management system should be used.

5.5.4 NTUS asked how much assurance was in place to ensure the system was working properly. ZM said that we were working with lots of stakeholders, and we were collating data on this. Also, the TU engagement we have had was helpful here. NTUS said that the transfer of line managers seemed to go to the Probation Service side, and it was making our members feel isolated as well as leading to grievances. ZM advised that the Senior Probation Officer (SPO) Line Manager role was still embedding, and this would take time. Training for SPOs in the community (known as SEEDS2) was now available for Governors also. ZM mentioned that the Case Management document would go to Trade Unions through the Employee Relations Team.

Action: Zoe Markham to share the OMiC Case Management document with NTUS and the POA.

6. Interim Item

6.1 Rehabilitative Culture Programme (RCP) Update – Steven Pearson

6.1.1 SP shared a presentation concerning action 4 on the log, analysis of RCP data (local hack) collected from pilot sites. He advised that we were also holding a two-day event in Newbold Revel to work through the information. For example, under the theme of Feeling Valued, there was concern around a lack of organisational direction, a disconnect with the Senior Management Team (SMT), and too many priorities; under the theme of Procedural Justice, there were concerns around a lack of staff development, a “face-fits” culture, and no strong communications. Other comments included a lack of appropriate challenging, and a focus on investigating people rather than processes. SP said we would be developing an action plan based on this thematic work and would share the presentation with TUs. SP advised that we now had an HR Performance Manager Lead and an Operational colleague working on this and would carry out a “re-hack” in six to twelve months’ time to see if any progress was being made.

Action: Steven Pearson to share with NTUS and the POA the presentation on the thematic around the analysis of RCP data (local hack) collected from pilot sites.

6.1.2 The POA wondered why the issue of pay was not considered as it was mentioned in the RCP thematic survey. SP explained that our focus was on culture - we were trying to hold a mirror to SMTs. The Chair added that terms and conditions were not part of the RCP remit. The POA also wondered if this work was linked into the Tackling Unacceptable Behaviours Unit (TUBU). SP said that he connected regularly with TUBU to consider themes from climate assessments. The POA mentioned that bullying in an establishment had been reported to the SMT but that the climate assessment there seemed to suggest no problems. Therefore, the POA did not feel confident about these. However, they thought the culture at Holme House had improved greatly and we should use this as an example of best practice. SP said he was aware of the success at Holme House and had been tapping into that. SP also advised that we were carrying out a Visions project: we would be running workshops in pilot sites to help establish a consistent vision around good culture.

6.2 Video Calling (VC) update – Tim Lloyd

6.2.1 TL advised that we were working on a long-term policy for VC as this was still in the early stages of development. We wanted to monitor the usage of video calling as currently the take-up of the service across establishments was not significant. TL said that the Workforce Delivery project was still some way off. Therefore, we were looking for a medium-term policy position. TL advised that VC would remain free of charge for the medium-term especially given we still had some operational challenges, for example when calls were cancelled at short notice, or when there were glitches in the system. The POA thought this did not answer their resourcing question on the action log. TL said the Workforce Delivery project was responding to the action. He advised that social visits were still down some 40% compared to pre-Covid figures. The POA asked how prisons had incorporated VC given the current detailing situation. TL said in the prisons where we had introduced VC, this was running along other activities and where there were reduced social visits less staff were being used. In total, some 13,000 prisoners

used this service at present. The POA asked which ten prisons VC was running in and TL said he would get the list.

Action: Tim Lloyd would provide the POA with a list of the ten establishments where Video Calling was being used.

6.3 Facilities Management Update – Carly Hansen

6.3.1 CH spoke about the Property Transformation Programme which had two key areas: the extension of existing Facilities Management (FM) contracts; and the procurement of new contracts when existing ones ended. Concerning the extension of contracts, we were awaiting approval decisions from Cabinet Office and HM Treasury. We were working on contingency plans should these not be provided. We had restructured the team in-order to work more effectively on the re-procurement of contracts. We were currently at the Strategic Outline Business Case (SOBC) stage and the Cabinet Office were supporting us on this. We were reaching out across government for examples of FM best practice including with the Ministry of Defence, Department for the Environment, Food and Rural Affairs and consultants.

6.3.2 NTUS asked if there would be an impact to FM in the longer-term now that Amey had been taken over by a private equity firm. CH said she would need to get a response on this point. NTUS said that there were lots of staffing issues with Amey at present such as a lack of electricians which was putting more resource pressures on staff in establishments. CH said this was a problem across FM suppliers especially in skilled people, but we were working to ensure that our statutory and compliance obligations were met.

Action: CH to seek an update for NTUS on the position concerning Amey being taken over by a private equity firm and how this would affect the contract/service delivery with HMPPS going forward including any potential for compensation.

7. TUS (Joint Bodies) Items

NTUS

7.1 OFSTED – HM Inspectorate of Prisons, Inspections Industries – *Karine Jasper*

7.1.1 The PCS explained that there appeared to be some inconsistencies around how OFSTED-HMIP inspections teams were measuring learning opportunities for prisoners attending purposeful activities for Industries. In some establishments OFSTED and HMIP did not recognise the *Progress in Workshops* booklets for prisoners' progression and learning opportunities and seemed only interested in outcomes for qualifications such as AIM awards. AIM awards were basic and mostly not recognised as a qualification for potential employers. The *Progress in Workshops* booklets captured progression and embedded learning such as literacy and numeracy skills in a working environment but were discounted by OFSTED and HMIP whereas in some establishments both OFSTED and HMIP had given positive feedback in their use.

7.1.2 KJ said there did seem to have been confusion in the OFSTED-HMIP comments. OFSTED had since clarified these. A revised *Handbook for the inspection of education, skills and work activities in prisons and young offender institutions* (the Education Inspection Framework) was launched in October 2022. This replaced and removed many of the qualifications previously listed - there was no longer a requirement for these. OFSTED's position was that it would like to inspect the progress that was taking place in workshops e.g., toward a qualification but did not specify which qualification was being used. KJ said she had advised OFSTED to be rigorous in its messaging and this was accepted, and they were content to receive such feedback.

7.1.3 PCS said that that they had not been aware of the revised Framework and would like to see it. They also wondered if it had been shared with Governors. If not, we needed to provide communications on this change. PCS said it was key that their members evidenced progression in workshops but that this was an addition to their workload especially as HMPPS seemed to have reverted to putting as many prisoners in workshops as possible rather than focussing on reduced numbers but with more quality activities/learning. KJ said she was grateful to the PCS for their support on this and noted that the Framework was a revised one (rather than a new one). At the time we had put a link into the Senior Leaders Bulletin concerning this and via the ESW Bulletin we issued to sites. We were also running PGD / Governor workshops with OFSTED.

Action: Karine Jasper said she would share with NTUS the revised *Handbook for the inspection of education, skills and work activities in prisons and young offender institutions: October 2022.*

7.1.4 The PCS reiterated their point that we were seeing increased numbers of prisoners in workshops, and this was a significant issue both around the quality of activity / education and safety. The introduction of prisoners attending workshops part-time felt like we were trying to make the data look better than it was. KJ said that we were only recently out of a pandemic and that we continued to work on improving allocations.

7.2 Use of Body Worn Video Cameras (BWVC) for Instructional Officers – *Sarah Daniels/Laura Fisher*

7.2.1 The PCS were of the understanding that as a covert/overt security control measure BWVC availability had been widely increased within establishments to help reduce violence. They were aware this had resulted in mandatory enforcement to the respective grades that they represented with the only requirement to carry out intervention training on distance learning to give assurance of compliance. The PCS said they appreciated this was a mitigating measure to reduce violence in prisons however their members received no clothing allowance or PPE provision in direct comparison to operational colleagues, therefore felt members were at a significant financial detriment which had been further exacerbated with the cost-of-living crisis. In addition, the PCS said there was no provision, or adaption given to staff who wore their own clothing for them to wear the BWVC as a control measure to reduce violence in high density prisoner areas in comparison to operational staff. The PCS also believed the use of BWVC should only be used as a reasonable mitigation to reduce violence where there was clear evidence of high incidence. In their view, this should not be a default measure as appeared to be the case with the increased availability and the preferred option to replace CCTV in work areas.

7.2.2 SD explained she was leading on the rollout of BWVC and LF was leading on the policy. They made the point that BWVCs were for everyone's safety and confirmed they were not replacing CCTV. Additionally, BWVCs were mandated only for Band 3 – 5 Operational grades to wear. Others could wear them, but it was optional for non-operational staff unless they needed to enter hotspots where mandatory wearing of BWVC would be justified. Lanyards could be procured in the usual way to for BWVC to be worn on. The POA thought that if BWVC were for safety purposes, then senior staff, above operational Band 5, should wear them also. LF thought this was a good idea and would take this to the working group. NTUS said that the policy suggested Governors did have the authority to mandate non-operational staff to wear BWVCs if needed. LF said she would consider the wording in the policy and clarify it.

Action: Laura Fisher would consider the wording in the BWVC policy to clarify this around non-operational staff and the wearing of BWVC. Laura would then respond to the PCS.

7.2.3 The PCS thought it would be a Health and Safety issue for staff in workshops to wear BWVCs on lanyards because of the equipment used there. SD said that wearability of BWVCs was an issue we were considering, and this might need more consulting. The PCS said that their members in workshops wore white coats so should BWVCs need to be worn in that environment they would need to be fitted firmly.

POA

7.3 That Conference reaffirms current policy as set out in ACM 128/07 that the NEC negotiate with HMPPS to ensure each establishment has the adequate resources to implement the ACCT policy, which is currently nil resourced. See paragraph 5.4.1 above.

7.4 Can HMPPS inform the POA: i) how many establishments do not have access to prisoner kiosks; ii) What plans do HMPPS have to accelerate the roll out of prisoner kiosks? – Julie Brett

7.4.1 JB said that we had 12 establishments with kiosks only and 15 with kiosks as part of the in-cell laptop implementation. We had a further five reception prisons to consider. At this point the POA said they raised the item because they had seen kiosks had stopped being provided but they now recalled the briefing JB had already provided to them about this. JB explained that the in-cell technology provided a better offer to prisoners than kiosks and formed part of the interventions to reduce reoffending.

The meeting closed.

The next NTUS/POA Operations Sub-Whitley meeting is scheduled for 2 March 2023, 1:30 – 4pm.

HEALTH & SAFETY

Health and Safety Sub Whitley Annual Report 1/1/22 – 31/12/22

Introduction

The NEC progressed Conference Policy adopted in May 2022 with the Department and other organisations. Reports on the progress of policy will be contained within the Annual Report Back Booklet which will be presented to Conference in May 2023. Further reports have been issued to the membership by way of circular.

Several key issues arose in 2022 which affected the wider membership of the Union.

The following agreed minutes set out the issues which have been progressed on behalf of the membership under the Health and Safety Sub-Whitley.

Minutes of the Whitley Occupational Health, Safety and Fire Sub Committee Held on Tuesday 14th December 2021 Via Microsoft Teams

Attendees Official Side:

Kathryn Ball (KB)	Head of Occupational Health, Safety & Fire (Chair)
Janine Fuller (JF)	HMPPS Secretariat
Ian Oakes (IO)	HMPPS HSF&L Lead (North)
Jim Noonan (JN)	HMPPS National Lead - Health & Safety
Andy Hewitt (AH)	HMPPS Employee Relations
Jo Gordon (JG)	OH & EAP Representative
Jason Sunley (JSu)	HMPPS HSF&L Lead (South)
Julie Kenney (JK)	HMPPS Senior Health & Safety Advisor
Andy Davies (AD)	HMPPS Senior Fire Safety Advisor
Perry Rudd (PR)	HMPPS H&S
Collin Bryan (CB)	Guest Speaker - HMPPS JES Team Lead

Attendees Trade Union Side:

Joe Simpson (JSi)	POA DGS
Dave Cook (DC)	POA NEC
Ian Carson (IC)	POA NEC
Geoff Willetts (GW)	POA NEC
Ginnette Gantschuk (GG)	NTUS Chair
Dave Vickers (DV)	NTUS Joint Secretary
Peter Kenyon-Brodie (PKB)	PCS
Francesco Cavaliere (FC)	PCS
Claire Dent (CD)	Prospect
Farhi Taherinia (FT)	PCS

Apologies:

Pete Collingwood (PC)	HSE Prison Lead
Mark Simpson (MS)	HMPPS Fire Safety Lead
Phillip West (PW)	HMPPS Fire Safety Advisor
Mark Poole (MPo)	HMPPS Principal Advisor (Covid 19)
Jenny Rees (JR)	Guest Speaker
Jackie Marshall (JM)	POA NEC
Niall McCormick (NM)	FDA

Kev Newton (KN)	PCS
David Anderson (DA)	Prospect
Mick Pimblett (MPi)	POA FTO
Dave Kirby (DK)	PCS
Steven Littlewood	FDA
Caren Evans (CE)	Unite the Unions

1. Introductions and Apologies for Absence

KB opened the meeting and thanked the membership for their attendance. Apologies were noted as above. A variation to the agenda was agreed and for the purpose of these minutes we will record them as per the variation.

2. Minutes of the Last Meeting and Action Log

The draft minutes of the previous meeting were circulated to TUs for approval before final distribution to the meeting membership therefore a factual accuracy check of the previous minutes was not needed, and all agreed they were a true and accurate reflection of the meeting.

The action tracker was reviewed, updated, and agreed. The updated action tracker will be sent out with these minutes. The following points were noted:

In relation to Action 87, it was agreed to close this however for the purpose of these minutes, it is noted that POA colleagues commented Safety Meetings are only based on prisoner statistics. Staff safety should be discussed at the Whitley OHS&F Meeting with Jenny Rees or a member of her team in attendance. It was agreed that it would be noted this is the second meeting Jenny Rees has been invited to but not attended. KB will follow this up with Jenny Rees.

Action 99: KB to follow up with Jenny Rees regular attendance requirement at this meeting by either herself or a member of her team.

In relation to Action 89, it was agreed this action could now be closed however, for the purpose of these minutes, it is noted that NTUS colleagues reserve the right to reopen this action after the review of the Governance Strategy in 2022 should the need arise.

3. BAS HSF Advisor Role Assurance Proposal – Collin Bryan

CB gave a verbal update on the current position regarding this BAS HSF Advisor Role review. It was agreed that the JES Team would carry out an independent review on behalf of the directorate by way of assurance. This process involves talking to job holders via discussions groups and includes conversations around whether the JD is fit for purpose. Part of the process includes reporting their findings to a specific group or groups. The assurance visits will start in late January 2022 across all prisons and HQ and where possible focus groups will also be held.

FT stated that the post has changed considerably and there have been lots of complaints from members. JD version 7 is now in circulation where most post holders have only seen version 2. FT confirmed that Terms of Reference are required by NTUS for this process and that full consultation with TU's should take place for all changes to JD's. IO and CB confirmed that even small changes are subject to version control, and it was noted that the changes made are more housekeeping rather than changes to the role for example, one version change was NOMS to HMPPS. Another was DDC's to PGD's. There was another when the structure moved from the DDC structure to the Executive Director structure and so wording was changed, and the final change was success profiles were added to the JD's. All of these are very minor changes and reflect organisational changes rather than changes to the role itself. Every revision has been completed in close consultation with CB and it was confirmed that no consultation was required due to the nature of the changes. FT stated that he did not agree with this and there should be consultation with TU's. IO reiterated again that despite previous attempts to engage with NTUS colleagues on this in the form of meetings, no representatives from NTUS have attended the meetings,

The actions from this discussion were agreed as follows:

Action 100: Standard Terms of Reference to be drafted by Collin Bryan. This will be a 6-month review and representatives should include KB, IO and JS and TU's colleagues. ToR to reflect that this review will be progressed through the JES meetings and updates will be provided to this meeting. Start date proposed for January 2022.

Action 101: IO and JS to set up Band 4 focus groups of between 6 and 12 members. North and South Business Support Teams to liaise with Collin Bryan on this.

4. Safety Update (Paper provided by Jenny Rees)

Unfortunately, Jenny Rees was unable to attend the meeting however the report was circulated to the meeting membership ahead of the meeting. Questions and issues arising from the paper were noted as follows:

- JSi requested a plan from HMPSS on how they are going to roll out PAVA and Rigid Bar handcuffs along with the SPEAR training for POA members as it is imperative that this training is undertaken. POA would like to also know when this training is due to commence and when it will be completed.

Action 102: Jenny Rees to provide POA colleagues with information on how they are going to roll out PAVA, Rigid Bar Handcuff and SPEAR training along with when this training is due to take place and when it will be completed.

- DC stated that he does not accept the report that has been produced for this meeting as there are several areas within this report that causes the POA some concern that need further discussion and it was agreed that these concerns should be discussed at a regular meeting which is dedicated to staff safety. It was agreed that KB will write to Andy Rogers to ask him to commit to sending a representative to every meeting going forward with Staff Safety remaining on the agenda with a written update provided for each meeting.

Action 103: KB to write to Andy Rogers to ask him to commit to sending a representative to every meeting going forward and producing a written update on Staff Safety in advance of each meeting.

- DC raised the issue with Razors and the issues with the pilot sites and it was agreed that Paul Baker who is leading on the razor pilot would be invited to attend the next meeting to give an update on the razor pilot.

Action 104: KB to write to Paul Baker and invite him to attend the next meeting to give an update on the razor pilot.

5. Carrying Aids Project Update – Julie Kenney

JK has been giving regular updates to TU colleagues and gave a further verbal update concerning the report. It was agreed that the report was due to be presented at the beginning of December however this was cancelled due to the report writer being unavailable due to ill health. This meeting will be rearranged for the beginning of January 2022. No issues or actions were raised on this matter.

6. Covid 19 Update – Kathryn Ball

Mark Poole was unable to join the meeting to give an update however he did provide a written report which was circulated prior to the meeting. KB talked through the data which was up to November 2021 however it was noted that Gold Comms issued a statement end of last week (10th December) which confirmed we will be staying in the National Framework.

IC raised the issue with Risk Assessments for vulnerable staff and the ability of those people writing these reports is in the main unacceptable.

IC also raised the issue of Prisons not being RAG rated in terms of high usage areas for PPE and vulnerable areas and suggested a location-based risk identification model. JN suggested he and IC have a further discussion on this.

Action 105: JN and IC to meet to discuss a location-based risk identification model for Prison RAG rating in relation to Covid 19.

JSi raised the issue of Influenza getting into our prisons and the possibility of giving Tamiflu medication to our pregnant staff and nursing mothers and it is unclear as to who the “practitioner” is. JG confirmed that Tamiflu is only given to staff and there is a certain criteria that can have this. If there was an outbreak in the prison, whoever fitted the Tamiflu criteria they would contact the OH Tamiflu line who would speak to a Tamiflu clinician who would ascertain if they fit the criteria and then they would be issued with the medication. JG to send this information out with these minutes.

Action 106: JG to provide Tamiflu medication process to the meeting membership.

7. HSE Priorities & Update – Pete Collingwood

Unfortunately, PC was unable to attend the meeting.

8. Updates from the OHSF Teams

Fire – the Fire Team paper was circulated prior to the meeting. DC raised the issue on the fire contingency figures at 48% for day contingencies and 46% for evening which means less than 50% of our establishments have carried out their requirements of the fire contingencies over the last 12 months which is a serious concern to POA. AD confirmed this is a rolling figure over a 12-month period.

JSi discussed whether the domestic smoke detectors would be replaced as some of them had been in place for many years and may be passed their expiry date. AD explained that detectors should be replaced regularly as and when they are damaged or for other reasons, as necessary. As automatic fire detection systems are installed DSDs will be removed. The fire safety improvement programme runs for a 10-year period so, if the programme runs as planned, DSDs should all be replaced within that 10-year period. JS asked if the number of cells covered by DSDs could be included in the Fire report.

Action 107: AD/MS to include information on the number of cells covered by Domestic Smoke Detector in the Fire Report.

OH/EAP - the OH/EAP paper was circulated prior to the meeting. JSi commented on the “Reach out Save Lives” campaign and noted that it does not have any union colleagues involved. JSi would like to be involved with this project. JG confirmed Caroline Sheldon is leading on this and will ask her to get in contact with POA and NTUS.

Action 108: JG to ask Caroline Sheldon to contact POA and NTUS colleagues regarding involvement in the “Reach Out Save Lives” campaign.

Psychoactive Substances Project – JN gave a verbal update and presented a summary of progress on Psychoactive Substances secondary exposure in prisons. Figures have remained flat and very low compared to previous years. JSi confirmed POA are looking forward to working on the next chapter of this with JN and his team.

HS Data – the HS dashboard report was circulated prior to the meeting. JSi raised a question around the Manual Handling data and asked for clarification on this as it is confusing. JN to check this.

Action 109: JN to check the data on Manual Handling for December’s report as it would appear there is a figure missing and it is confusing and unclear.

First Aid – the First Aid paper was circulated prior to the meeting. DC raised a concern that out of the 10 pilot

sites, 2 were deemed to not have any First Aid Coordinators (FAC) in place. PR confirmed that the issue of FAC is being addressed. It currently stands at only 1 establishment is now without a FAC which is Swaleside and is due to long term sickness.

FM Delivery – Perry Rudd confirmed that NGFM meetings have been suspended whilst the approach is being reviewed. This is now being led by MoJ PS rather than HMPPS. The meetings are expected to recommence in the New Year.

9. POA and NTUS Items

NTUS Items

BAS4 specialist re-grading proposal- PCS

This was covered in Item 3 above.

Governance document issues / anomalies-PCS

Meeting to discuss this took place on 7th December 2021.

Band 4 Specialist Job description V.7-PCS

This was covered in Item 3 above.

Arrangements for increased footfall in HMPPS Buildings- PCS

This was superseded by the announcement by the Government recently regarding working from home.

POA Items

- PAVA – Update required on how many establish have PAVA. This was covered in Item 4 above.
- Rigid bar handcuffs - Update required on how many establishments have rigid bar handcuffs. Covered in Item 4 above.
- C&R training – what is the percentage for each prison for C&R training. This is being dealt with by Andy Hewitt who is waiting on some dates from Glen Knight.
- Violence in the workplace - Staff Policy – Update on producing the policy. Covered in Item 4 above.
- Issuing of Razors – Are you going to remove razors? Covered in Item 4 above.
- Equipment Vest/ Carrying Aid – Covered in Item 5 above.
- Health and Safety Visits – When will this resume? It was agreed to defer this to the next meeting.
- First Aid Policy - Pilot Scheme – Update - Covered in Item 8 Above
- Conveyancing Policy Framework V1.6
The requirement to have a “Radiation Protection Supervisor on duty at all times.”
Also, The Radiation Protection Advisor – establishment or Area Resource?

JK confirmed that she has looked at the Conveyancing Policy and confirmed that the RPA is a contracted service and is covered nationally.

JK confirmed that the RPS role is not required 24/7. JK will respond to POA on this policy and all the issues raised.

Action 110: JK to write to POA colleagues on the issues raised around the Conveyancing Policy Framework V1.6 and what this means for its members.

Minutes of the Whitley Occupational Health, Safety and Fire Sub Committee Held on Friday 25th March 2022
Via Microsoft Teams

Attendees Official Side:

Kathryn Ball (KB)	Head of Occupational Health, Safety & Fire (Chair)
Janine Fuller (JF)	HMPPS Secretariat
Ian Oakes (IO)	HMPPS HSF&L Lead (North)
Jim Noonan (JN)	HMPPS National Lead - Health & Safety
Jo Gordon (JG)	OH & EAP Representative
Jason Sunley (JSu)	HMPPS HSF&L Lead (South)
Julie Kenney (JK)	HMPPS Senior Health & Safety Advisor
Perry Rudd (PR)	HMPPS H&S
Phillip West (PW)	HMPPS Fire Safety Advisor
Pete Collingwood (PC)	HSE Prison Lead
Peter Fitzsimmons (PF)	HMPPS Principal Advisor (Covid 19)
Andy Heppell (AH)	HMPPS Employee Relations
Andy Rogers (AR)	Deputy Director Safety Group
Paul Baker (PB)	Guest Speaker - Lead on Razors Pilot, Safety Group
Collin Bryan (CB)	Guest Speaker - HMPPS JES Team Lead
Ben Whitehouse (BW)	HMPPS Administrator - Observing

Attendees Trade Union Side:

Joe Simpson (JSi)	POA DGS
Dave Cook (DC)	POA NEC
Ginnette Gantschuk (GG)	NTUS Chair
Dave Vickers (DV)	NTUS Joint Secretary
Peter Kenyon-Brodie (PKB)	PCS
Claire Dent (CD)	Prospect
Farhi Taherinia (FT)	PCS
Jackie Marshall (JM)	POA NEC
Niall McCormick (NM)	FDA
Kev Newton (KN)	PCS
Mick Pimblett (MPi)	POA FTO
Dave Kirby (DK)	PCS
John White (JW)	PCS

Apologies:

Andy Hewitt (AH)	HMPPS Employee Relations
Andy Davies (AD)	HMPPS Senior Fire Safety Advisor
Ian Carson (IC)	POA NEC
Geoff Willetts (GW)	POA NEC
Francesco Cavaliere (FC)	PCS
Mark Simpson (MS)	HMPPS Fire Safety Lead
David Anderson (DA)	Prospect
Lauren Crowley (LC)	FDA
Caren Evans (CE)	Unite the Unions

1. Introductions and Apologies for Absence

KB opened the meeting and thanked the membership for their attendance. Apologies were noted as above.

2. Minutes of the Last Meeting and Action Log

The draft minutes of the previous meeting were circulated to TUs for approval before final distribution to the meeting membership therefore a factual accuracy check of the previous minutes was not needed, and all

agreed they were a true and accurate reflection of the meeting.

The action tracker was reviewed, updated, and agreed. The updated action tracker will be sent out with these minutes. The following points were noted:

It was agreed to close Action 97 and move this to the "Issues Log" however a new action arose in respect of Day/Night fire contingency exercises for the National Fire Safety Team to send their monthly report to TU's which is also sent to Governors and PGDs which includes this information. It was also agreed to add Day/Night fire contingency exercises to the "Issues Log".

Action 111: Day/Night fire contingency exercises - National Fire Safety Team to include TU's when sending their monthly report to Governors and PGDs ensuring it shows all current and information in relation to these contingency exercises.

It was agreed to close Action 98 however for the purpose of the minutes, it was recorded that JSi would agree to close this action as the employer has refused to give their employees a separate violence policy and he wanted it noted for the minutes that the POA will be pursuing this elsewhere. AR reiterated that as part of their National Safety Framework arrangements, there will be a section in there that will engage all TUs in terms of support for staff and there is also a published wellbeing guide for staff which will also be referenced within the National Framework. JSi reminded the meeting that this was not about guidance or frameworks and that this was about providing a separate policy for staff on violence.

3. Safety Update – Andy Rogers

JR submitted a report which was circulated to the meeting membership prior to the meeting.

SPEAR & PAVA - AR updated on the report and confirmed that he has been engaged quite significantly over the last two weeks with TUs regarding the next generation safety programme. AR confirmed that he also met with a range of stakeholders outside the organisation which was interesting in terms of their general endorsement of our approach. The next steps on the next generation programme are going out as a full set of comms to the operational line which will include all TU's and AR will write to TUs formally on that setting out the sequencing and timelines and how this will look over the next three years now that the resource model is in place as well. In terms of PAVA, AR confirmed there will be a note going out to all TUs on this however in terms of figures, we now have 33 live prisons; Holme House, Manchester, Feltham (over 18s) and Dovegate (first PMP) have now gone live with PAVA. There are also 49 other sites that are carrying it as part of our exceptional deployment arrangements. In terms of the 4 pilot sites, it was noted that AR's team have completed our evaluation and shared the evaluation report with TUs and so they are in the process now of being moved to the live number of sites bringing the total to 37.

JSi asked for the Next Generation Safety Programme to be shared with HS&F Whitley colleagues.

Action 112: AR to share the Next Generation Safety Programme with HS&F Whitley colleagues.

RAZORS – Paul Baker gave an update on the Razor Pilot in line with the submitted report which was circulated prior to the meeting. In relation to the improved control pilot that HMP Chelmsford and HMP Preston are running DC asked if these controls were implemented from the centre and given to the prisons, so they are operating the same controls or was it down to the local Governor to decide their own controls to implement? PB confirmed that there is a strict 1 for 1 exchange measure in place for privately purchased razors which we mandate however it was left to the local Governors on how the 1 for 1 exchange would be implemented i.e., exchanged on a daily, weekly, fortnightly, or monthly basis.

In relation to the 93 local RAs and SSoW that had received feedback, DC asked if he could be provided with a list of those showing good practice and bad practice. AR confirmed that he would write to TUs in terms of the findings from the review of the RA and SSoW.

Action 113: AR to write formally to TU's setting out the findings of the Local Risk Assessments and SSoW for razors feedback.

MP asked if the razors with lithium batteries identified as possible cause of fires and pose an increased risk will be removed from prisoners' property? PB stated that they pose an increased risk, but additional controls can be put in place to ensure that the risk is reduced however this will be looked at and worked through with H&S colleagues.

4. Carrying Aids Project Update – Julie Kenney

JK presented her report which was circulated prior to the meeting. JSi thanked JK for her report and stated that they had received a letter from KB's in response to their letter which detailed their concerns regarding compliance with the Manual Handling Regulations. JSi said that the, POA will be advising their members via a circular on what they should be doing with reference to Carrying Aids and the future risk to their health and wellbeing.

JN would like the work done on this by JK to be acknowledged in these minutes which was also endorsed by KB.

At this point we moved to the POA item on the agenda re. staff assaults raised by IC who confirmed that this was an issue at HMP Wealstun as follows:

"I have concerns that staff who have been assaulted at work, in particular suffer head Injuries are allowed to self-diagnose if they are fit enough to continue to work without any medical assessment. The employer owes a duty of care to all who work here. I believe that they are failing in this duty by allowing staff to self-diagnose their medical condition and if they are fit to continue working. Your help and views on this matter would be appreciated."

AR confirmed that no policy has changed and would like a conversation outside of this meeting regarding this issue. IC agreed that he will put this back to branch and will bring to ARs attention if further assistance is required to resolve it.

5. BAS: HSF Advisor Role Update – Collin Bryan

CB confirmed that ToR are now in place and focus groups will start in April 2022. Representation on focus groups will be attended by job holders only. TUs will be consulted after the focus groups have taken place.

DV asked if line managers would be invited to focus groups. CB confirmed they would not but that he is happy to speak separately with line managers after the focus groups have been held, if this is desired.

FT asked how the selection process for the focus groups take place. CB confirmed the ToR details the process and depending on how the groups will be run i.e., TEAMS or face to face will determine how many are selected for the focus group. CB reiterated that that the JES team will speak to job holders, then line managers then TU's and will produce a report to come back to this meeting and will outline the findings and will provide a recommendation.

Conversation followed regarding the number of job holders to be invited to attend the focus groups. It was agreed that a blended approach will be adopted, and the ToR should be updated to show a minimum number of establishments covered but will be more if focus groups are held via TEAMS.

Action 114: ToR to be updated to show the blended approach and state the minimum number of establishments to be included.

6. Covid 19 Update – Peter Fitzsimmons

PF presented his report which was circulated prior to the meeting.

FT asked what the national advice is regarding social distancing and supply of hand sanitiser. PF confirmed that hand sanitiser will still be supplied and is available to order via Branston for delivery to prisons direct. PF confirmed that the requirement to socially distance has been removed but there is still benefit from keeping

some personal space.

JSi commented on the Winter Policy and is concerned that this document will not be regularly reviewed and would like to see this document evolve. JSi would like to know what the future for this document is and how will it be developed. PF will pass this on to Rupert Bailey for comment.

Action 115: PF to pass back to Rupert Bailey comments from POA colleagues for update regarding the Winter Policy, its future and how it will be developed. PF to update TU colleagues.

7. HSE Priorities and Update – Pete Collingwood

PC confirmed that on 31st March in England and 28th March in Wales, the HSE are stepping back in relation to Covid and the regulation side of this. Going forward this will be taken up by UKHSA however there is still a risk there that needs to be managed.

PC confirmed he has been discussing with Jim Noonan the opportunity of observing some realistic training that takes place, which is on the back of the Crown Censure from last year, but nothing has been arranged yet. No issues or actions arose.

8. Updates from OHS&F Teams

Fire Safety Update – Phil West. PW presented his report which was circulated prior to the meeting. KB stated that in terms of the fire hose reel failure at Wandsworth, MoJ Property Services have identified several other establishments that potentially could have the same problem and so have issued an instruction to make sure these have all been checked. KB commented that this should have been picked up during routine maintenance and this has been highlighted as an issue with the maintenance contractors.

JSi raised concerns that there is going to be an audit on the management of DSDs given TUs were told they only have a 10-year life span, and we are 7 years into this. PW confirmed that DSD are an interim measure, and the device does have a 10-year life span but until such time as we have in cell detection in every cell within the estate then we must have this interim measure in place. JSi asked if this project is now going to go beyond the expected 10-year implementation and how much this is going to cost the service to replace those DSDs that are still in place? PW stated that the turnover of DSD is quite high and therefore there are unlikely to be any DSDs still in place that were installed 7 years ago. PW said he would ask MS to provide projected timelines to replace DSDs with fixed systems.

Action 116: MS to provide projected timelines for the replacement of DSDs for fixed systems.

OH & EAP Update – Jo Gordon. JG presented her report which was circulated prior to the meeting. JSi raised questions around the Night worker assessment. JSi also asked if under the stress management guidelines, the CM job had been assessed and whether there was anything going to be coming out from the centre to inform CMs that they have got to do these night worker assessments. JG did not feel in a position to be able to answer this but JSi stated he would raise his concerns formally by letter to KB on this.

HS Update – Jim Noonan. JN presented his report which was circulated prior to the meeting. No issues or actions arose.

First Aid – Perry Rudd. PR presented his report which was circulated prior to the meeting. JSi asked PR to resend the findings of the First Aid pilot as they are unable to open the PDF document. It was agreed that a further meeting to discuss the outcome of the first aid pilot and the options for the way forward would be arranged.

Action 117: PR to resend First Aid pilot findings to TUs.

Action 118: PR to arrange a meeting to discuss the outcome of the first aid pilot and the options for the way forward.

Delivery of FM/Next Generation FM/Built Environment Issues – Perry Rudd and Jason Sunley. PR's report was circulated prior to the meeting. A discussion around MoJ Property Services and Tripartite meetings took place. JSi requested that NEC area representatives are furnished with a copy of the minutes of the Tripartite meetings and the problems that have been raised through those meetings so that the National Executive Committee can monitor this. It was agreed that IO and JSu will ask HSF staff to ensure that the outcomes from the Tripartite meetings are always discussed at local establishment H&S committee meetings.

Action 119: JSu and IO to ensure that outcomes from Tripartite meetings are added to the agenda on all local establishment H&S committee meetings.

9. POA and NTUS Items

BAS 4 – Fari Taherinia. FT was content this issue had been covered previously under the action tracker and the update provided by Collin Bryan under Item 5 above.

Return to Office – John White. JW raised concerns that management within the Public Protection Group based at Southern House are at best not doing the personal RAs very well and worse not bothering to do them at all and ignoring requests to complete these. PR confirmed that this issue has also been raised at the Southern House H&S Committee meeting. PR confirmed that the RA for Southern House does state that line managers should conduct personal RAs for their staff. It was agreed that PR will write to Keith Maddison to request an up-to-date RA for Southern House and when this will be available on the Intranet.

Action 120: PR to write to Keith Maddison to request an update to the RA available on the Intranet and to ensure that it is the most up to date version.

Workshop Facilities – Dave Kirby. DK raised several concerns in relation to the workshop at HMP Frankland and general maintenance issues. KB asked if this could be raised with Trevor Hailey in the first instance.

KN commented that they are also seeing significant issues with general maintenance and workshop facilities.

Action 121: JSu and IO to ensure Principal Advisors flag with Band 8s and ensure that local HSF visits to workshops are taking place with any significant issues being raised.

Establishment Monthly HS&F Reports – Dave Cook. DC stated that he has concerns with the reports that have been produced in his area and the factual accuracy of the data. A discussion took place on this issue, and it was noted that there is a lot of work going on in relation to RMPs and H&S teams being upskilled in this area.

Minutes of the Whitley Occupational Health, Safety and Fire Sub Committee Held on Thursday 23rd June 2022 Via Microsoft Teams

Attendees Official Side:

Kathryn Ball (KB)	Head of Occupational Health, Safety & Fire (Chair)
Janine Fuller (JF)	HMPPS Secretariat
Ian Oakes (IO)	HMPPS HSF&L Lead (North)
Peter Fitzsimmons (PF)	HMPPS Principal Advisor (Covid 19)
Jo Gordon (JG)	OH & EAP Representative
Jason Sunley (JSu)	HMPPS HSF&L Lead (South)
Julie Kenney (JK)	HMPPS Senior Health & Safety Advisor
Mark Simpson (MS)	HMPPS Fire Safety Lead
Pete Collingwood (PC)	HSE Prison Lead
Andy Hewitt (AH)	HMPPS Employee Relations
Andy Rogers (AR)	Deputy Director Safety Group
David Bailes (DB)	Guest Speaker – Head of Estates and Facilities Management

Attendees Trade Union Side:

Joe Simpson (JSi)	POA DGS
Geoff Willetts (GW)	POA NEC
Andy Baxter (AB)	POA NEC
Ginnette Gantschuk (GG)	NTUS Chair
Dave Vickers (DV)	NTUS Joint Secretary

Apologies:

Perry Rudd (PR)	HMPPS H&S
Collin Bryan (CB)	Guest Speaker - HMPPS JES Team Lead
Ian Carson (IC)	POA NEC
Mick Pimblett (MPi)	POA FTO
Dave Cook (DC)	POA NEC
Jackie Marshall (JM)	POA NEC
David Anderson (DA)	Prospect
Lauren Crowley (LC)	FDA
Caren Evans (CE)	Unite the Unions
Peter Kenyon-Brodie (PKB)	PCS
Claire Dent (CD)	Prospect
Farhi Taherinia (FT)	PCS
Niall McCormick (NM)	FDA
Kev Newton (KN)	PCS
Dave Kirby (DK)	PCS
John White (JW)	PCS

1. Introductions and Apologies for Absence

KB opened the meeting and thanked the membership for their attendance. Apologies were noted as above.

2. Minutes of the Last Meeting and Action Log

The draft minutes of the previous meeting were circulated to TUs for approval before final distribution to the meeting membership therefore a factual accuracy check of the previous minutes was not needed, and all agreed they were a true and accurate reflection of the meeting.

The action tracker was reviewed, updated, and agreed. The updated action tracker will be sent out with these minutes. The following points were noted:

Action 111: MS confirmed that within his fire report there is a section on contingency exercises undertaken however for clarification, JSi stated that this should identify how the fire exercises are taking place in establishments either "desktop" exercises which POA is not content with or "live" exercises. MS will speak to JSu and IO to establish how this can be reported on to show what is "live" and what is "desktop".

JSi asked for the POA agenda item concerning the staff violence policy to be removed from the agenda.

3. Safety Update – Andy Rogers

AR stated that in relation to the razors pilot, the safety team are considering the pilots which have been discussed previously and they have completed the development of an electric razor which has been approved by H&S and Security Colleagues as suitable for a prison environment. A bulk order has been placed with a lead in time of around 8 weeks but have already started deploying into the sites that the safety team have run the testing in. Alternatives that were tested continue to be evaluated. One alternative which is a hair removal cream which the safety team were aiming to introduce into Styal for a variety of reasons this has been paused however another Women's estate prison is being looked at and they are waiting on Women's Group to confirm which prison this will be trialled at.

In relation to PAVA and SPEAR. Both TU's have been written to recently with an update on progress. AR is aiming to complete rollout in the adult male estate by end of March 2023. Currently have 38 lives sites with

an aim of 40 sites by the end of the month. AR continues to evaluate the roll out in the YCS and Women's Estate and has met with private office and the minister to discuss. Further meetings with YCS colleagues have been arranged for the autumn. Update with all TU's expected by the end of the Summer 2022.

Rigid Bar Handcuffs – completed issue to all sites of RBHs and pouches. Currently in process of contacting all sites to see how these are being deployed.

Heavy Duty Cut Down Tool – There will be a distribution of a new bigger ligature tool (Barrington LC1) to enhance prisons ability to respond to ligature incidents and preserve life. They are not to replace the standard issued tool; 9mm Big Fish, they are an additional measure. These will be issued to each wing and added to the shadow board. These will not be issued to individuals. The new tool has an open aperture when it is unfolded. We are not expecting that any specific training is required with this new tool. LC1 guidance will be included in the Cut Down Tool training material. JSi thanked AR for his update. POA were concerned that the Big Fish was going to be taken away and replaced with the Barrington LC1 however this is not the case. AR will send some photos of the Barrington LC1 to TU colleagues.

Action 122: AR will send pictures of the new Barrington LC1 to TU colleagues.

4. POA and NTUS Items

- Heavy Duty Cut Down Tool – this item was covered in Andy Roger's update at Item 3. above.
- C&R PPE
 - are the regulations on PPE on purchase and selection adhered to in particular regulations 4,5,6?
 - are they maintained replaced and cleaned and by who and is a log kept as per regulation 7?
 - is it fit for purpose as laid out in the PPE regs for the work our members do?

PF confirmed that the purchase of PPE is managed through commercial and that all the relevant regulations are adhered to. PPE purchased is fit for purpose and meets the required standard for the work activity it is being used for.

JSu confirmed that best practice for managing PPE in establishments is that every establishment must have a C&R coordinator who must ensure an instructor is responsible for the PPE that is held and stored appropriately. A logbook should also be kept monitoring the number of times the equipment has been laundered as this impacts the fire protection level of the kit. Procedures are in place for all the above however it was felt that this needs to be looked at by H&S teams and ensure procedures are being followed correctly.

Action 123: JSu and IO to ensure via regional Health & 'Safety Teams that C&R PPE procedures are in place and being adhered to and this should be added as a one off to the weekly establishment tour.

JSi asked if the C&R coordinators and instructors who are responsible for the C&R PPE equipment and logs are given training regarding the PPE Regulations. IO confirmed this is being reviewed by North and South BSU teams.

- NTRG Hatfield
 - What, if any risk assessment was completed before installing the new facilities
 - What, if any, risk assessment has been completed for "on base" staff facilities

JSi stated that there are only 4 toilets and 4 showers for a facility that houses 120 people which is inadequate. JSi stated that when he inspected the staff facilities, they were dirty, and paint was peeling from the walls. There is not enough locker space for the equipment. Staff attending courses are having to get changed in their cars. PF and Chris Cassidy will look at this and report back on this.

Action 124: NTRG Hatfield - PF and Chris Cassidy will look at the issues raised by POA colleagues re inadequate toilet and shower facilities for the number of staff projected to use the facility and the general cleanliness of the facilities and report back to this meeting.

- Footwear for C&R Instructors – JSi confirmed this is for C&R instructors who provide training in prisons and who are doing a job for the prison service but do not get their footwear paid for by the employer, they must provide their own which is unacceptable.

Action 125: PF will investigate the issue of C&R Instructors who provide training in prisons providing their own footwear and will report back before the next meeting.

- From the Operations Sub-Whitley meeting – doors fitted with the wrong type of fire seal; evacuation of 42 cells due to asbestos (prison in the North), how up to date our Asbestos Register

JSi stated that he was unaware of where this item came from and was unable to provide any detail around this. AH confirmed this was raised at the Operations Sub Whitley by Dave Cook but no names of prisons were attached to the information shared at that meeting. KB thanked David Bailes for attending the meeting. DB is unaware of the specifics around the fire seals issue and is difficult to answer this question without more detailed information. DB explained the fire risk assessment remedial process that is currently in place which is dealt with by the CAFM system. In relation to the asbestos issue raised, the FM Director for the North was not aware of this issue and without more detailed information will not be able to answer these questions. DB confirmed a lot of work around asbestos surveys is taking place across the estate with a standard register for all due to be created. DB confirmed all sites have an asbestos register but need to be standardised.

DB gave an update on the audits that would be taking place. Currently there is an audit strategy in place for Level 2 audits for 2022/23 which identifies the statutory and mandatory baselines that will be checked this year. DB explained that a Level 2 audit is focussed on one specific standard for example High Voltage or Water Management. These are conducted at every single site. There are 5 in place for this year to be done and have just about completed automated gates and doors audit. The CPFSI readiness document which covers everything to do with fire safety will be undertaken and is due to be completed by 31st July 2022. Remaining audits to be completed are Water Management, Gas Management and Asbestos, dates to be confirmed.

DB discussed iAuditor which is a cloud-based solution.

JSi stated that he wrote to PC regarding POA concerns with the transfer of maintenance and the request for surveys and audits to be shared with TUs. Although a response was received no audits or surveys have been shared. DB stated that iAuditor should provide the assurance that POA require, and this will be shared via H&S colleagues. DB offered to attend future meetings to update on built environment issues. KB and other members thanked him for his kind offer. KB asked Janine to include DB in all future invites to provide a regular update.

Action 126: JF to invite David Bailes to attend future meetings and provide a regular update.

JSu stated that he had had requests from POA branches for the compliance reports that will be used in the establishments where their colleagues are working; operational reports and PGD reports. DB confirmed these will be available shortly.

- Carrying aid - What plan, if any, has the employer put in place to avoid injury under the manual handling regs in reference to the excessive weight on the utility belt our members wear for long shifts?

JK stated that the paper shared ahead of the meeting provides some information around what the measures are for this, which are in accordance with the report provided. Longer term, there is a uniform review planned within the current financial year. There will be a wide range of consultation on this, and this will enable additional options for suitable ways for carrying equipment.

A lengthy discussion took place on this however no actions arose. JSi stated that POA will be raising this issue at the National Whitley with Phil Cople.

GW stated that OH have been instructed to tell members that carrying aids will not be given to our members and can evidence that via reports they have received. Those who have been told they will receive a carrying

aid have still not received these 8 months later. GW also commented on staff with such small frames that are unable to carry all the equipment on a small belt. JK acknowledged that there is small, framed petite individuals in our service and within the guidance issued there would be no need for an OH referral for those individuals but they would be provided with a Thigh Rig which removes equipment from the belt, or they would be provided with an alternative carrying aid. In relation to the OH evidence that states they have been instructed not to provide members with carrying aids, JK asked for this to be shared with her so this can be taken up with Optima Health as this was not the case. JK said that the bespoke carrying aid for staff was due to be available in August 2022. JK said that priority issue should be given to those staff who have been waiting. It was agreed that a dedicated meeting should be set up to discuss these issues.

Action 127: Carrying Aid - JK to set up a dedicated meeting to include JG and GW and other H&S and TU colleagues and for GW to bring details of staff who are waiting for a carrying aid and any evidence he has where it is suggested that OH have been instructed not to issue staff with a carrying aid.

JK briefly discussed her paper which was circulated prior to the meeting. No further questions or actions arose.

NTUS Items

GG asked for the NTUS items to be removed from the agenda and this was agreed by the Chair.

5. Carrying Aids Project Update – Julie Kenney

This was discussed under agenda item 4 above.

6. BAS: HSF Advisor Role Update – Verbal Update - Collin Bryan

Unfortunately, Collin Bryan was unable to attend the meeting however did provide an update which was shared during the meeting. The main points to note were as follows:

JEAT will facilitate the following focus groups, please note staff who are on temporary promotion will be advised to discuss the role they are covering and not the role which matches their substantive grade.

Northwest - 12/07/2022 at the Conference Centre at Wymott (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

Yorkshire - 15/07/2022 at Humber (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

PSP North Principals (B9) - 18/07/2022 - 15:00-16:30 (virtual session)

North/East/West Midlands – 27/07/2022 at Newbold (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

Tees & Wear – 02/08/2022 in the Training room at Low Newton (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

PSP North 'mop up' session for staff that cannot attend physically - 10/08/2022 (virtual session)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

South Central - 19/07/2022 at the Conference Centre at Grendon (Face to face)

- 10:30-12:00 – B8 session

- 13:00-14:30 – B4 session

South Central - 19/07/2022 at the Conference Centre at Grendon (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

Kent, Surrey and Sussex - 21/07/2022 at PSP South Office Conference Centre (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

PSP South Principals (B9) - 04/08/2022 - 15:00-16:30 (virtual session)

London – 25/07/2022 at Feltham training centre (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

East – 29/07/2022 at Stirling House Harwood room (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

Southwest – 05/08/2022 at Eastwood Park meeting room (Face to face)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

PSP South 'mop up' session for staff that cannot attend physically - 11/08/2022 (virtual session)

- 10:30-12:00 – B8 session
- 13:00-14:30 – B4 session

7. Covid 19 Update - Verbal Update – Pete Fitzsimmons

PF gave a verbal update on the current situation. There has been a slight rise in covid cases in staff and prisoner groups recently which is in line with what is happening out in the community. There is also a slight increase in hospital admissions. This is not alarming but is being monitored. 14 outbreaks sites as of last Friday. The main group being affected is staff rather than prisoners which links to the main prevalence in the community. No issues or questions arose.

PF noted that control measures to protect staff against Monkeypox were currently being considered. The PPE we already have would be suitable albeit used slightly differently than for covid.

JSi said that the Winter Planning document they had seen some time ago was a good piece of work and the POA would be keen to find out what had happened to that document. PF said he would enquire with Rupert Bailie as he was the lead on this.

DV asked if the test of wastewater has highlighted any issues with Polio? PF confirmed he has not been informed of any issues with this to date.

Action 128: PF to request an update from Rupert Bailie ref: Winter Planning document.

8. HSE Priorities & Update – Pete Collingwood

PC informed the meeting that he recently attended Kidlington to observe some realistic training. Whilst there he witnessed a few scenarios around cell take over. In summary it was a good day with well managed training taking place. There were a few minor issues around noise levels and the use of makeshift platform but overall, the training showed progress: it was realistic, risks were proportionate; it was planned well with correct monitoring and supervision. PC confirmed that a visit to Hatfield Woodhouse will take place later in the year. No questions or actions arose.

9. Updates from OHS&F Teams

Fire Safety Update – MS presented his report which was circulated prior to the meeting. MS invited the meeting membership to join him for virtual reality training presentation which will not replace training that we do but will enhance what we do which is being held at 102 Petty France on 14th July 2022.

Action 129: Anyone wishing to join MS on 14th July 2022 at 102 Petty France for virtual reality training presentation please contact MS direct.

OH & EAP Update – JG presented her report which was circulated prior to the meeting. No questions or issue arose.

HS Data – PF presented his report which was circulated prior to the meeting. No questions or issues arose.

First Aid – Unfortunately, Perry Rudd was unable to attend the meeting however his paper was circulated prior to the meeting. No questions or issues arose.

Delivery of FM/Next Generation FM/Built Environment Issues – this was discussed earlier in the meeting at agenda item 4.

Minutes of the Whitley Occupational Health, Safety and Fire Sub Committee Held on Tuesday 20th September 2022 Via Microsoft Teams

Attendees Official Side:

Kathryn Ball (KB)	Head of Occupational Health, Safety & Fire (Chair)
Janine Fuller (JF)	HMPPS Secretariat
Ian Oakes (IO)	HMPPS HSF&L Lead (North)
Jason Sunley (JSu)	HMPPS HSF&L Lead (South)
Peter Fitzsimmons (PF)	HMPPS Principal Advisor (Covid 19)
Hayley Gethen (HG)	HMPPS Principal Advisor PSP South
Jo Gordon (JG)	OH & EAP Representative
Julie Kenney (JK)	HMPPS Senior Health & Safety Advisor
Andy Davies (AD)	HMPPS Senior Fire Safety Advisor
Pete Collingwood (PC)	HSE Prison Lead
Dawn Orchard (DO)	HMPPS Employee Relations
Jenny Rees (JR)	HMPPS Head of Prison Safety
David Bailes (DB)	Guest Speaker – Head of Estates and Facilities Management
Collin Bryan (CB)	Guest Speaker - HMPPS JES Team Lead

Attendees Trade Union Side:

Joe Simpson (JSi)	POA DGS
Geoff Willetts (GW)	POA NEC
Ian Carson (IC)	POA NEC
Mick Pimblett (MPi)	POA FTO
Jackie Marshall (JM)	POA NEC
Dave Vickers (DV)	NTUS Joint Secretary
David Anderson (DA)	Prospect

Apologies:

Perry Rudd (PR)	HMPPS Senior H&S Advisor
Mark Simpson (MS)	HMPPS Fire Safety Lead
Andy Hewitt (AH)	HMPPS Employee Relations
Andy Rogers (AR)	Deputy Director Safety Group
Andy Baxter (AB)	POA NEC
Dave Cook (DC)	POA NEC

Ginnette Gantschuk (GG)	NTUS Chair
Lauren Crowley (LC)	FDA
Caren Evans (CE)	Unite the Unions
Peter Kenyon-Brodie (PKB)	PCS
Claire Dent (CD)	Prospect
Farhi Taherinia (FT)	PCS
Niall McCormick (NM)	FDA
Kev Newton (KN)	PCS
Dave Kirby (DK)	PCS
John White (JW)	PCS

1. Introductions and Apologies for Absence

KB opened the meeting and thanked the membership for their attendance. Apologies were noted as above.

2. Minutes of the Last Meeting and Action Log

The draft minutes of the previous meeting were circulated to TUs for approval before final distribution to the meeting membership therefore a factual accuracy check of the previous minutes was not needed, and all agreed they were a true and accurate reflection of the meeting.

The action tracker was reviewed, updated, and agreed. The updated action tracker will be sent out with these minutes. The following points were noted:

Action 116: JSI stated that POA colleagues are still unsure when the project for the In-cell fixed fire detection systems for the whole of England and Wales is due to finish? There is still no clear understanding as to which prisons have the new system, which have not and the work that is still to be done on this. It was agreed that AD will write to the ICF to request timelines and a written update on this project.

Further Action: AD to write to ICF to request timelines and a written update for the In-cell fixed fire detection system project.

3. Safety Update – Andy Rogers/Jenny Rees

Unfortunately, Andy Rogers gave apologies, at very short notice, for attending the meeting and was hopeful that Jenny Rees may be able to attend later in the meeting. As no written update was provided, we were unable to discuss this agenda item. TUs asked for it to be noted in the minutes that they were disappointed with the short notice cancellation by Andy Rogers and requested that going forward, a written update should be provided ahead of each meeting to ensure this subject is discussed should they not be able to attend the meeting. JF noted that JR had said she would try to attend the meeting if she was able to.

Action 130: Andy Rogers/Jenny Rees to ensure that a written safety update report is provided ahead of each Whitley meeting to ensure this subject is covered should they not be able to attend the meeting.

4. Estates/FM Update - David Bailes

Before DB gave his update, we agreed to look at the below issue raised by POA.

- POA issues with GFSL (Mick Pimblett) - An issue at HMP Wandsworth regarding cell door hatches was raised at a local Health and Safety meeting. These hatches were unsafe, and the Governor and the Health and Safety Manager agreed that these could be sealed. GFSL agreed to do this job but charged for this work. MP was concerned that GFSL are not answerable to the Governor regarding maintenance at any establishment and queried who was holding them to account? MP reported that GFSL are also taking "out of action" cells off the job list, so they are showing as an available space on Nomis. It was felt that GFSL should be answerable to the Governor and the Governor should be able to determine what jobs are given priority.

JSi further commented that although the above is specific to HMP Wandsworth, the issues with GFSL are across the whole of PSP South. DB stated that data sharing with Governors links with the new property services compliance standard operating procedure (SOP). Good governance processes are identified in the SOP which has been written in consultation with HMPPS intelligent client function and H&S colleagues. Going forward all issues will now be picked up at Tripartite meetings attended by PGDs/Principal HSF&L Leads/RPOM and Governors/Senior HS Advisors/APOM which will give assurance that work is being done and to the correct standard.

DB gave an update on the pathway to green which is linked to the previously mentioned Property services compliance SOP which is to ensure they are providing a safe and secure environment for all. Once the document is embedded it is hoped the built environment risk will move from red to amber then amber, green over a period of time.

Within the SOP it includes the Property Compliance Assurance audit strategy. The audits identified for this year include powered gates and doors which is now complete. In terms of the CPFSI readiness audit 83 sites have now been completed which is 75% of the sites that commenced in July. It is envisaged this will be completed by the end of September. There are 3 further audits that are to be completed by the end of March 2023 being Water, Gas and Asbestos. Engagement with these audits need to be at site level between the property operations manager, H&S colleagues, and site teams to make sure that the work is assured and if anything needs escalating, it is escalated through the relevant process and procedures.

DB confirmed regular monthly meetings that take place between property services and the intelligent client function which looks at compliance and health, safety, and fire issues through a working group, which colleagues from H&S participate in.

High voltage external audits: DB reported that there is one outstanding P1 action, the work for which is planned to take place shortly.

Asbestos Management: Phase One of the surveys are now complete and 27 sites have been surveyed. Phase two has commenced which is going to deliver 40 surveys by the end of March 2023 with Phase 3 running concurrently. Some sites are in a better position regarding current asbestos surveys, so a desktop exercise will be held to see if there are any gaps that require either any buildings or full site surveys to be conducted for those sites. Upon completion of that there will be a national standard Asbestos register in place that will give the locations of all the asbestos containing materials. There will be new drawings which will be logged onto the CAFM system as well which will be able to inform staff of a potential hazard when the working in that area or any of their suppliers who come onto the site.

In terms of Fire Safety and Building Fire Strategies, DB confirmed that visits have taken place and they will continue with another 10 sites to look at fire doors etc. which are due to be completed by December 2022. From there they will be looking to Commission all prisons over a given period which could potentially be a 12-to-18-month timescale due to the complexity of these strategies.

KB and attendees thanked Dave for his attendance, and he confirmed he was content to return regularly to update the Whitley meetings.

5. POA and NTUS Items

POA Items

- Uniform - Polo Shirts (Mick Pimblett) – MP confirmed this issue had now been resolved and the item could be removed from the agenda.
- HS&F Establishment Assurance report and SMT Safety Tours (Dave Cook) – the lack of establishment monthly assurance reports for the South of England establishments in London, Kent, Surrey and Sussex and the lack of SMT safety tours conducted which is evidenced in the monthly assurance reports.

JSu stated that during his bilat with the principal lead for the KSS area and while discussing the standard

performance objective, he was concerned with the Apparent lack of attendance at local HSF Committees by the POA in KSS. This is obviously where any local issues related to lack of SMT safety Tours should be raised in the first instance. JSu confirmed the response he received from KSS was "Every prison confirmed that an invite had been sent to the Branch Representatives in advance of the meeting which had been scheduled in the reporting period by the Governor. Every Prison confirmed that no POA representative attended any of the meetings in the reporting period. One POA Representative asked the Senior HSF Advisor not to be invited again.

JSu commented that he is committed to ensuring that HSF issues are addressed through the OHSF Committee and that we work together including cooperating in Weekly Workplace Inspections. He would welcome a meeting with the POA NEC and Branch Representatives in KSS so that we can re-energise joint working in this region.

It was agreed that JSu would send the full details of this to JSi who would follow this up with Dave Cook.

Action 131: Jason Sunley to send details of POA & NTUS Representatives not attending Establishment OHS&F Committee meetings to Tus.

NTUS Items

Lone Working Policy – DV informed the meeting that PCS colleagues have produced a lone working policy and would be grateful if someone from the H&S team could review this. KB confirmed that we are reviewing all our policies however DV should arrange for this to be sent to Hayley Gethen for review by her team.

Action 132: Dave Vickers to send PCS lone working policy to Hayley Gethen for review and comment.

6. Carrying Aids Project Update – Julie Kenney

JK gave a verbal update on the latest position with the carrying aid project. The project Wrote to health and safety colleagues in the field to make sure they supported and shared the educational leaflet with governors to explain the importance of raising staff, awareness of that information. Subsequently, HMPPS has taken delivery of the alternative carrying aids which POA colleagues have seen through, the consultation process. Guidance that will support establishments on how to source an alternative carrying aid, if one is identified as being needed, has also been sent out via a senior leader's bulletin and via the health and safety community.

A long discussion took place on this, and several questions were raised and answered during the meeting however no further actions arose.

7. BAS: HSF Advisor Role Update – Collin Bryan

CB gave a verbal update on the latest position with the BAS: HSF advisor role project and confirmed that assurance visits have now taken place with 8 visits and 8 focus groups across Band 4, Band 8 and Band 9 roles within the health and safety function. The focus groups were well attended and highly informative. An issue that was raised was the number of version changes and CB has agreed to include in his report what the changes from V1 to V7 have been.

KB stated this would be helpful as this has been mentioned previously along with the lack of consultation on the changes. KB asked when the report will be made available. It was agreed that a meeting would be arranged between CB, KB, IO, and JS to discuss the findings. The intention was then to make the report available to TUs and wider before the next Whitley meeting in December.

Action 133: Janine Fuller to arrange a meeting with Collin Bryan to discuss the BAS HSF Advisor role project report.

8. Covid 19 Update – Pete Fitzsimmons

PF confirmed that we are currently coming out of the next wave. Risk has moved from amber to amber/green.

UK HSA issued new guidance at the end of August and is currently on its 2nd revision. A new PPE table is due to be issued. We have plenty of PPE and we have open supply routes. We also have buffer stock. Asymptomatic testing is pausing. Cleaning of training hoods and assorted options around this are being looked at. No actions arose.

9. HSE Updates – Pete Collingwood

PC confirmed that the planned visit to Hatfield Woodhouse has not taken place and a date for the visit has not yet been confirmed.

A visit to the Courts is due to take place to look at the new PERS system. No actions arose.

Safety Update Continued

At this point Jenny Rees joined the meeting and gave an update on prison safety. It was noted that PAVA and SPEAR continue to be rolled out in the adult male estate and the rollout was planned to finish by March 2023. Work has been carried out with all the establishments around readiness and ensuring training plans are in place to ensure they can go live. There are currently 42 live sites.

The roll out of Rigid Bar Handcuffs has been completed and have now been signed off by the safety board as business as usual.

On razors, it was noted there are currently several pilots taking place and work continues around this.

At this point Jenny Rees had to leave the meeting but it was noted that a written update will be provided for the next meeting. JSi thanked Jenny for attending the meeting and providing an update at short notice.

10. Update from the Occupational Health and Safety Section

Fire report update – AD presented his report which was circulated to the membership ahead of the meeting. The current highlights from the report were discussed. No issues or actions arose.

OH/EAP Update – JG presented her report which was circulated the membership ahead of the meeting. A discussion took place on the cost per referral to OH and it was agreed that JG would investigate this and report back her findings.

Action 134: JG to update the membership on how much it costs per OH referral.

H&S Data & PS Project Update – PF presented his H&S Data report which was circulated to the membership ahead of the meeting. PF noted that HMPPS were committed to complete the final prison from Phase 3 of the PS project (The POA Funded Phase) and he would be in touch with the POA to discuss the details of this shortly. A lengthy discussion on the accident book took place however no actions arose.

First Aid – this was discussed as part of the action tracker update. There was nothing further to add on this.

EQUALITIES

Equalities Sub Whitley Annual Report 1/1/22 – 31/12/22

Introduction

Since the last POA Conference the POA has worked hard on your behalf to support those with protected characteristics covered by the Equality Act. This task has proved to be challenging as both local and national officials can attest to. It is dispiriting that there has been little improvement in 12 months.

- The fight against the fitness test, which discriminates against women, older workers with disabilities, and to have this replaced with a wellbeing test. The POA on your behalf has determinedly raised the unfairness of the test on behalf of members. The POA are unable to report any concrete progress but will continue to fight for the abolition of the current fitness test and its replacement with a wellbeing test, as occurs in Scotland.
- The POA is committed to ensuring that those with protected characteristics are able to access promotional opportunities. Whilst it is acknowledged that progress has been made to ensure that women are given the opportunity to progress, the same cannot be said in terms of those with other protected characteristics, such as race. The Employer has attempted to address these issues as part of the Race Action Plan by having mentoring schemes, but to date they have not achieved the desired outcomes, namely to increase the number of black staff at CM level. The same is true for staff with disabilities, although the improved passporting scheme would appear to be having an impact, as well as access to funding for reasonable adjustments.
- Challenging racism and sexism in our members' workplaces has been a constant theme. The lack of training for staff in challenging misogyny and racism is an ongoing concern and plans to develop and deliver training for staff and managers is taking far too long. This, together with the lack of an effective grievance process which members have confidence in, is making the cultural change required to ensure that all members work in a safe and supportive workplace a daily challenge. In response to this, the POA has made it clear to the Employer that the POA would deal with members who behaved in a racist manner, including racist statements on social media, under the rules of the POA, which allow the POA to expel members where required, and called on the Employer to act accordingly using the disciplinary code of conduct.
- Both TUBU [Tackling Unacceptable Behaviour Unit] and RAP [Race Action Plan] have been put in place to deal with racism and sexism in the workplace. TUBU was launched during the pandemic and has struggled with staffing issues and the volume of calls, which has meant that there has been little feedback of the work that is being done. The POA is committed to holding the Employer accountable for the unacceptable behaviour of its employees, by holding TUBU to account to deliver the service promised and to deal with those employees who are POA members who are found to have behaved in a manner contrary to the rules of the trade union.
- RAP is due to come to an end as this was time-limited, and the recent Thematic Inspection on the experiences of adult black male prisoners and black prison staff, as well as our own members' experiences, provide evidence that the experiences of black members at all levels is not a positive one. The POA is looking to all our members to be part of the change and in doing this we will be reaching out to our black members, as we have to our women members, to improve the experience of work. We will also be looking to all members to be part of the change by supporting black and female members.

- The POA is committed to supporting female members returning from having a child, ensuring that they receive the appropriate support, training and flexible working arrangements. This also applies to fathers who require consideration to be given to their responsibility as parents. There have been two pilots, one at Onley and the other at Styal, to pilot different rostering tools with a view to rolling this out across the prison estate. In terms of time-scale, it is unlikely that this will be implemented by the next conference. The POA is also committed to ensuring that work-life balance is a reality for all members, particularly those who have caring responsibilities and those who have a terminal illness. This work is in its infancy and follows on from supporting staff who have a terminal illness who wish to continue to work.
- The POA continues to support members who face discrimination in terms of age, and this has continued to focus on ensuring that members approaching retirement age are enabled to do so by supporting members who wish to take the option of flexible working and ensuring that they are able to access their pension at the best time and in the best possible way.
- The POA continues to support disabled members, including those who acquire a disability during their employment. The Employer continually requires holding to account under the Equality Act as our disabled members face resistance to obtaining reasonable adjustments [shift patterns, reduced hours or re-location/re-deployment as examples] in the workplace to enable them to continue working for as long as they are able to do so. This has improved, as outlined above.
- The POA has a commitment to all those with protected characteristics and this includes our members who are LGBT plus. Since the last conference, our LGBT plus members have been subject to increasing levels of hate via social media and this has filtered into the Prison Service, with the Deputy Prime Minister changing guidance for some trans prisoners, which the POA refused to accept or agree to and ensured that there was proper consultation upon. There is so much more work to do and the POA does not underestimate the challenge of this, but we are committed to ensuring that this occurs.

The POA is committed to Equality at a senior level and this year the POA had a women's workshop to which the Employer attended, which enabled them to hear first-hand the difficulties that our women members face in the workplace, and we are working with the Employer to improve the working experience of women. The TUC has specific structures for women, BAEM, disabled and LGBT plus members and many trade unions have member groups within their trade union who engage with the different TUC Committees in order to progress equality within their individual trade union.

Both the Monaghan and Kennedy Reports have raised the lid on the experience of women within the trade union movement. The POA was one of the trade unions which made up the TUC Executive Committee working group on Tackling and Preventing Sexual Harassment, and the recommendations are commended to conference.

Moving forward, consideration will be given to the establishment of the four strands of equality within the POA in order to progress engagement by women, black, disabled and LGBT plus members within the POA, so that their voices are heard within both the POA and the wider trade union movement.

Minutes of the POA Equalities Sub-Whitley Meeting Held on 21 February 2022, 2 – 4pm by MS Teams

Attendees

HMPPS

Jenny Bowles (Chair)
Kathryn Bruderer (KB)
Alana Ajani (AA)
Christopher Casanovas (CC)

Interim Head of Diversity and Inclusion Team
Head of HQ Diversity and Inclusion
Programme Director – Race Action Programme
Statistician, Corporate Data and Statistics

Cheryl Saint Luce (CSL)	Racial Inclusion & Striving for Equality (RISE) National Lead
Nic Turner (NT)	Pride in Prison and Probation (PiPP) Staff Network National Lead
Saima Rafiq (SR)	MoJ Head of Inclusive Recruitment
Jim Fraser (JF)	HR Policy Lead, MoJ People Services
Andy Heppell (AH)	Senior Employee Relations Lead
Harsha Savani (HS)	People Diversity and Inclusion Manager
Roberto Pesci	Employee Relations Support (Minutes)

POA

Joe Simpson	POA Deputy General Secretary
Dave Cook	NEC National Officer
Jackie Marshall	NEC National Officer
Sarah Rigby	NEC National Officer
Geoff Willetts	NEC National Officer
Angela Montgomery	Full-Time Officer

Introduction

The Chair and Kathryn Bruderer of the Diversity and Inclusion (D&I) Team introduced themselves to the POA. The Chair advised that Sonia Brooks had come away from leading the D&I Team in November last year to support as Governing Governor at HMP Brixton for the medium-term. The Chair was keen that D&I Team and the POA worked together even outside of the formal Whitley structure of meetings.

1. Apologies for absence were received as set out above.
2. The Minutes of the last meeting held on 16 November 2021 were approved as a true record.
3. Matters Arising - Actions Log (Andy Heppell)

3.1 The POA asked to see the data mentioned in the ongoing action concerning the disproportionate use of PAVA. They wondered where the original complaint had come from, what the issue was at the time and whether the data subsequently collected was large enough to be statistically significant. CC offered to consider the data for D&I Team in the first instance and the Chair agreed to the amendment to the action.

Action: D&I Team would share the data around disproportionate use of PAVA with Chris Casanovas in Corporate Data and Statistics Team for his perspective and then share with the POA.

3.2 We agreed to move the action concerning the Grievance procedure (how Line Managers could raise a concern in the workplace perhaps using TUBU instead) to the POA HR Sub-Whitley forum. POA comments on the draft Grievance procedure were being considered by MoJ People Group and further engagement with trade unions would take place.

3.3 Concerning the ongoing action on the Equality Analysis PSI being made into a Framework - how we could improve local POA committee and Governor join-up on progressing Diversity and Inclusion issues - KB agreed, in AbdurRahmaan Anderson's absence, to discuss this with the Chair of the POA Equalities Committee outside of this forum.

Standing Agenda items

4. Diversity and Inclusion Roadmap update – Kathryn Bruderer

4.1 KB advised D&I Team were reviewing the D&I Roadmap. It had been developed quickly to meet a gap during the Covid pandemic. Further discussions outside of this Whitley forum were coming soon.

4.2 KB provided an update on upcoming changes to the Department for Work and Pensions' *Access to Work*

scheme from 31 March 2022. The enclosed briefing prepared by the MoJ D&I Team was discussed. KB clarified that awards made before 31 March would carry on until their stated end date. More documents around the process would be coming out in due course. Discussions were taking place to establish where the central budgets would sit to fund the scheme in future.



Core Brief - Access to Work FINAL.docx

4.3 The POA asked if the same amount of funding would be available to applicants under the revised scheme? KB confirmed this would be the case and this was why it was important to know what people's adjustments were at present. The Chair asked the POA to share the changes with their members as widely as possible.

4.4. KB discussed the *Let's Talk* event on Neurodiversity. The latest packs were shared with the POA a couple of weeks ago. The D&I Team were working to an MoJ definition of Neurodiversity based on the HM Inspectorate of Prisons' (HMIP) report *Neurodiversity in the criminal justice system: A review of evidence* published in July 2021. A link is provided here to the report: [Neurodiversity in the criminal justice system: A review of evidence \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/neurodiversity-in-the-criminal-justice-system-a-review-of-evidence/) . The *Let's Talk* event would consider a broad range of issues discussed in the report such as IQ-based learning disabilities and difficulties, dyslexia, autism spectrum issues, attention deficit hyperactivity, chronic tick disorders (including Tourette's syndrome) etc. KB explained that these were not just challenging issues - they brought their own strengths as well. The packs for this event would launch around 22 March for Neurodiversity Celebration Week (21 - 27 March).

4.5 The POA made the point that for those staff on the front line it would be better if they could be provided with paper packs for the *Let's Talk* event as this information is not readily accessible to staff on the intranet. Also, the POA wondered who would get the training to run these events. They were worried that HMPPS might not be able to follow through on their promise to address Neurodiversity because of funding or changing ministerial priorities etc. KB said that we had set two groups up: the screening of people in our care; and wider learning for staff. The HMIP report was a driver for this work; it showed our commitment.

5. Race Action Programme update – Alana Ajani

5.1 AA advised that 2022 would be the year of delivery around the Race Action Programme (RAP). We were aiming to pilot and test our interventions by the end of this financial year. We were going to hold Healing events at establishment level for those who had experienced racial trauma. AA said that we were also organising something called Safe Spaces for prisoners with a third sector partner at certain pilot sites. The Youth Custody Service (YCS) has been specifically selected because of HMIP recommendations. We were organising cultural competence training for line managers and were seeking best practice advice on this from other organisations. An external provider would be chosen to facilitate any pilots.

5.2 AA advised that we were monitoring HMPPS policies that had the greatest disproportionality to Black, Asian and minority ethnic staff: these include Grievances; Use of Force; Adjudications. We would be seeking third sector expertise in how we could mitigate this disproportionality. On a separate but related issue, the RAP Team worked with the Probation Service trade unions and the RISE network on the Black, Asian and Minority Ethnic Staff Survey and was helping apply core principles from this to the Prison Service.

5.3 AA spoke about the work RAP Team were doing for the Gypsy, Roma and Traveller (GRT) communities. We were creating a GRT Strategy as part of the Insights 2022 Festival (9 – 20 May) and would be showcasing a group of third sector organisations who had the expertise to support the GRT community.

5.4 The POA wondered how HMPPS could really assist GRT communities given the adverse impact to these communities that will come from the Police, Crime, Sentencing and Courts Bill progressing through Parliament. The POA pointed out that these communities would be negatively affected because the draft Bill in its current form would create a criminal offence of residing in a vehicle on land without permission. This

would make it easier to move GRT communities on. More generally the POA thought it would be helpful if HMPPS could seek the views of frontline staff on such D&I issues rather than approaching Governors only. The POA also worried about all the extra work that seemed to be placed on Custodial Managers (CMs) as line managers including all the additional D&I training as mentioned above. It seemed that the CM rank was absorbing work/training that had been done by more senior grades that no longer exist. This should be more joined-up within HMPPS.

5.5 AA responded by advising that we were collaborating with establishments and were engaging with the recipients of the training. Our approach to providing learning was to provide it in “bite-size” rather than large chunks. Concerning the Bill, we had been engaging partners across Government to inform them of our work. AA said that lived experience was key when approaching these issues and we had linked-up with the Lived Experience Panel which had a broad range of members including GRT. We were also linked into The Irish Chaplaincy, the charity supporting Irish prisoners across England and Wales.

6. Fitness Test: Equality Analysis – Jim Fraser

6.1 JF advised that concerning the Fitness Testing data that was being recorded on the Single Operating Platform (SOP), a recent report had been run but there were gaps in the data. Therefore, we were trying to run the report again later this week and were hoping the missing data would be available especially for Gender and Age. JF was conscious that a meeting with the POA to discuss this data was an ongoing action but as soon as we had meaningful data, a meeting would be organised.

6.2 The POA said that the new Fitness Test tested staff up to the age of 67. They asked what support HMPPS would provide to help staff who deteriorated through the natural process of aging or through illness. The POA thought it would be helpful for example if staff could be supported with preventative wellbeing checks as they aged rather than just Fitness Testing them. They explained that the Scottish Prison Service had replaced their fitness test with wellbeing checks and that this had made a real improvement to staff health. There was a strong educational element to this and the POA thought HMPPS needed to educate staff better around healthy living and perhaps develop initiatives encouraging gym membership etc.

6.3 The POA remained of the view that the Fitness Test discriminated against older female members, hence why the data being collected by HMPPS was so important. They continued to think that the Fitness Test was disproportionate to the role and duties of a Prison Officer given the emphasis on supporting prisoners rather than restraining them.

7. Staff Networks update – Cheryl Saint Luce / Nic Turner (3pm)

7.1 CSL, National Lead for the RISE Network, advised that RISE’s focus had been on the work around the Black, Asian and Minority Ethnic Staff Survey in the Probation Service space. However, the Network would also like to discuss something similar with the Prison Service unions. We had developed a living document looking at work strands such as recruitment and retention and safe spaces. A live event happened last week where the Survey was presented. This was a big piece of work and RISE would welcome POA support. Concerning Safe Space sessions, CSL had visited establishments at Portland, Deerbolt and Durham. This was not just for staff but also prisoners given the lack of trust experienced by these. The POA asked for a list of dates and locations of upcoming RISE events that they could advertise with local branches.

Action: CSL agreed to provide the POA with a list of upcoming RISE-related events with dates and locations.

7.2 NT, National Lead for the PiPP Network, spoke about the success of the Art project event with an exhibition launching at Newbold Revel on Thursday this week. The PiPP members survey had recently launched and would run until 13 March. NT mentioned data from the 2020 survey which showed that LGBT staff were twice as likely to submit a grievance as heterosexual staff but less likely to get a resolution. That data also showed higher leaver rates among LGBT staff. NT also commented that the data had shown an increase in threats and intimidation toward LGBT staff. NT promised to report back to this forum on the results of the PiPP members survey.

7.3 NT advised that a visit to HMP/YOI Portland had been planned for 14 March. The local PiPP network wrote to Jo Farrar, CEO for HMPPS, on discrimination and other related problems at that establishment. NT asked what support the POA could provide there. The POA were keen to help, and the appropriate NEC member agreed to speak further with NT outside this forum.

7.4 NT said that the work on external benchmarking had stalled but now needed to progress again. The internal self-assessment survey was going to the Challenge Panel in April and would be used to develop action plans where HMPPS might be failing. We were also running pilots for Transgender Employee Support. The idea was that a transgender officer in an establishment would support line managers in the appropriate application of transgender policy for staff. This was complementary to what the PiPP Network offered. Amy Rees had agreed funding for this pilot for 6 months. There was some acknowledgement that the staff policy had not been well marketed at establishment level and therefore staff were not much aware of it. There would be a focus on helping transgender staff navigate practical issues like changing one's name on the various IT applications and dealing with security clearance etc.

7.5 The POA wondered why HMPPS' focus had been on the transgender policy for prisoners rather than that for staff and supporting them better. The POA mentioned the Climate Review (an aspect of the Rehabilitative Culture Programme) and how this considered race relations. It should also consider similar for LGBT staff and staff with disabilities. It was not enough that guidance or policies were just uploaded onto the HMPPS intranet where they were out of sight and got forgotten about – especially as not all frontline staff had daily access to the intranet. Instead, the POA felt we really needed to engage staff at an establishment level in a more creative and direct way.

POA items to raise

8. Information / policies for the Equalities section of the POA website

8.1 It was agreed that the POA Equalities Committee would write to the Chair concerning this item and this would be dealt with by written correspondence. ER Team provided appropriate contact details.

The meeting ended.

The next POA Equalities Sub-Whitley takes place on 20 June 2022.

Minutes of the POA Equalities Sub-Whitley Meeting Held on 20 June 2022, 2:15 – 4:15pm by MS Teams

Attendees

HMPPS

Francis Stuart (Chair)	Head of HMPPS Employee Relations Team
John Anthony (JA)	Head of Diversity and Inclusion Team
Alana Ajani (AA)	Programme Director – Race Action Programme
AbdurRahmaanAnderson (AbA)	Senior Equality Manager
Stephen Davies (SD)	Disability, Advocacy, Wellbeing Network (DAWN) National Lead
Nic Turner (NT)	Pride in Prison and Probation (PiPP) Staff Network National Lead
Jim Fraser (JF)	HR Policy Lead, MoJ People Group
Ian Tune (IT)	Staff fitness strategy delivery manager
Graham Kilvington (GK)	HR Diversity and Wellbeing Performance Analysis
Harsha Savani (HS)	People Diversity and Inclusion Manager
Andy Hewitt (AH)	Senior Employee Relations Lead
Roberto Pesci	ER Business Support (Minute Taker)

POA

Geoff Willetts	NEC National Officer
Angela Montgomery	Full-Time Officer

Apologies

Cheryl Saint Luce

Saima Rafiq
Sarah Stevenson
Joe Simpson

Dave Cook
Jackie Marshall
Sarah Rigby

Racial Inclusion & Striving for Equality (RISE)
National Lead
MoJ Head of Inclusive Recruitment
Deputy Head of NDTSG, MMPR & NTRG
Deputy General Secretary, POA
POA NEC National Officer
POA NEC National Officer
POA NEC National Officer

Agenda

1. Apologies and Introductions

1.1 The Chair welcomed attendees and introduced new committee members, John Anthony and Graham Kilvington.

1.2 The POA said some of their Equalities committee had to send apologies (see above). Additionally, ER Team said they had received an apology from Sarah Stevenson, Deputy Head of NDTSG, MMPR & NTRG.

2. Minutes of last meeting

The minutes of the POA Equalities Sub-Whitley meeting of 20 February were agreed as a true record.

3. Matters Arising - Actions Log (Harsha Savani)

HS presented the four ongoing actions from the Log. No comments or questions were raised by the POA.

Standing Agenda items

4. Diversity and Inclusion (D&I) Roadmap update – John Anthony

4.1 JA advised that his Team had taken a draft of the D&I Roadmap to the Higher Leadership Team (HLT), but this had not yet been signed off as there was more work needed to develop it. We were reprioritising twenty-two objectives and would realign these with the Ministry of Justice and Civil Service D&I Strategies. The current Roadmap was too ambitious and needed to be more focussed. The D&I Policy Framework was likely to be signed off in September and we would have a proper communications plan in place by then.

4.2 The POA asked how the alignment with the Ministry of Justice and Civil Service D&I Strategies Service mentioned above would work. JA advised that we would take principles from these Strategies and apply them to HMPPS and actions would come out of this. The POA were concerned about any detrimental impact on recruitment, retention and promotion in this context, but JA confirmed we were working closely with other HMPPS areas, like the Probation Service, and retention remained a key priority across HMPPS. NT added that we were reviewing priorities and would keep the Trade Unions updated on this.

5. Race Action Programme update – Alana Ajani

5.1 AA spoke about the *Report of the Commission on Race and Ethnic Disparities (CRED)* and the Government's response, *Inclusive Britain*. Ethnic Minority communities had been sceptical of the CRED report and HMPPS had supported staff who had been disappointed with the findings of the report. However, *Inclusive Britain* gave us real tangible objectives and actions and provided validation and challenge. For example, on Recommendation 5, *improve training to provide police officers with practical skills to interact with communities*, and Recommendation 12, *prevent harm, reduce crime and divert young people away from the criminal justice system*.

5.2 AA advised that we were working to provide a full data set related to Recommendation 30 from *The Lammy Review (HMPPS should develop performance indicators for prisons that aim for equality of treatment*

and of outcomes for BAME and White prisoners). We were also considering the recommendation concerning inclusion in the workplace and training and what improvements we could make in these areas. At the end of June the Diversity and Inclusion (D&I) team (with Learning and Development (L&D) Team), would launch a D&I Hub for training and it would list a calendar of events for staff to learn more about Diversity and Inclusion.

5.3 AA mentioned Action 70 from *Inclusive Britain: to support employers and industry sectors to create opportunity for groups which are underrepresented in their workforce*. The Government Equalities Office will create new updated guidance on positive action by December 2022. AA advised that the Luminate Programme was a good example of this. Luminate was a sponsorship approach for ethnic minority Grade 6/7 (equivalent to Band 9-11 in prison and Band A-D in probation) colleagues across the MoJ family. Concerning Recommendation 24 from *Inclusive Britain: Disaggregate the term BAME*, AA confirmed we were no longer using this term and instead were using 'ethnic minority' as an umbrella term, but we also needed to be as specific as possible e.g., Pakistani or black Caribbean.

5.4 AA said that Action 39 from *Inclusive Britain* would also apply to the Probation Service: *to enable more grassroots, ethnic minority-led and specialist, voluntary or community sector organisations to provide rehabilitative services*. In response to this, the Ministry of Justice (MoJ) launched a new Stewardship Fund for 2021/22. £10k would be provided to each region for people from ethnic minority backgrounds. Early feedback from this had been very positive anecdotally. We would see if this could be extended to Prisons and the Youth Custody Service. Concerning Action 40: *to ensure that ethnic minorities and others receive the legal advice they need when in police custody*, the MoJ will support a number of police forces to trial the effect of an automatic 'opt-in' to receive independent advice over 2022 and to build trust to see if this reduces disparities. A duty solicitor will automatically be provided, and individuals would need to opt out of this rather than the other way around. AA advised that an Equalities Inter-Ministerial Group had been set up to be led by the Minister for Equalities, Kemi Badenoch MP.

5.5 AA moved to discussing the Gypsy, Roma and Traveller (GRT) History Month that was taking place in June. The D&I Team had organised an in-person event at HMP Berwyn for the end of June. GRT work there had been positive and prisoner declaration rates had increased at Berwyn as a consequence. There would be opportunities to speak with prisoners also. The Programme Board would sign-off some clear GRT commitments in due course.

5.6 AA mentioned that a video had been produced for the cultural competence training. Face-to-face training would begin with the September launch – this was going through the governance process at present. We were developing animations highlighting key points around our inclusion policies. We had completed dialogues on Use of Force, Grievances and Adjudications and these had helped policy authors. We had also received funding to provide diversity and inclusion input to thirteen new policies in 2022 including the priorities emerging from the Prison Strategy White Paper. The POA asked to see the Performance Management visual snapshot when it was uploaded to the Intranet as the POA did not have access to the HMPPS Intranet.

Action: Alana Ajani agreed to share with the POA the Performance Management visual snapshot once it was signed off.

6. Fitness Test: Equality Analysis – Jim Fraser / Ian Tune

6.1 IT advised that the *Fitness Test Report 2021 – 22* had been shared with the POA and they had responded with a specific set of questions. The Report and POA follow-up questions are reproduced here for ease:



Fitness Test Report
2021-22.pdf

- i. The POA asked that a breakdown of Fitness Test data in-terms of age, gender and disability status of all staff who passed test on 1st, 2nd and 3rd attempt.
- ii. They also requested a breakdown of the same for the adjusted test;

- iii. The also requested a breakdown of the same for complete failures;
- iv. The POA requested statistics relating to number of staff dismissed or regraded due to fitness test fails, age, gender, disability status;
- v. Further, they requested statistics on the number of staff out of date on test.
- vi. The POA commented that they had also expected a bigger focus on equality analysis – but the report did not go into depth in this way.
- vii. The POA commented that the final paragraph merely concludes more staff have failed their fitness test due to a lack of preparation is interesting – where is the evidence of this? The POA believe that more staff failed because they were forced to do the test before they were adequately prepared and due to health conditions, the impact of long covid, the increased waiting lists for treatment of health conditions. However, if there is evidence to suggest it is simply staff 'not preparing for the test', the POA would like to see it.

IT advised that we were unable to provide disability data on questions i) and iv) above. At the time of this meeting, we had tested 16,000 staff and would now work to provide a data breakdown on the POA questions by age ranges 18 – 29, 30 – 39 etc up to 70+.

Action: Ian Tune will provide further data analysis to the POA on their questions:

- i. **The POA asked that a breakdown of Fitness Test data in-terms of age, gender and disability status of all staff who passed test on 1st, 2nd and 3rd attempt;**
- ii. **They also requested a breakdown of the same for the adjusted test;**
- iii. **The also requested a breakdown of the same for complete failures;**
- iv. **The POA requested statistics relating to number of staff dismissed or regraded due to fitness test fails, age, gender, disability status;**
- v. **Further, they requested statistics on the number of staff out of date on test.**
- vi. **The POA commented that they had also expected a bigger focus on equality analysis – but the report did not go into depth in this way.**
- vii. **The POA commented that the final paragraph merely concludes more staff have failed their fitness test due to a lack of preparation is interesting – where is the evidence of this? The POA believe that more staff failed because they were forced to do the test before they were adequately prepared and due to health conditions, the impact of long covid, the increased waiting lists for treatment of health conditions. However, if there is evidence to suggest it is simply staff 'not preparing for the test', the POA would like to see it.**

6.2 JF advised that HMPPS had commissioned an independent review of the Fitness Test to ensure it remained suitable, including looking at physical demands, menopause and the perimenopause. We were also looking at test levels for the Bleep Test. We were considering the appropriateness of age for the Fitness Test. The review should complete its work and report back in the next six months.

Action: JF and IT to update the POA on the outcome/recommendations of the Fitness Test Review at the first POA Equalities Sub-Whitley meeting after review completion and this would be placed on the agenda.

6.3 IT said that when the initial notifications for testing went out to staff after Covid, we provided lots of guidance around the support that was being made available. Some staff did have issues, but other staff were fit enough so were comfortable with the testing. He mentioned there had been no fails in July but as more

staff started taking the test in September failure rates rose. During 2021/22 there were just over 600 fails which was higher than in pre-Covid years. The feedback IT had received was that there had been a lack of preparation from some staff despite the support provided.

6.4 The POA said they would like a written response to their questions in paragraph 6.1 above then a meeting should be organised to discuss the response further and the independent review of the Fitness Test. Their view was that during Covid, there were few gyms available to staff. Additionally, the POA thought staff with the menopause and perimenopause did not get the support they needed because they had to go through their line managers for a referral to Occupational Health and this did not always happen, or staff were not always aware of the reasonable adjustments that could be requested. IT disagreed on this point and thought appropriate support was available. The POA wondered if the statistics would specify staff with menopause and perimenopause. Also, they wondered if HMPPS would provide a welfare package instead of doing the Fitness Test. IT advised that we organised a welfare day every year. While the Scottish Prison Service model was often cited as the ideal (no in-job fitness testing) their welfare package was only provided every three years. The POA responded that given current staffing levels their members could not actually attend the welfare day.

Action: When a response has been provided to the POA questions concerning the Fitness Test 2021/22 report, ER Team would organise a bespoke meeting with Jim Fraser, Ian Tune and the POA to discuss further and to discuss the independent review of the Fitness Test.

6.5 SD asked if we recorded pass/fail data concerning disabled staff and the adaptive Fitness Test. IT said that Optima did this independent of HMPPS on lower limb disability. IT/JF said they would share this data with SD.

7. Staff Networks update – Stephen Davies / Nic Turner

7.1 SD advised attendees that this would be his last meeting as his tenure as National Lead for DAWN comes to an end in August. SD advised he would continue to work on the Rehabilitation Centre idea and a pilot would be forthcoming in due course. He recently attended wellbeing days at HMP Wakefield and noted that staff support had been very good. SD asked that ER Team invite Sarah Noble, Workplace Adjustments Service Lead, to the next Equalities Sub-Whitley to update on Workplace Adjustments as an additional HMPPS agenda item.

Action: ER Team to invite Sarah Noble, Workplace Adjustments Service Lead, to the next Equalities Sub-Whitley meeting to update the POA on Workplace Adjustments under additional HMPPS agenda items.

7.2 NT advised that the Banter workshops were ongoing. PiPP network was working with the Directorate of Security on the Searching policy in-terms of transgender staff. The POA asked if the Searching policy had been shared with them. NT advised that Sue Roberts had been having discussions about this and thought that Joe Simpson and Jackie Marshall were aware of the current situation.

POA items to raise

8. Female dog handlers and maternity leave

The Chair asked the POA for further details on this agenda item. The POA advised this concerned an individual. It was agreed that Andy Hewitt would deal directly with the POA on the issue outside of this forum. SD mentioned that there was little mention in current HMPPS policy about those disabled staff who needed assistance dogs and would explore improving policy outside this meeting.

Francis Stuart thanked Stephen Davies, DAWN Network Lead, for his contribution to the meeting during his tenure and wished him well for the future.

The meeting ended.

The next POA Equalities Sub-Whitley takes place on 1 September 2022, 1:40 – 3:40pm.

Minutes of the POA Equalities Sub-Whitley Meeting Held on 1 Sept 2022, 1:40 – 3:40pm by MS Teams

Attendees

HMPPS

Andy Hewitt (Chair)	Senior Employee Relations Lead
Harsha Savani (HS)	People Diversity and Inclusion Manager
Mirelle Lloyd-Taylor (MLT)	Head of Strategy and Implementation, Race Action Programme
AbdurRahmaan Anderson (AbA)	Senior Equality Manager
Ian Tune (IT)	Staff Fitness Strategy Delivery Manager
Katherine Law (KL)	Ill-Health Retirement Services Manager
Emma Tearse (ET)	HR Diversity and Wellbeing Performance Analysis
Roberto Pesci	ER Business Support (Minute Taker)

POA

Joe Simpson	Deputy General Secretary
Jackie Marshall	NEC National Officer
Geoff Willetts	NEC National Officer
Angela Montgomery	Full-Time Officer

Apologies

Francis Stuart	Head of HMPPS Employee Relations Team
John Anthony	Head of Diversity and Inclusion Team
Alana Ajani	Programme Director – Race Action Programme
Graham Kilvington	HR Diversity and Wellbeing Performance Analysis
Saima Rafiq	MoJ Head of Inclusive Recruitment
Nic Turner	Pride in Prison and Probation (PiPP) National Lead
Jim Fraser	HR Policy Lead, MoJ People Group
Sarah Noble	Head of Workplace Adjustments Service
Dave Cook	POA NEC National Officer
Sarah Rigby	POA NEC National Officer

Agenda

1. Apologies and Introductions – Andy Hewitt

1.1 The Chair explained that due to unforeseen circumstances Anthony John, standing in for Francis Stuart as Chair of this meeting, could not now attend and had sent his apologies. Andy Hewitt had agreed with the Diversity and Inclusion Team that he would stand in as Chair. He welcomed attendees and introduced Mirelle Lloyd-Taylor (Head of Strategy and Implementation, Race Action Programme), and Emma Tearse (HR Diversity and Wellbeing Performance Analysis). Apologies were mentioned as above.

2. Minutes of last meeting – Andy Hewitt

2.1 The minutes of the POA Equalities Sub-Whitley meeting held on 20 June were agreed as a true record.

3. Matters Arising: Actions Log – Harsha Savani

3.1 We agreed to follow-up with the Race Action Programme (RAP) team on the Performance Management visual snapshot action if it was not covered in today's RAP update.

3.2 Concerning the action to discuss the Fitness Testing policy review it was clarified by the Chair that this was different from the pilot taking place at Drake Hall. The POA said that they had not been aware of this pilot. The Chair agreed to make contact with the appropriate lead at Drake Hall and set a meeting with the POA to discuss further.

Action: ER Team to arrange a discussion between the POA and Drake Hall concerning the Fitness Testing pilot that was taking place there.

3.3 Concerning the action to invite Sarah Noble to this meeting to discuss the Workplace Adjustments Service, Sarah sent her apologies for today. She advised there was no update at present but agreed to attend the next meeting.

3.4 On the action around the Commission for Racial Equality Report, we had provided the POA with the Government response and hoped to close this action. Their concern was how this would impact their members at implementation stage, and it would be good at that point to meet and discuss issues. It was confirmed this was being picked up as part of the RAP work so could close here.

Standing Agenda items

4. Diversity and Inclusion Team Structure; revised Roadmap Progress Update (including Inclusive Policy Framework, Equality Analysis Framework TU Consultation) – Harsha Savani

4.1 HS advised that she had moved from the Employee Relations Team to the Diversity and Inclusion (D&I) Team on 1st August and would be working closely with the Head of D&I. HS said that the D&I Roadmap still needed to be signed-off by the Senior Management Team (SMT). Also, we had now launched on the HMPPS Intranet and Gov.UK websites a new Health and Wellbeing update entitled *Looking After Our People, the Prison Service Employee Package*. A link to this is provided here:

<https://www.gov.uk/government/publications/looking-after-our-people-the-prison-service-employee-package>

4.2 HS advised that the Equalities Analysis (EA) Framework guidance consultation had now happened, and the final version would hopefully be launched on 20 September once sign-off had occurred. The Regional Equality Leads would be involved in cascading the new EA Framework appropriately.

4.3 HS said that the new National Network Leads (DAWN, PiPP, RISE) had been selected and were taking up their roles today. Amy Froggatt would lead for DAWN; Derek Rhoden would lead for RISE; Jesse Churchill would be PiPP (interim) lead. D&I Team extended thanks to the previous Leads. Introductions would be arranged between the POA and new Leads. HS also mentioned that it was National Inclusion Week between 23 September and 4 October. The D&I Team will be producing a communications plan of events and would keep the Trade Unions informed. AA added that D&I Team continued to carry out visits to establishments, with more planned for September and November.

Action: ER Team to organise an introductory meeting between the POA and the new National Network Leads, Amy Froggatt, Derek Rhoden and Jesse Churchill.

4.4 The POA asked what training would be offered to staff around the new EA Framework and how staff would use it. There was a danger that this document would sit hidden on the HMPPS Intranet given that staff in establishments did not regularly have access to IT. HS acknowledged that this was an ongoing concern but that the new IT rollout and new Intranet would mitigate some of this. We would also be looking at other strategies for cascading the guidance including utilising staff network leads.

5. Race Action Programme Progress Update – Mirelle Lloyd-Taylor (2:05pm)

5.1 MLT shared slides with attendees on the current RAP overview. She advised that we would be launching a D&I Learning and Development Hub this month. A Cultural Intelligence pilot was being introduced across the north west region Probation Service, Brixton Prison and Feltham Young Offenders Institution. This would eventually be aimed at managers across HMPPS. MLT advised that concerning Support and Safe Spaces, the Allyship event had gone well and that we were looking to finalise materials this month to be rolled out to the Allyship community. We had been considering inclusion aspects of HMPPS policies and had organised sessions around Use of Force and the Grievance process. Around recruitment and retention and talent management, we were working on support for staff who would be paired with a Progression Buddy. The Buddy scheme was about supporting current staff in HMPPS in getting promotion into higher grades. It was clarified that this was a new D&I initiative for ethnic minority staff and different to the Prison Officer Mentor

Scheme.

5.2 The POA were concerned that staff in establishments would struggle to find the time to be involved with the Buddy programme. MLT reassured the POA that pairing up of Buddies would not be contained in each establishment but rather cut across HMPPS including HQ. D&I Team were aware of staffing pressures and would not be looking to create a detriment to staff time. Staff would involve themselves on a voluntary basis and we would assume they would have factored in time constraints. In response to the POA's enquiry, MLT advised there were no current plans to offer any financial incentives to volunteer but as the pilot progressed, we would consider such issues. The POA were keen to understand if these Buddies would have the interests of staff at heart to build a supportive relationship. MLT agreed that buddies would need a cultural understanding of each other. Volunteers for the scheme had been asked to highlight their skills and people would be matched on that basis.

5.3 MLT advised the POA that the quality of the Buddies Scheme would be evaluated by evidence-based specialists to measure how effective it was being. We would be considering that feedback and would be content to share the evaluation for information with the TUs.

Action: Mirelle Lloyd-Taylor agreed to share with the POA the information that was sent out in an email concerning the Progression Buddies Scheme.

5.4 MLT said that the Inclusive Policy Project had been signed off by the former HMPPS CEO, Jo Farrar. We were aware that there were disproportionate effects of some policies on ethnic minority staff, so we were looking to improve these. For example, we had developed a performance management animation and would be looking to develop similar for Use of Force, Discipline and Attendance Management. There would be a suite of animations produced and the Performance Management one would launch later this month with a communications package. MLT confirmed the D&I Team were linked-in with TUBU on the Inclusive Policy Project.

5.5. MLT shared the Performance Management animation at the meeting and asked the POA for their thoughts about it. In response to a POA question, MLT advised that it was aimed at all staff and not just managers. Part of the animation explained an informal targeted reward scheme and the POA thought this might be perceived as unfair and divide staff. The POA said the best way to reward staff was to remunerate them appropriately perhaps through the staff performance reviewing process. The POA also felt there was the issue that some Governors were reluctant to reward staff and would like to see recognition boards include POA branch members or a local equality officer. MLT was concerned to understand why the POA thought some Governors were not rewarding staff and the POA thought it might be worth counting the numbers of unused vouchers.

Action: Mirelle Lloyd-Taylor agreed to share with the POA the animation on Performance Management.

5.6 The POA made the point that they felt unsighted on animations and would like to have been involved earlier in supporting these.

6. Fitness Test: Equality Analysis – Ian Tune (2:20pm)

6.1 IT advised that it had been a challenging year and we were supporting staff with retaking their Fitness Test. Concerning the data provided to the POA, IT re-iterated that we did not have aspects of disability status data. The POA said they would write to Andy Hewitt, Senior Employee Relations Lead, about the Fitness Test in a modern prison service. Their main concern was the amount of time it had taken staff to get their fitness back coming out of the pandemic. Their view was that the twelve-week period to improve their fitness was too short for less healthy staff, and the employer gave no incentives to help staff. Such incentives could include a corporate gym rate for staff, a guide around healthy eating, or blood pressure tests etc.

6.2 The POA also continued to have concerns around the original reason why the Fitness Test was introduced in 2001. Their understanding was that the test was introduced to reduce sick absence in prison staff, but it had not met this objective as sick leave have remained at similar levels since 2001. They wondered if the

current review of the Fitness Test would consider this aspect. The Chair pointed out that three reviews of the Fitness Test had taken place since 2001. IT said that we had written to establishments with a Fitness Test invite and provided fitness and healthy eating guidance. The emphasis for staff was to take ownership of their fitness and to contact PE staff if more support was needed. IT advised that the Bleep Test would be considered given it was introduced when the retirement age for operational staff was 60 and was now 68. The POA remained of the view that the employer needed to do more to support staff on Fitness Testing. They felt it was important for the employer to explain to staff why the Fitness Test was being used because staff currently saw it as a route to being dismissed.

6.3 The POA asked if the current review of the Fitness Test would take into account the menopause and previous injuries of staff. IT confirmed the review would be taking into account the menopause, the peri menopause, and reasonable adjustments where possible. The POA suggested we consider adjusting the Fitness Test equipment. For example, the Grip Test which tested strength in the wrists and hands needed for restraining prisoners should be reconsidered given that Control and Restraint training was already provided. IT said that we could consider what the independent reviewer advised on this. Another important area the POA suggested was how mental health affected fitness, e.g., PTSD could lead to overeating which affected physical fitness. IT said that this was not covered specifically by the review but that we did give feedback on mental health issues at Wellbeing days. Additionally, managers and PAM Assist should be supporting staff on this issue.

6.4 The POA advised that testers had refused to re-test some staff who had failed their Fitness Test because these staff had not been issued with a warning. IT said the guidance in the Fitness Test toolkit advised that the Governor may need to issue a warning if no evidence of a medical condition could be provided on failure of a test. The POA said the guidance in *PSO 8625 – Staff Fitness Strategy* was not clear on this point – the word “may” created an ambiguous situation.

Action: Andy Hewitt and Ian Tune agreed to respond to the POA on the issue of testers refusing to re-test staff who had failed the Fitness Test because these staff had not been issued with a warning by the Governor.

6.5 The POA said that if warnings were going to be issued to staff who failed the Fitness Test, then a member of the POA local branch should be in-attendance and that they said was part of the agreement the POA had with the employer. The POA also queried why it was that once staff were promoted past Band 5, they no longer had to carry out a Fitness Test. IT said the policy was set that way because most of the handling of prisoners was done by Bands 3 – 5. The POA thought that anyone who was entitled to receive Required Hours Addition (RHA) had to do C&R Training therefore they should also have to do the Fitness Test. In their view the Fitness Test was a discriminatory policy. HMPPS did not agree with the POA on this point as they did not think there was a link between RHA and C&R but that this should be clarified perhaps with HMPPS HR.

Action: Andy Hewitt and Dawn Orchard (who has HR expertise) to establish the rationale for why Band 6 and above operational staff did not have to do the Fitness Test when they were entitled to receive RHA and needed to do C&R Training.

6.6 Additionally, the POA asked that HMPPS communicate to establishments the correct approach Governors should take concerning the issuing of warnings to staff who fail the Fitness Test.

Action: HMPPS would consider the POA request that we communicate to establishments the correct approach Governors should take concerning the issuing of warning to staff who fail the Fitness Test.

POA items to raise

7. Sanitary Items – Katherine Law

7.1 The POA advised it was important that HMPPS introduce free sanitary products across the estate especially now as there were more female recruits to the Prison Service. KL introduced herself as the Lead for this project which was well underway. KL advised that a paper had been approved by Dave Mann (MoJ

Director, HR Operations), and had financial sign-off from Gareth Hill (Financial Business Partner) and had been cleared by Office of the Chief Property Officer, pending the recommendation's approval. We consulted numerous times with the Gender, Belonging and Wellbeing Team and relevant staff networks (SWIM and Gender Equality Network) and had support on the final paper from Joanne Keech-Jowers (Divisional Director, Diversity, Inclusion & Wellbeing). The paper was currently sat with Mark Adam, Chief People Officer, who would make a determination on its progress, or if it needed to go to the People's Business Committee (PBC) for final approval. If this was the case, then the next PBC was scheduled 17th November.

7.2 In terms of mobilisation after approval, KL explained we did not have specific times and were currently discussing with commercial colleagues, but it was unlikely they would be able to determine this until the recommendation was approved. We would expect mobilisation to be reasonably quick as it would just be the addition of the products to the existing supply and distribution lines in place with FM contracts for toilet paper etc. Products would be available in Female, Gender Neutral and Accessible toilets as well as in First Aid areas across establishments. The POA mentioned that security considerations in some establishments meant that sanitary products were being removed from toilets. Similarly, because of gate security considerations at establishments, staff were being asked to leave their bags at reception so belongings could not be brought in unless placed in see-through bags. This could be quite embarrassing for staff. The POA were particularly concerned around products being removed from toilets and had written to HMPPS about this. KL asked the POA for some details as to where this was happening. The Chair asked that the POA share the letter and any response with KL.

7.3 The POA wondered why the governance process had to involve the MoJ as this seemed to be delaying the products being brought into prisons and therefore deprived women of their dignity. The POA were very concerned that this process had been going on for about a year and KL needed to impress upon senior managers the urgency of this work. KL acknowledged the need for swift action and agreed to filter the POA's view up the line. The Chair pointed out that necessary governance was important to ensure budgets were in-place. Once the governance aspect was signed off products could be introduced quickly.

The meeting closed.

The next POA Equalities Sub-Whitley meeting was scheduled for 24 November, 1:45 – 3:45pm.

Minutes of the POA Equalities Sub-Whitley Meeting Held on 24 November 2022, 1:45 – 3:45pm by MS Teams

Attendees

HMPPS

Francis Stuart (Chair)	Head of HMPPS Employee Relations
Karida Badwah (KB)	Senior Employee Relations Lead
Alana Ajani (AA)	Programme Director – Race Action Programme
John Anthony (JA)	Head of Diversity and Inclusion Team
Harsha Savani (HS)	People Diversity and Inclusion Manager
Jim Fraser (JF)	HR Policy Lead, MoJ People Group
Jesse Churchill (JC)	HMPPS Pride in Prison and Probation (PiPP) Staff Network National Lead
Derek Rhoden (DR)	HMPPS Racial Inclusion & Striving for Equality (RISE) Staff Network National Lead
Graham Kilvington (GK)	HR Diversity and Wellbeing Performance Analysis
Tracey Varela (TV)	HR Business Partner, MoJ People Group
Sarah McKnight (SM)	Project Manager for Championing Women in the Workplace
Sarah Noble (SN)	Head of MoJ Workplace Adjustment Service
Roberto Pesci	ER Business Support (Minute Taker)

POA

Dave Cook	NEC National Officer
Jackie Marshall	NEC National Officer

Geoff Willetts
Angela Montgomery

NEC National Officer
Full-Time Officer

Apologies

Andy Hewitt
Ian Tune
Amy Froggat
Joe Simpson

Senior Employee Relations Lead
Staff fitness strategy delivery manager
HMPPS DAWN (Disability, Advocacy & Well-being Network)
National Lead
General Secretary of the POA

Agenda

1. Apologies and Introductions

1.1 Apologies were noted as above.

2. Minutes of last meeting (1 September 2022)

2.1 The POA asked that we update Paragraph 6.4 in the draft minutes of 1 September 2022 to clarify the point that there was confusion in the Fitness Testing guidance where the phrase “a warning may be issued” was used. ER Team would update that paragraph and resend the amended draft minutes to the POA for their consideration.

Action: ER Team would update paragraph 6.4 in the draft minutes of 1 September 2022 to clarify the point that there was confusion in the Fitness Testing guidance where the phrase “a warning may be issued” was being used and resend the amended draft minutes to the POA for their consideration.

3. Matters Arising - Actions Log - Karida Badwah

3.1 Concerning the action where the POA thought operational staff above Band 5 should be doing the Fitness Test, the POA said the action was to establish why Band 7 staff and above (and not Band 6 as currently listed on the Action Log) did not have to do the Fitness Test when they were entitled to receive RHA and needed to do C&R Training. ER Team updated the log in real time to reflect the POA's comment.

3.2 Concerning the action that HMPPS consider the POA request to communicate to establishments the correct approach Governors should take concerning the issuing of warnings to staff who fail the Fitness Test, an update would be provided by Jim Fraser at today's meeting.

3.3 The POA asked if the update of the closed action around Drake Hall had been sent to the right committee as it was listed on the Log as the HR one. ER Team confirmed that was a typo and that the update had indeed been sent to the POA Equalities committee on 14 November and the action was subsequently updated to reflect that on the Log for the November meeting.

Standing Agenda Items

4. Diversity and Inclusion (D&I) update – John Anthony
(Including revised Roadmap Progress update, Equality Analysis Framework TU Consultation, and Team Structure)

4.1 JA advised that we were linked into the Ministry of Justice (MoJ) concerning the D&I Strategy that underpinned the HMPPS approach. We were ensuring there was alignment here. In the meanwhile, the Roadmap had been paused. Also, JA advised, the One HMPPS programme meant this was not the right time to move forward on these pieces of work. He said that the Equality Analysis (EA) Framework that had now been consulted on and had been published. Training around the new Framework would go live in January. JA said that concerning the Staff Networks, we were working on the corporate messaging and how they fitted in with the D&I agenda.

5. Race Action Programme (RAP) Progress Update – Alana Ajani

5.1 AA advised that the accuracy check on the HM Inspectorate of Prisons (HMIP) thematic inspection of the experiences of adult black male prisoners and black prison staff would be published in mid-December and perhaps this could be an agenda item for the next POA Equalities Sub-Whitley meeting. We had also developed an action plan to consider disproportionality and how we could improve the situation for ethnic minority children in the Justice system.

Action: ER Team would update the action plan for the HMIP report on the thematic inspection of the experiences of adult black male prisoners and black prison staff to be an additional agenda item on the next POA Equalities Sub-Whitley meeting.

5.2 AA said we had now launched the D&I Learning Hub, and this had received positive feedback. There were animations and videos on the Hub and a “lunch and learn” session had been organised for this tool today. AA advised that we were working with suppliers on immersive learning technology to make it relevant to HMPPS and we would give the unions the opportunity to contribute. We were also working with suppliers to develop face-to-face cultural awareness learning and we had provided Safe Spaces and Support focus groups with staff to see what might be needed around this. AA said that building trust was paramount for the Safe Spaces work and we needed to consider how best we communicated this: some of these would be specific to ethnic minority groups. AA said that Unions would be involved in the design. We were piloting the Progression Buddies scheme and there would be a relaunch of the guidance concerning Diverse Panels, then we would work to ensure we had a healthy choice of members. DR mentioned that the RISE Network would be happy to support members here. AA said that we would be launching a Use of Force animation introducing someone with lived experience into this. We would also be launching an animation on Grievance. The POA asked if they could see those animations, but AA said that these still needed voice-over scripts.

5.3 The POA said they had concerns around resourcing as operational staff would not have the time to get support they needed around some of the initiatives mentioned above. The issue was also that support was needed quickly. AA agreed and said that as we scaled-up the work we were doing, we would need someone to work with Governors and Senior Management Teams. The POA also said that currently only mandatory training could be carried out so how could we push the additional training as suggested by AA. AA said that we may be able to put this learning into the Apprenticeship training and see if we could make some of it mandatory as per the training requirements in legislation. We believed this would help reduce the attrition rate.

6. Fitness Test: Equality Analysis Update – Jim Fraser

6.1 JF advised that the action on the Equalities Sub-Whitley log, to communicate with establishments the correct approach Governors should take concerning the issuing of warnings to staff who fail the Fitness Test, would now close because the pausing of the current Fitness Test negated this. Managers would no longer have to send these warnings while fitness testing was suspended.

6.2 JF reported that the Fitness Test had been paused until April 2023 and a meeting to discuss this with the POA was now set for 6 December. The POA pointed out that the Fitness Test continued for some staff e.g., Dog Handlers and Tornado Staff. JF acknowledged there was confusion in some of the wording in the policy and we would look to make minor updates to the policy and engage with the POA before republishing. The POA made the point that it was the wording in the current Fitness Testing toolkit that was unclear as well as the policy.

6.3 The Review of the Fitness Test was now complete, but we were awaiting the report. The POA asked if the Fitness Test would begin again based on the paused Test or would HMPPS be taking into account the Review. JF said he did not know at this stage what the situation would be when the Test started again. In response to the POA enquiry, JF said that Ian Tune, Staff fitness strategy delivery manager, did send out a Terms of Reference (ToR) for this Review and would send ER Team a copy to forward on to the POA. The POA thought that they should have been consulted on the ToR and the Review itself. The Chair mentioned that this forum dealt with the Equality Analysis of the Fitness Test – JF advised that the Review would also have covered that aspect and he thought that key points on what the review was considering had been shared with the POA earlier in the year. On the issue of the Drake Hall Fitness Testing pilot, JF did not think there was any connection with the Review.

Action: Jim Fraser to send the Fitness Testing Review Terms of Reference to ER Team to forward on to the POA.

6.4 The POA asked about the Reasonably Adjusted Fitness Test (RAFT) in-terms of the Treadmill. They understood this went to 5.4 at present and wondered what happened to staff who needed 5.8 and above (e.g., Dog Handlers and Tornado staff) – there should be a reasonable adjustment for them.

Action: Jim Fraser agreed to consider the POA request that RAFT for Treadmill should go to 5.8 and above for those staff who needed it.

7. Staff Networks update - Jesse Churchill / Derek Rhoden

7.1 DR advised he was the newly appointed HMPPS National Lead for the Racial Inclusion & Striving for Equality (RISE) Staff Network which supported staff from Ethnic Minority backgrounds. DR said that October had been very busy with various activities including preparations to roll-out the Cultural Awareness toolkit. Use of this would be led by regional and local RISE Leads but the Executive Team would step in if these were unavailable. AA added that still needed quality assurance and piloting, and once it was ready, it could be added to the D&I Learning Hub. JA advised that robust governance was needed around training and the toolkit was going to senior leaders and managers for clearance in due course. DR said that he was working with the Race Action Programme (RAP) regarding the Allyship initiative, and we were developing a presentation on this before going to the Senior Leadership Team. RISE and BCN (Bedfordshire, Cambridgeshire and Norfolk) prisons ran an event on the Allyship toolkit at HMP Littlehey.

7.2 DR advised that we were updating communications about the Staff Networks and had produced a video on our priorities and including on how to become Network members. The video was shown on this forum, and it explained each Network's structures, priorities and membership benefits, e.g., giving a voice to staff and education and training noting that there was no cost. The video also asked how staff could support the Networks including challenging inappropriate behaviours. DR mentioned that the Staff Networks could also provide advice around any Equality Analyses (EAs) that were being carried out.

7.3 The POA found the Networks' presentation very interesting and wondered how it would be distributed. DR said that we were distributing the presentation electronically but also producing posters and flyers and sending these to the regions. The POA thought this presentation could be given to Trade Union conferences. JC said that the video had been uploaded so it could be linked to easily. It would go to the Executive Committee who would distribute further.

Additional HMPPS Items

8. Supporting the Workplace in Menopause (SWIM) – Tracey Varela

8.1 TV shared slides with attendees which included the SWIM plans for 2022 and 2023. TV explained that the Network had been set up in 2018 across the Ministry of Justice (MoJ) and now had some 1,700 members 657 of which were from HMPPS. The Network did not receive Facility Time for this work apart from the Chair. TV said she was responsible for leading on HMPPS issues.

8.2 During 2022 the SWIM Network supported the production of a menopause policy and in 2023 would be introducing a Menopause Ambassadors' Network. SWIM was also running monthly virtual "Let's Talk" menopause sessions, though this was harder in operational settings, and we were looking to work more closely with the other HMPPS Staff Networks. We now distributed a monthly newsletter and gave one-to-one advice as needed. Additionally, the ambassadors would be able to step in and get conversations started. We had also developed separate MS Teams channels for SWIM members and for ambassadors. We now had 150 ambassadors across the MoJ and 68 of these were from HMPPS. Their roles were "light-touch" given their full-time jobs and they mostly directed enquiries to support already available, raise awareness and share communications.

8.3 We were running an HMPPS menopause pilot at five establishments: Littlehey; Warren Hill; Low Newton; Werrington; and Kirklevington Grange to raise awareness, signpost support and start conversations there.

Amongst other indicators, the pilots had found 57% more support was needed in establishments around the menopause and 82% said managers would benefit from training around this. Only 42% of staff were aware of the menopause toolkit. TV advised that the pilot next steps would include SWIM running SMT briefings for manager and continued "Let's Talk" sessions. A Facebook support group had also been set up as this provided easier access for operational staff. The next steps included developing training for managers, the production of an early findings report, the completion of the pilot work, continuing to recruit and support ambassadors, and the development of learning and links to key staff networks.

Action: Tracey Varela agreed to share her presentation on the SWIM Network with the POA.

8.4 The POA said they were aware of grievances submitted by female members regarding the menopause and the POA thought such grievances should be dealt with by a specially trained person and not the line manager while appropriate training rolled out. This was also the case under Formal Attendance Review Meeting (FARM) situations – managers also needed to have expertise here. The Chair advised that Grievance policy was being reviewed with various equalities aspects under consideration. The Chair agreed to consider what could be done in the interim while the Grievance policy remained under consideration.

Action: Reflecting POA concerns, Francis Stuart agreed to raise with Sarah McKnight and Tracey Varela what additional support could be provided to line managers who were dealing with grievances from staff on the basis of the menopause.

9. Championing Women in the Workplace – Sarah McKnight

9.1 SM advised there was no set programme as such for Championing Women in the Workplace as we wanted to be responsive to situations. We had now started a Male Allies Network which would provide education for staff. SM said she would welcome POA support here. She also advised that HMPPS would be introducing a Female Support Network to share expertise and how they dealt with issues and looked at preventative measures e.g., clarity in the adjudications process with better guidance and traction when it reached the criminal threshold and providing education to our police colleagues. We were also running a survey for female senior leaders in custodial settings and introducing a reverse mentoring scheme. We had introduced a poster campaign and Single Points of Contact across HMPPS. We would be keeping staff updated on our initiatives in a quarterly newsletter. Phil Copple, Operations Director General, was now the HMPPS Gender Champion and was working on a sexual harassment MoJ-wide policy taking input from the Championing Women team who were advising on how the policy could best be engaged with by staff.

9.2 SM advised that her team had considered work around baby loss awareness for mothers and fathers. They were also considering work around gender specific health issues. These were issues that affected men as well as women and we wanted to be inclusive around these. We were planning the next Championing Women in the Workplace live event. They thought we needed to ensure all female workers in prisons, like education and healthcare staff as well as agency staff, were included and supported in our Championing Women plans. SM said that the Female Support Network, mentioned earlier, was for all female staff including agency workers. The POA thought that assaults on women seemed to be on the rise based on the reporting they had seen.

10. Workplace Adjustments Service (WAS) update – Sarah Noble

10.1 SN shared slides with attendees concerning the Workplace Adjustments Service. She advised that the Service covered the whole of MoJ and had dealt with some 2,200 cases since the service began and had carried out 50 awareness sessions so far. SN advised the Probation Service was our biggest user. SN said the Access to Work Scheme had changed in April 2022 and subsequently we agreed to fund 61 cases. We now had an in-house database showing various user requests and trends including key concerns. SN advised that we were now able to pay invoices, e.g., taxis and support workers, from a central budget. The POA thought that there was a lack of knowledge of workplace adjustments in establishments and amongst line managers in-particular. The POA said they would now signpost members to this service.

Action: Sarah Noble agreed to share the presentation on the Workplace Adjustments Service with the POA.

POA Agenda Items

11. The POA confirmed they had no additional agenda items to discuss.

Any other Business

12. The Chair asked that for the next meeting we should raise an additional HMPPS agenda item covering data for staff and protected characteristics and that Graham Kilvington would speak to this.

Action: ER Team to add Data for Staff and Protected Characteristics to the next POA Equalities Sub-Whitley agenda under Additional HMPPS Items and invite Graham Kilvington to speak to this.

The meeting closed.

The next POA Equalities Sub-Whitley meeting was scheduled for 27 February, 1 – 3pm.

NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES

National Committee for Secure Health Care Services Annual Report 1/1/22 – 31/12/22

Introduction

Since the last POA Conference in 2022 the Pay Review Body and pay negotiations have been the most important issue. As the cost-of-living crisis has worsened, this has exacerbated the crisis of recruitment, which in turn puts pressure on our members on a daily basis, with wards being understaffed due to difficulties of covering shifts. This impacts on the health and wellbeing of our members, which in turn impacts on their families. Healthcare staff have continued to leave the NHS for better-paid and less-stressful jobs. Pay has impacted on the ability of NHS trusts to recruit and, particularly, to retain staff.

The POA recognise that health care members were on the frontline during the pandemic, with many of them developing Long Covid and/or long-term conditions as a result. POA has supported those members, representing them at Absence Management Reviews and negotiating flexible working arrangements, as well as providing financial support. All hospital trusts that wished to take part in balloting for industrial action have been given the opportunity to do so.

- During this period the POA has continued on your behalf to contribute to the collective Healthcare Trade Unions Lead, where terms and conditions of employment and pay are negotiated. Coming out of Covid, the focus has moved to pay and conditions.
- The POA has supported members through capability, disciplinaries and grievances during what has been a demanding time. This has been a challenge, which local Committees have facilitated. There have also been collective negotiations during this time where local committees have supported members.
- The POA is one of the 14 health unions who work together under Agenda for Change to negotiate terms and conditions, including pay. The POA currently has observer status and, during the past two years, we have contributed to ensuring that our members' voice is considered in all negotiations. The review of Staff Council Membership was to be completed in 2022 and the POA has requested full membership for 2023 upon completion of the review. As a result of industrial action, the timetable for the review has changed, with the earliest this is likely to take place being September 2023.
- Last year the Government imposed a 3% pay deal with no consultation or negotiations following the recommendations of the PRB. A number of trade unions including the POA have balloted their members for industrial action. It has been indicated that the pay offer of 2023-24 will be 3.5%, which will not stop the recruitment and retention challenge facing all hospital trusts.
- In Scotland, where NHS Pay is subject to collective bargaining, the offer to NHS workers was higher in the first instance and settled at an average of 7.5% for 2022-23, which some trade unions rejected but with the majority of trade unions accepting. The offer for Scotland for 2023-24 currently stands at 6.5%.
- Bullying, harassment and race discrimination continue to be issues within NHS workplaces and, while the NHS People Plan has a plan to deal with this, its effectiveness has been questioned. All Branches have supported individuals who have been at the receiving end of this poor behaviour.

ANGELA MONTGOMERY
Assistant General Secretary

MINUTES OF THE NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES

Wednesday 16th February 2022 via Microsoft Teams

Present:

Steve Gillan	Chair
Angela Montgomery	Assistant General Secretary
Lorraine Lewis	Ashworth
Nick Cardy	Rampton
Alan Blackwood	Carstairs
Helen Whitaker	Minutes

In attendance:

Mark Fairhurst	National Chair
Dave Todd	Vice Chair

1. Apologies:

Phil Fairlie – Association Business
Trevor Chaplin-Smith – Broadmoor
Karen Henry – Rampton

2. Minutes of Previous Meeting – 21st October 2021

Accepted as a true record.

3. Matters Arising:

LL CHSA funding - asked if a branch could apply for funding rather than an individual. Discuss under item 5.

DT Vaccines – pick up under item 4.

4. COVID-19 Update

Ashworth:

Not a case of people not wanting to get vaccinated, your body, your choice. Would never insist someone goes against what they believe. The membership has struggled with the mandate, when it was being enforced, we had 1700 staff who weren't vaccinated. Communication put out, were not following their own values. Lorraine was giving them examples from other trusts. Everything was pulled back, flipped over, doing everything we could to support staff not vaccinated. Started with conversations leading to dismissal. At JNCC yesterday afternoon small window to do some restorative conversations. No one sure what is going to happen in the future. Restore faith in employer.

SG this union totally opposed to mandatory vaccinations but encourages members to have it.

POA in this trust went to executive and because of conversations brought a gynaecologist on board to discuss fertility, male and female. If it hadn't have been for the POA Merseycare wouldn't have done this. Put practical support sessions in place.

Sickness and long terms covid sickness, 165 staff off currently with long term covid. Staff suffering the effects of the vaccine. 2 patients positive across the whole trust, both in isolation. Out of business continuity.

SG Thompsons are taking applications from members who caught covid in the workplace and are affected long term.

Rampton:

Staff member (antivaxer) that approached SG resigned from POA then caught covid and is off with long term covid.

Christmas and New Year – nightmare 360 staff off with covid and long covid, put in silver command. Come

through that, got 41 staff off at moment, 2 patients with covid, 2 wards in isolation, no patients have had to go to hospital. 1200 staff, 95% have been vaccinated with at least 2 injections. 800 staff left that weren't vaccinated, only 40 were frontline staff.

Covid still an issue but not a big problem at the moment.

Carstairs:

Since end of last quarter various interim models. Reviewed on a weekly basis. After Christmas Omicron variant hit, problems with staffing, back into business continuity. Working with reduced staffing. Effects recruitment. Number of positive patients remains small. Some patients over Christmas ended up in hospital because of underlying health issues. Staff covid around vaccinations, didn't seem to be a level of anxiety with staff. Booster clinics made available to staff on site, not much take up. Sickness, 12 staff off with covid.

5. CHSA Welfare Fund:

AM raised with CHSA, they want individual beneficiaries. Will go back and ask again. We have done well supporting staff with long covid but haven't used the emergency fund as much.

Carstairs asked for more information on the fund. AM will phone Alan this afternoon and send documentation through.

NC raised the issue of the branch applying for funds and putting pressure on the treasurer and accounting for it at the end of year.

Action: AM to contact CHSA.

6. NHS Staff Side Council:

AM gave an update. About to go to Staff Council meeting in March, involved in 2 sets of pay negotiations, one in Scotland full collective bargaining, in terms of England current position all unions have agreed that we are looking for a significant pay rise without a percentage on it. All the unions are not going to go out individually creating division amongst the unions like last year. Scotland did better than England last year.

SG asked AM to remind the Staff Council meeting this afternoon about observer status, now pushing for a full seat.

Action: AM putting a letter together to Staff Council, send draft to SG.

7. Pension Challenge:

SG legacy detriment cases, settled out of court. Cooper challenge assists us greatly with our cases. Outstanding 1800 cases. Meeting tomorrow with treasury officials. Major success for this union going forward. Will report back on any significant changes.

8. Annual Conference Motions/AGM:

SG has been informed by standing orders that no motions have been received from the special hospital branches. It is in the rules to hold an AGM at conference on the Wednesday morning. SG will speak to the national chair and vice chair as to what we do about the AGM. Do we put a motion to conference to change it to bi-annual? There will be very little to report on if we do have one this year.

NC with covid etc conference motions have passed us by, been an exceptional couple of years. Apologies for not putting any motions in.

MF – no apologies needed. Might be a good idea for MF to invite any branch from the special hospitals to speak about covid and what the last couple of years have been like throughout covid.

SG could give a report and then specials could speak. Reduce the time from a couple of hours.

NC will speak to Karen and other committee member attending conference to speak during the AGM.

9. Current Position at Each Hospital:

Rampton:

- 1 disciplinary adjourned, still ongoing, put appeal in.
- Sickness meetings routine at the moment, mainly covid related.
- Meeting next week to look at working from home policy. Secretaries have been working from home for over a year. Looking at not paying their percentage on lead pay.

Carstairs

- Sickness absence in December sickness 8.6%.
- Staff retired, recruitment and retention. Running understaffed, recruitment process over last 6/12 months. Targeting student nurses.
- Nursing assistants due to start in the next month.
- Partnership working much improved.
- Should run with 56 staff per day but been -20 staff.
- JS agreed to come to Carstairs to discuss pensions.
- Richard Nelson has resigned from the committee.

Ashworth:

- Sickness floating between 10-12%.
- Recently employed 2 more physiotherapists.
- Trust as a whole changing from 4 divisions to 2 divisions.
- Embarked in November on R&R payment (recruitment and retention) same as lead pay.
- Moving to a flexible rostering system.
- Trust is also going to implement a pay progression policy from the 1st April.
- Difference between bank staff and bank workers.
- Working from home policy now on the table.
- Bank staff go on to weekly pay from 1st April. Had complaints about monthly pay.
- Staff side AGM next week. Lorraine will retain secretary position.
- Agenda for change – have panels on a weekly basis.

DT – Working from home, need to be careful on the pension issue.

AM – Working from home, loosing lead pay, need to be careful, electricity/heating costs are on the increase etc cost of working from home. Will speak outside of this meeting.

Written update from Broadmoor:

- Sickness still very high due to covid.
- Currently 3 wards within the hospital classed as breakout wards (isolation) face to face training for all staff to commence again 21st February but maximum of 12 participants at a time.
- Broadmoor is struggling to recruit registered nurses at the moment which is also a national problem.

10. Any Other Business:

MF good to see everyone fit and healthy, hopefully coming out the other side now, doing the right things by your staff, well done for all the work you have done.

NC 2023 Can we have conference back at Southport?

SG not looking great for going back to Southport. Venue gone bust.

AB banking arrangements – difficult as some of the local bank branches have closed down and staff are working from home. Are we looking at moving to online banking services?

SG spoken to branches who are having a nightmare with banks, changing committee signatories etc as no local bank branches to do face to face. Speaking to Unity about what they can offer if we change all branches over

to Unity.

SG echo what Mark said thanks for all the work you have done, keep up the good work.

11. Date of Next Meeting:

Wednesday 20th April 2022



SIGNED:

STEVE GILLAN - CHAIR

DATE: 20.4.22

MINUTES OF THE NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES

Wednesday 20th April 2022 via Microsoft Teams

Present:

Steve Gillan	Chair
Angela Montgomery	Assistant General Secretary (Minutes)
Phil Fairlie	Assistant General Secretary
Nick Cardy	Rampton
Karen Henry	Rampton
Alan Blackwood	Carstairs

In attendance:

Mark Fairhurst	National Chair
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1. Apologies:

Trevor Chaplin-Smith - Broadmoor
Dave Todd – Vice Chair
Lorraine Lewis - Ashworth

2. Minutes of Previous Meeting – 16th February 2022:

Accepted as a true record with one change, Karen Hardy to be changed to Karen Henry.

3. Matters Arising:

None.

4. Future Meetings:

Potentially in Leeds or at individual establishments, Covid dependent.

5. COVID-19 Update:

Carstairs reported that the level of absence was 5.5% due to Covid. Currently Covid is not having a huge impact and there are currently no patients who have tested Covid positive. Rampton reported that a number of wards are going in and out of isolation with some members of staff testing positive and one member of staff has tested positive 3 times.

6. CHSA Welfare Fund:

There have been a number of applications from Ashworth so these to continue, particularly in relation to those who have lost income as a result of sickness.

7. NHS Staff Side Council:

Pressure is being applied regarding POA being a full Council member. There is pressure on RCN at the moment because of their unilateral pay claim and at the moment they are blocking the POA in STAC. SG reported on changes to the TUC and that Frances O'Grady would be stepping down in December and it is likely that Paul Nowak will be elected. SG wanted it noted that Frances had been outstanding as the first female General Secretary. She has always been supportive of the POA when we were injuncted and has been supportive of the POA against the employer.

8. Pension Challenge:

Progress on this. Joe Simpson to give a briefing in the future. The Campaign for 60 being the retirement age is being pursued by the POA.

9. AGM:

This will take place at Conference on Wednesday. It was noted that there had been no motions from the Special Hospitals, and it was recognised that Covid had been a particularly challenging time for healthcare staff.

10. Current Position at Each Hospital:

Rampton:

Nick Cardy reported that there are 1/2 police investigations regarding patient abuse with a member being dismissed and referred to the NMC. There had been a member who had raised issues regarding his representation, and this had been dealt with by Angela Montgomery. It was reported that ordinary sickness was running at 6%. Karen Henry has retired and returned and was currently the Staff Side Chair for Forensic and had been given 1 day for this along with 1 day for the POA.

Carstairs:

Alan Blackwood advised that sickness was running at 6/7 %. There has been lots of recruitment with a vacancy rate of 5-10% FTE and there is a complacency regarding this by the employer. It was reported that a new Director of Nursing had been appointed on a 1-year secondment and that there was a new annual leave protocol. A pension session had been delivered by Joe Simpson which Phil Fairlie had attended. Lots of staff had attended and met with Joe on a 1:1 basis. A security upgrade was taking place increasing the number of cameras to cover the wards and these will go live in the next few months with a policy to be agreed. The view is that this will benefit staff in respect of police investigations and other accusations. No members are currently suspended. The Partnership Agreement is currently working well.

11. Any Other Business:

There was an update regarding pay negotiations in both England, which is subject to the outcome of the PRB, and Scotland where collective bargaining takes place which has yet to commence.

NC reported that the current CEO was retiring in August and a new one was being appointed.

PF thanked RB for taking on the role of Secretary and Allan Connor taking on the role of Chair. Thanks to be passed on to Richard Nelson, the previous Secretary.

12. Date of Next Meeting:

Wednesday 20th July 2022



SIGNED:

STEVE GILLAN - CHAIR

DATE: 20.7.22

MINUTES OF THE NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES

Wednesday 20th July 2022 via Microsoft Teams

Present:

Steve Gillan	Chair
Angela Montgomery	Assistant General Secretary (Minutes)
Phil Fairlie	Assistant General Secretary
Karen Henry	Rampton
Allan Connor	Carstairs
Lorraine Lewis	Ashworth

In attendance:

Dave Todd	Vice Chair
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1. Apologies:

Trevor Chaplin-Smith - Broadmoor
Mark Fairhurst - National Chair

2. Minutes of Previous Meeting – 20th April 2022:

Accepted as a true record.

3. Matters Arising:

None.

4. COVID-19 Update:

Covid 19 Update. Rampton reported that there were 117 Covid related absences with 4 patients self-isolating and 5 Covid infected wards.

Ashworth reported 200 Covid related absences with 20 patients self-isolating. The secure division had to go into business continuity mode as did district nursing.

Carstairs had 15 Covid related absences, no patients self-isolating and no ward infections. Previously there were 4 wards infected.

5. CHSA Welfare Fund:

Update on the CHSA Fund.

6. NHS Staff Side Council:

Consultative ballot - Carstairs had met the threshold with half of the members voting in the first week and virtually all have voted for industrial action up to and including strike action. All trade unions in Scotland are balloting for industrial action as the pay offer of 4% has been rejected. Carstairs has had a meeting with Thompsons to ensure that the matrix is correct and the notification to the employer is in the correct format.

Rampton reported on the likely position in their trust and felt it was difficult to call this. The same was true of Ashworth.

Ashworth raised the issue of staff being on Universal Credit and the impact of the pay increase on Bands 2-5 was making things difficult and the use of foodbanks by POA members.

7. Pension Challenge:

Update on the pension challenge regarding age discrimination and injury to feelings. It was raised that some members through no fault of their own had been placed in a difficult position. It was reported to the meeting that there had been 20 circulars sent out and that there was no legal provision regarding class actions and members needed to respond to the circulars. It was noted that 1 member was looking to sue and another was looking to join another trade union. It was also reported that 6 trade unions (PCS, GMB, POA, FBU, Unite and RCN) were challenging the cost-cap and this would be heard in January/February.

8. Safe Staffing Numbers:

Safe staffing levels are an issue with high and medium secure experiencing low staffing numbers with night staff not being able to go home as the day staff haven't turned up for work. The Chief Executive at Ashworth hasn't shied away from dealing with this. Minimum staffing levels [MSL] are set by regime ward by ward and it drops in and out; the issue of not paying double time has been raised. There were local agreements in respect of MSL and this is linked to local safe staffing reviews.

Carstairs advised they had the same arrangement and the SOP was being reviewed in respect of patient safety and the staffing of nights was being looked at because of current low staffing levels in respect of differing regimes for day and night. Carstairs advised that they had really good recruitment incentives. It was agreed that the document from Carstairs would be used.

Ashworth reported that there were issues about the payment of incentives for recruitment for Band 3 HCA (£4,000).

9. Current Position at Each Hospital:

Rampton:

There was a report back by Rampton in respect of a HCA where an approved technique had been used and the employer was saying it was excessive and he had been charged with GBH; Thompsons were dealing with this. Rampton have a new Chief Executive.

Ashworth:

Ashworth also reported on the new Staff Side Agreement where the Branch Chair and Secretary were being awarded separate facility time so there would be more facility time for those branches of which POA were one. There had been the re-emergence of PTSD for some staff due to work related issues which had been accepted with short-staffing and Covid 19 impacting on those staff. The continuing payment of sick pay was being pursued by the POA with cases being won on appeal. There had been an increase in the number of suicides among staff and currently there were members of staff who were very unwell and had been referred to mental health services themselves. District nurses had been issued with alarms to ensure their safety when working with patients in the community. There was discussion about the Welfare Fund setting aside money to deal with the cost-of-living crisis; members to be e-mailed about opting into this provision if they were not paying in.

Carstairs:

Carstairs advised that there had been a period where they had gone into Incident Command where leave had to be cancelled. There were staff deficits, but these had been successfully recruited into. Number of disciplinaries and successful resolution meetings. The Boron Report was due out in the next week this to be reported back on at the next meeting. Rampton reported that they were looking at changing the shift patterns to ensure breaks and handover and introducing an element of self-rostering. Ashworth were doing something similar.

10. Any Other Business:

None.

11. Date of Next Meeting:

Thursday 20th October 2022



SIGNED:

STEVE GILLAN - CHAIR

DATE: 7.12.22

MINUTES OF THE NATIONAL COMMITTEE FOR SECURE HEALTH CARE SERVICES

Wednesday 7th December 2022 via Microsoft Teams

Present:

Steve Gillan	Chair
Angela Montgomery	Assistant General Secretary (Minutes)
Phil Fairlie	Assistant General Secretary
Karen Henry	Rampton
Lorraine Lewis	Ashworth
Garry McKendrick	Carstairs

In attendance:

Mark Fairhurst	National Chair
Dave Todd	Vice Chair
Helen Whitaker	Minutes

1. Apologies:

Trevor Chaplin-Smith	Broadmoor
Allan Connor	Carstairs

2. Minutes of Previous Meeting – 20th July 2022:

Accepted as a true record with the exception of the feedback from Carstairs regarding the ballot which PF stated he would e-mail because of the technical difficulties.

3. Matters Arising:

None.

4. NHS Statutory Ballot:

Steve Gillan advised that a statutory ballot would take place but that the membership database needed to be accurate and ballot ready prior to a ballot being undertaken to ensure that the results would not be challenged.

5. COVID-19 Update:

It was reported that there were increases in Covid cases but that these were relatively low compared to the previous year. Infection control systems were being implemented.

6. CHSA Welfare Fund:

The Welfare Fund has largely been spent thanks to those who had helped with this. There was a small amount which requires authorisation which is being pursued.

7. NHS Staff Side Council:

The Chair reported that this matter is very political. He has spoken to the General Secretaries of other unions direct to ask if they are supporting us or not. It seems as if this is an exclusive rather than inclusive arrangement. We will go through the review process and wait until March where our application for full status will be considered. It is ridiculous to wait over 10 years for 1 seat from observer status. We will keep the committee informed of any progress.

8. Pension Challenge:

An update was given regarding the Pension Challenge.

9. Annual Conference Motions:

The Chair reminded branches that motions need to be submitted by 31st January 2023.

10. Current Position at Each Hospital:

Carstairs:

- October figures for long term sick are 6.7%, short term 1.8%.
- Struggling to recruit, 14.2 nursing vacancies. Going into colleges and universities to assist recruitment, open days for students.
- Staffing levels – 100-140 deficits per week.
- Clinical model – put on back burner due to Covid, back on track now.
- Covid – wearing basic PPE (masks), almost back to normal working.
- Local joint staff side – nominations for key positions now closed. POA supporting Allan Connor in his staff side role, results next week.
- Partnership working – working well.

Ashworth:

- Membership 550.
- CQC have been into Ashworth. Originally a flyby visit but decided to stay now. They are halfway around 270 sites. Staff side trade union met with them last week. Big issue is vacancies and staffing levels.
- H&S lead Chris Tyack has got a place on Executive Safety, taking issues direct to HSE.
- Really short staffed in every area.
- H&S team and workplace inspections, run off their feet.
- Taken on new committee members to train up to cover those that will be leaving over the next 18 months.
- Problems with facility time for Dave Whalley.
- POA members crossing picket lines – POA has put out a directive to our members.

AM reported that the 14 NHS unions are looking to issue guidelines for members, should be done by Friday.

Rampton:

- 3 staff suspended, 5 ongoing cases.
- Recent CQC visit. Qualified nurses not happy, some thinking of leaving.
- Supporting our members on health and wellbeing.
- Struggling with recruitment and retention.
- Talk of going to an outside bank.
- Struggling with facility time, Karen only gets 1 day for H&S and POA duties. Committee get no facility time.

11. Any Other Business:

Carstairs mentioned the poor turnout in the recent NEC elections.

The chair reported a turnout of 5% in the last election, 95% not bothering. It costs £30,000 per election.

The Chair mentioned the rules and constitution, rigid on the rules in England, looking at changing/updating and making amendments to the rules at Annual Conference.

MF thanked the committee for everything they do and hoped they get some time off over Christmas.

DT thanked the committee for their support and help.

12. Date of Next Meeting:

To be confirmed.

A handwritten signature in black ink, appearing to read 'Steve Gillan', with a small horizontal line at the end.

SIGNED:

STEVE GILLAN - CHAIR

DATE: 1.2.23

PARLIAMENTARY

Parliamentary Annual Report 2022

Prepared by **Solidarity Consulting** (March 2023)

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Overview and summary

To advance parliamentary campaigning over the past year, the POA have continued to co-sponsor the Justice Unions Parliamentary Group (JUPG – @JusticeUnions on Twitter) alongside sister unions Napo, PCS, UCU and the Police Federation of England & Wales, with secretariat support from Solidarity Consulting. Over 120 cross-party parliamentarians are currently members of the JUPG, which meets regularly and is co-chaired by the Rt Hon. Liz Saville Roberts, MP for Dwyfor Meirionnydd and Westminster leader of Plaid Cymru, and Labour’s Shadow Justice Minister Lord Ponsonby of Shulbrede. These MPs and Peers make up the bulk of the POA’s parliamentary support and have made numerous interventions on behalf of the union – including written and oral questions, Early Day Motions, debates, select committee sessions, legislation and correspondence with ministers (highlights detailed below). POA is part of the Joint Unions in Prisons Alliance (JUPA), which also includes the other JUPG unions plus RCN, BMA, Unite, Unison and the GMB. JUPA was formed in 2019 to co-ordinate campaigning for better health and safety conditions in prisons, launching the Safe Inside report and charter after a mass survey of union members. Throughout 2022, JUPA has continued to help inform supportive parliamentarians about the problems facing prison staff and held regular meetings with HMPPS health and safety officials.

The year was a dramatic one in Westminster, spanning three Prime Ministers but no general election. With pressure building on Boris Johnson throughout the first half of the year over “Partygate” – the scandal of Covid-rule breaking parties in Downing Street during the Christmas 2020 lockdown – the tipping point was news that Johnson was aware of allegations that Tamworth MP Chris Pincher was a sexual predator before making him deputy chief whip. With much of his Cabinet, including Chancellor Rishi Sunak, resigning in early July, Johnson knew the game was up and announced his future departure – defiantly insisting at his penultimate PMQs (13 July) that “I will be leaving, soon, with my head held high” despite being the first Prime Minister ever to be caught breaking the law while in office. A summer leadership contest kicked off, with Conservative MPs whittling down the contenders to two, Sunak and Liz Truss, as per the rules, with Truss proving more popular among party members. Her premiership started on 6 September but turned out to be the shortest in UK history – just 49 days, including 10 days of national mourning following the death of Queen Elizabeth II. Announcing her resignation on 20 October following a collapse in both the economy and her party’s popularity, Truss was succeeded five days later by Sunak after no other candidate could secure the 100 nominations required by the hastily updated rules.

The churn in PMs led to a high turnover of ministers, including within the MOJ. Dominic Raab remained as Justice Secretary throughout Johnson's downfall and was replaced by Truss with Brandon Lewis, having backed Sunak during the first leadership contest. His support was rewarded by a return to the same role on 25 October. Johnson's Prisons Minister, Victoria Atkins, resigned in July as part of the Cabinet coup, replaced by Stuart Andrew during the lame-duck summer. After a fortnight's delay at the start of her brief premiership, Truss appointed long-time Justice Select Committee member Rob Butler, who was replaced by Sunak with Damian Hinds on 27 October. The other Sunak ministers in Justice are Edward Argar, Mike Freer and Lord Bellamy, replacing Lord Wolfson in the Upper House after he resigned over Partygate in April. In contrast, Labour's shadow team remained relatively unchanged throughout the year, with Steve Reed as shadow secretary of state and Ellie Reeves as shadow prisons and probation minister, serving alongside Alex Cunningham, Anna McMorrin, Afzal Khan, Lord Ponsonby and Lady Chapman.

Despite the Government launching a White Paper – which normally leads to new laws – in December 2021 outlining their “prisons strategy”, very little prison-related legislation was proposed or debated in 2022. It was left to backbenchers Grahame Morris in the Commons and Earl Attlee in the Lords to legislate for better prison conditions, in the form of Morris's private members bill, the Prisons (Violence) Bill, and Attlee's amendments to the Police, Crime, Sentencing and Courts Act. Presenting his Bill to MPs in January, Morris explained that it “aligns with the White Paper's stated aim of reducing prison violence and uses the paper's framework of key performance indicators – ‘management targets’ in common parlance – to achieve this”, adding: “It is obvious that the new KPIs need to include safety for both prisoners and staff but, curiously, this commitment is entirely missing from the White Paper.” Also in January, Attlee moved his amendment outlawing the “facilitation of potting” by someone who “is in custody and causes or permits their own urine or excrement to be intercepted without lawful reason or excuse”, telling fellow Peers: “I thought the minister was a bit optimistic when he said he was not aware of any problems with the issuing of spit kits to prison officers. A subsequent written answer revealed that none of the several prisons that I asked about appeared to be issuing spit kits.” (See Legislation section, below.)

Numerous other POA campaign concerns have also been debated in both Chambers, such as the Royal Commission on Prisons, the unfair annual fitness test, and the MOJ's proposal for an Approved Premises outside Wormwood Scrubs, while the union's whistleblowing over the disgusting conditions at Manston immigration centre sparked interventions by inspectors and frenzied activity by parliamentarians, forcing the Home Secretary to act. Prison officer pension age featured prominently in debates, with Conservatives Attlee and Gordon Henderson both leading the charge in their respective Houses – Henderson insisting in October that expecting officers “to work in such a violent environment until they are 68 is wholly unacceptable” and calling for this to be “reduced so that it reflects that of other public sector workers in similar challenging environments, such as police officers and firefighters, who are able to retire at 60”. Another key POA campaign, workplace safety, was raised time and again by parliamentarians, including Morris and Attlee during debates on their proposed legislation, with Morris telling MPs in June that “devastating cuts” to prison budgets “triggered the escalating level of violence in prisons” because “a massive amount of experience, held by experienced prison officers, and of that most precious resource, which prison officers refer to as jailcraft, was taken out of the system at a stroke”. Poor pay has also been highlighted, with Morris repeatedly pushing ministers to accept the pay review body's advice, including in July when he urged Raab “to follow [the recommendations] in full and not pick and choose, which is what has been done for the past three years”. And after the Government finally agreed to lift entry-level pay by £3,000, Morris pointed out: “That is not enough to make up for 21 years of cuts, as evidenced by the proliferation of food banks in prisons and the number of prison officers leaving the service”. (See Campaigns sections, below).

Campaigns: 68 Too Late

At the end of 2021, Prisons Minister Victoria Atkins agreed twice to meet the POA leadership to discuss the opening of negotiations over reducing the pension age of prison officers, first at a Westminster Hall debate in November in response to JUPG co-chair Liz Saville Roberts – “I will happily meet the POA, of course, and I would be delighted if my hon. Friend the Member for Sittingbourne and Sheppey (Gordon Henderson) would join me in that meeting” – then in the Chamber the following month following a question by Kenny MacAskill (Alba, East Lothian) – “I have agreed to meet the POA to discuss the pension age [...] I want to listen to officers on this point and I am very happy to be meeting my hon. Friend the Member for Sittingbourne and Sheppey and the Prison Officers Association to do so”. Unfortunately, this meeting had not taken place by the time she resigned in July during the move to oust Boris Johnson. Less than a fortnight before her resignation, Mary Kelly Foy (Labour, City of Durham), reminded Atkins of her promise:

Mary Kelly Foy: *The Minister agreed more than six months ago in this place and on a number of other occasions to meet with the POA union to discuss prison officer pension age as a standalone issue. Yet I am informed that that meeting is yet to happen or even to be scheduled. Does the Minister understand that making promises to prison*

officers and then breaking them is an insult to hundreds of my constituents in Durham, but entirely consistent with the way this Government treat those brave and loyal workers?

Minister Atkins claimed: "I have in fact met the Prison Officers Association; indeed, I was delighted to attend its conference in Eastbourne a couple of months ago" – a misleading answer because her promised meeting brokered by Gordon Henderson on the standalone issue of pension age had not happened, and sadly never did. She continued:

Victoria Atkins: *In terms of pensions, I am determined to have a good employment offer for all our officers. I will continue to meet the POA union and the other unions that work in our prison estate. I emphasise both to officers and to staff that we want to ensure that the hard work they put into our prison service is reflected in the coming months in the offer we put to our staff.*

The previous month (16 June), Peers from all parties and none had grilled the Government over the issue, after a question from Earl Attlee asking "Her Majesty's Government until what age a newly recruited prison officer must stay in post before they are able to claim their full occupational pension". Fresh from addressing POA Conference in Eastbourne a month earlier, Attlee told his fellow Peers:

Earl Attlee: *I am 65. In my time, I have undertaken military operations overseas and international aid operations overseas, but I am no longer fit or strong enough to do so, nor could I undertake the duties of a prison officer, including exercising control and restraint over prisoners. Does the Minister think it morally right to ask a prison officer to serve until he is 68 years of age?"*

With the Government's previous Justice Minister in the Upper House, Lord Wolfson, resigning in April over Partygate, and his newly ennobled replacement Lord Bellamy unavailable, it fell to Advocate-General for Scotland Lord Stewart of Dirleton to defend the indefensible:

Lord Stewart: *While the Government acknowledge the challenging environment in which prison officers work, we consider that, by comparison with emergency services such as the police or fire brigade, while the environment is a challenging one, it is to an extent controlled, which those other occupations are not. In that context, we consider that 68 is indeed an appropriate age at which to retire.*

Speaking for the Lib Dems, Lord Thomas of Gresford echoed Attlee's concerns, asking whether "prison officers who are sick or injured by assault, or who – very importantly – fail the fitness test, [are] entitled to their full retirement pension between the ages of 60 or 68, or is it diminished because they have not reached the retirement age?" Stewart replied that, "when a prison officer is no longer fit to undertake operational duties, and the operational health practitioner confirms that ill-health retirement is appropriate, the officer would be retired due to ill health and may receive in full the pension benefits due to them calculated up to the last day of service." But his Conservative colleague Baroness Fookes subsequently pointed out:

Baroness Fookes: *My Lords, when answering a previous question, my noble friend said that somebody retired early on grounds of ill health may receive the full pension. There is a degree of difference between "may" and "must", so what will be the conditions?*

Stewart replied that "it is dependent on the assessment carried out by occupational health as to the person's capacity". In either case, "the pension benefits due to them calculated up to the last day of service", in the minister's words, would still be less than the maximum received by reaching 68. In other words, the answer to Lord Thomas's question was yes – pensions would be diminished by early retirement – but the Minister spun this by saying they would "receive in full the pension benefits due to them".

Former TGWU and Unite leader Lord Tony Woodley attacked the Government's treatment of prison officers, pointing out that ministers "cynically exploit these emergency front-line workers by depriving them of the most fundamental employment right of all – the right to strike", asking: "Can the Minister explain why prison officers in Scotland, who have the right to strike, are legally allowed to withdraw their labour, while those south of the border are not?" The Minister admitted he wasn't able to answer this – and promised to get back to him in writing, which he never did. Founder of the Big Issue and former prisoner himself Lord Bird, who sits as a cross-bench Peer unaligned to any party, warned that "one of the reasons why prisons have become so dangerous over the years is that we warehouse people" and "do not rehabilitate them – people go in bad and often come out worse". And Labour's leader in the Lords, Baroness Smith of Basildon, underlined this by pointing out that "the safety and security of prison officers and prisoners is clearly essential if prisons are to be effective, including, as the noble Lord, Lord Bird, pointed out, in terms of rehabilitation", adding:

Baroness Smith: *We are losing experienced prison officers, yet the Government's response, that prison officers work later than many other services, until they are 68, is not the way to address this. I do not think the Minister answered the Question of the noble Earl, Lord Attlee, which was very specific: until what age must a newly recruited prison officer stay in post before they are able to claim their full occupational pension? In effect, how many years must a prison officer be in post to receive their full pension? It is quite clear for the fire service and for the police, but we have not had that information for the Prison Service. Can he provide it?*

Lord Stewart: *My Lords, it is two years.*

Baroness Smith: *For the full pension?*

Lord Stewart: *A prison officer can retire at an age between 65 and 68. That is now in line, according to the alpha scheme under which prison pensions are paid. A person on the scheme must have had at least two years' membership within the scheme to be able to receive a pension.*

On the Tory backbenches, Lord Suri returned to the issue of parity with other emergency workers – a problem made worse by Lord Hutton's 2011 review of public-sector pensions, which excluded prison officers from a short list of professions whose pension age wouldn't rise to 68, namely police, firefighters and members of the armed forces. Suri, who had previously been on the board of visitors at HMP Pentonville, asked: "Why have the Government not placed UK prison officers in line with front-line emergency workers in the police and the fire brigade who can retire at the age of 60 and claim their full occupational pension, instead of having to reach 68 years of age?" The Minister responded with the same excuse occasionally heard from his colleagues in the Commons – that, "although it is the case that police and fire service schemes have a lower retirement age of 60, employees in those professions contribute significantly more of their salary to their pensions – 12% for police officers and 14% for firefighters – whereas prison officers pay only 5.4% of their income into their pension schemes". Of course, he made no mention that prison officers are also paid far less than police officers or firefighters – and would probably be prepared to pay similar pension contributions if they were paid similar wages.

At his Westminster Hall debate on 21 June about the Sentencing of Repeat Offenders, Grahame Morris (Lab, Easington) pointed out that "not surprisingly, the retention rate for prison staff is at a record low, as of course is their morale", adding:

Grahame Morris: *It has not helped that this Government have raised the retirement age for prison officers to 68. Frankly, for prison officers – both men and women – who are grappling with young and fit criminals, 68 is far too old. It is a cruel policy, which we have discussed on many occasions in this place.*

And at the first Justice Questions after the Summer Recess (18 October), Gordon Henderson (Con, Sittingbourne & Sheppey) asked what the Government was doing to "help create safer working environments in prisons and support prison staff who are victims of violence at work". Secretary of State Brandon Lewis claimed he was "committed to making prisons a safe place in which to work" and insisted that "our prison officers are the hidden heroes of the criminal justice system" – to which Henderson replied that he hoped Lewis "would acknowledge that prison officers work in a dangerous and violent environment", before linking this to the unrealistic retirement age:

Gordon Henderson: *I urge him to take this opportunity to acknowledge also that expecting them to work in such a violent environment until they are 68 is wholly unacceptable. Will he commit to an urgent review of how the pension age for prison officers can be reduced so that it reflects that of other public sector workers in similar challenging environments, such as police officers and firefighters, who are able to retire at 60?*

Lewis tried to downplay the issue, insisting that "all prison officers who joined the service after April 2001 go through and have to pass an annual fitness test" – ignoring the tremendous burden this system places on officers and the widespread suspicion that the Government hope officers fail this test so they can't claim a full pension. He continued:

Brandon Lewis: *Obviously, that applies to prison officers over the age of 65, and even some of the people who have applied for those roles at that age range have passed the fitness test and are performing their roles effectively. The service, and the prisoners themselves, can benefit from people with that level of experience, who play an important part as key members of the team.*

While it is true that the Prison Service badly needs to retain experienced officers, forcing them to work till they drop is not the answer. JUPG members will continue to make the case that the solution, instead, is to improve pay, terms and

conditions to improve retention, and to allow prison officers to retire with dignity at an age that suits their circumstances – but crucially with the ability to claim a full pension at 60. Members will also continue to press the Government to keep their promise to meet the POA to discuss the opening of negotiations over this issue.

Campaigns: Safe Inside

Prison safety has been raised in Parliament on numerous occasions, yet the Government never seems to get to grips with the root cause – the huge loss of prison officer experience since 2010, which the MOJ estimated in December as totalling 99,131 cumulative years in answer to a written question (#97564) by Grahame Morris. Many MPs have highlighted the vicious cycle this created, with rising violence leading to more officers leaving, leading to more violence and yet more leavers.

At the first Justice Questions of the year (February 8), Shadow Prisons Minister Ellie Reeves (Lewisham West & Penge) pointed out the problem: “Just look at the state of our prisons: drugs up 500% in the last 10 years, violence up by more than 100% between 2010 and 2020, and almost 12,000 frontline prison officers leaving the service since 2016.” In response, then-minister Kit Malthouse insisted that, “since the last quarter of 2018, assaults in prisons are on a downward trend” – neglecting to add that this was mostly due to the Covid lockdowns from 2020 and that prison violence had increased again afterwards – but conceded:

***Kit Malthouse:** Look, we are not pretending that the picture of the prison estate is entirely rosy – there is still lots more to do – but the Government have recently announced enormous investments, not least in drug rehabilitation and treatment both within and outside the secure estate, and we believe that will make a huge difference.*

Grahame Morris asked what ministers were doing to improve safety in prisons, to which Minister Atkins claimed she was “committed to a zero-tolerance approach to crime and drugs, which fuel violence behind bars”. Morris replied that, “since I presented my Bill to reduce violence in prisons – the Prisons (Violence) Bill – last month, numerous prison officers have contacted me to share their experiences of being attacked at work”, adding:

***Grahame Morris:** I noticed that the Minister was nodding during the presentation of the Bill. Will she listen to her prison staff and back the provisions in my Bill to reduce violence, including the obvious step of counting all kinds of violence, not just the most serious cases, against prisoners or staff as key performance indicators or management targets for every prison?*

The minister insisted that there was “agreement across the House” that violence against prison officers is “completely unacceptable, which is why I was nodding along through his comments on his Bill”, adding: “I recognise many of the points that he rightly made in presenting his ten-minute rule motion. We note, however, that Her Majesty’s Prison and Probation Service and private prison providers are already subject to statutory duties to protect staff and prisoners from violence.” Of course, this is correct, but it is clear from the soaring levels of violence against staff that these statutory duties are not being taken seriously enough, which is why Morris’s Bill is so needed. (See Legislation section below for more on the Prisons (Violence) Bill and Earl Attlee’s amendments to the Police, Crime, Sentencing and Courts Act increasing the punishment for “potting”).

Following up, Abena Oppong-Asare (Lab, Erith & Thamesmead), explained that “there are three prisons in my constituency, Belmarsh, Thameside and Isis, which a lot of my constituents work in”, adding:

***Abena Oppong-Asare:** Prison officers and other justice staff go into work to protect us, but the Government are failing to protect them at work. One cause of increasing violence in prison is understaffing. Can the Minister tell us what the Government are doing to tackle the recruitment and retention crisis?*

On this, Atkins would only say that “the Deputy Prime Minister and I are looking intensively at not only the pay but the other conditions under which officers and staff are working. The hon. Lady will appreciate that we are about to enter into the pay round review, which is done by the independent body. We take that very seriously. As I have said, I also want to look at the conditions for staff and officers working in prisons, because they are the hidden emergency service that keeps us safe day in, day out.”

Morris also tabled EDM 949 on Prison Violence, co-sponsored by Gordon Henderson, Liz Saville Roberts, Mary Kelly Foy, Kenny MacAskill and Paula Barker (Lab, Liverpool Wavertree) and signed by 30 backbench MPs, which “insists that rebuilding staff experience is key to reducing violence, and that improving the pay, terms and conditions of prison staff is a vital first step to solving the current recruitment and retention crisis”.

At his Westminster Hall debate on the Sentencing of Repeat Offenders (21 June), Morris started off by saying: "I was honoured to be invited to, and to speak at, the Prison Officers Association annual conference in Eastbourne last month, where I heard from numerous prison officers about ever worsening conditions in our jails." He continued:

Grahame Morris: *The failure is systematic. When I presented my Prisons (Violence) Bill in the previous Session of Parliament, I warned that offenders often left prison more damaged and more dangerous than when they arrived. The out-of-control levels of prison violence make rehabilitation in the current circumstances practically impossible. That leads to more reoffending, at a cost of tens of billions of pounds a year to the criminal justice system, as well as causing misery for millions of victims and their loved ones, who have to live with the consequences of even more crime. That situation is more than an appalling waste of both public money and people's lives; it is nothing less than a crime against our communities, and I must say that the Government are complicit in it.*

The Conservative Government and all Ministers are responsible, first, for the devastating cuts to the budgets of the Prison Service during the coalition years of austerity. It was those cuts that triggered the escalating level of violence in prisons. For example, the number of prison officers was cut by a quarter. That meant that a massive amount of experience, held by experienced prison officers, and of that most precious resource, which prison officers refer to as jailcraft, was taken out of the system at a stroke. The vacuum that was created was quickly filled by prisoners who had become more experienced than many officers on the landings of our prisons. The vacuum has also been filled by violence. Despite recent recruitment drives, the Prison Service has lost almost 90,000 years – I repeat, almost 90,000 years – of prison officer experience since 2010. That is a shameful statistic, but it just gets worse every year. As the experience of the prison officers who are in charge of our prisons goes down, violence goes up; there is a direct correlation. In turn, that leads to even more officers leaving the service.

Morris explained that "I received numerous invitations from prison officers when I was in Eastbourne. I held a surgery for prison officers to raise concerns, anonymously if they wished, and there is a catalogue of issues to be addressed." He added:

Grahame Morris: *Prisons are simply not fit for purpose. In the main, that is as a result of this Government's savage cuts and poor treatment of the workforce – and all of us are paying the price. [...] The Conservatives have portrayed themselves as the party of law and order and they like to claim that tag. However, the reality is that if we look at the prison system and the amount of reoffending, the Conservatives are the party of crime and chaos.*

Concluding his speech, he asked: "What action is the Minister taking to tackle prison violence and allow prisons to reform, rehabilitate and educate offenders? Why are the Government refusing to measure the level of violence against prisoners and staff as part of their new key performance indicators, as I called for in my Private Member's Bill in the last Session? We want prisons to reduce reoffending and not hold offenders only for a defined period."

At Labour's debate on Community Payback on 28 June, shadow minister Ellie Reeves warned that "our prisons have become colleges of crime", adding:

Ellie Reeves: *Drug abuse in prisons has gone up by 500% in a decade, while the take-up of drug rehabilitation programmes is down by 12%, last year, assaults on prison staff went up by a fifth, but the recruitment of officers was still down on 2010, and inmates' discipline is low, which means that taxpayer-funded compensation for prisoner-on-prisoner violence is high – it was £4 million in the last two years alone. Instead of properly punishing and rehabilitating offenders, getting them ready to re-enter society, and preparing them for the world of work, short sentences spit offenders out from prison more immersed in crime than when they went in. That is exactly where tough, effective community sentences and tough, effective unpaid work schemes that are accountable to communities and victims could make a difference – but they are not making a difference, because they have been set up to fail.*

Explaining that he "recently spoke at the POA conference in Eastbourne", Morris highlighted how "there are issues in our prison system with lack of rehabilitation and with the unsafe working environment for those in the Prison Service – not just prison officers, but prison educators and others. There is a serious threat to life and threat of injury for prison officers, whose service and commitment to public safety often go unnoticed behind the prison walls."

And at Justice Questions on 18 October, Shadow Justice Secretary Steve Reed (Lab, Croydon North) pointed out that "uncontrolled violence in prisons is a key reason officers leave their jobs nearly as quickly as Tory Chancellors", adding:

Steve Reed: *One in four prison officers now quit their job within a year of starting, which damages the supervision of*

prisoners, leaving victims' families sickened to see Stephen Lawrence's killer bragging about using a mobile phone in his cell and the murderer Sean Mercer running a drugs empire from behind bars. When will the Government get back control of our prisons?

Brandon Lewis admitted that "we know that there is a link between staffing levels and prison violence, which is why we are continuing to strengthen the frontline", claiming: "We have seen an increase in the number of prison officers from under 18,000 to almost 22,000 – we have some 3,770 more full-time officers." What he didn't mention was that it was his Government who cut prison officer numbers by a quarter to under 18,000 in the first place. The JUPG will continue to shine a light on the scourge of prison violence and press the Government to take the issue seriously.

Campaigns: Pay Justice

Prison officers in England and Wales are banned from taking any kind of industrial action, including strike action, by Section 127 of the Criminal Justice and Public Order Act 1994. Unsurprisingly, the Government have taken full advantage of this grossly unfair industrial power imbalance, imposing year after year of pay freezes and real-terms cuts. As compensation for this ban, the Prison Service Pay Review Body (PSPRB), who are appointed by the Government, make recommendations of pay rises within a remit set by ministers. Their advice isn't binding but ministers have committed to following it except in "exceptional circumstances". However, when the PSPRB recommended in 2020 – and again in 2021 – that entry-level officers should be awarded a £3,000 pay rise to tackle the recruitment and retention crisis, ministers claimed this was "unaffordable", sparking outrage from the POA and supportive parliamentarians. Since then, the issue of prison officer pay has been raised over and over again in Parliament.

At the start of 2020 (19 January), Grahame Morris highlighted this shocking state of affairs when he presented his Prisons (Violence) Bill in January, explaining that "some other vital steps that we could take in order to hold on to staff may be beyond the scope of my Bill, but I will outline them anyway", and insisting that "the Government could accept all the Pay Review Body recommendations, including the £3,000 pay rise for entry-level prison officers, and make sure that future advice is legally binding on ministers".

The following month at Justice Questions (18 February), in response to Abena Oppong-Asare asking what the Government was doing to "tackle the recruitment and retention crisis" in prisons, Minister Atkins claimed: "The Deputy Prime Minister (Dominic Raab) and I are looking intensively at not only the pay but the other conditions under which officers and staff are working. The hon. Lady will appreciate that we are about to enter into the pay round review, which is done by the independent body. We take that very seriously."

Debating the Queen's Speech on 12 May, Morris pointed out that "prison officers are leaving their jobs every day because of the terrible pay and the awful and reducing terms and conditions" and that the Government had "ignored the Pay Review Board", adding: "So many prison officers are leaving the service that the Ministry of Justice itself has estimated that almost 87,000 cumulative years of prison officer experience have been lost since 2010." By the end of the year, this estimate had reached almost 100,000 years.

In the Upper House, during a debate on prison officer pension age (16 June), Lord Woodley pointed out that "prison officers get unfair bad press and they are undoubtedly badly treated by this Government", and added:

Lord Woodley: *There is poor pay and a pension age of 68, as has just been said, all while working in often ultraviolent workplaces. Additionally, the Government cynically exploit those emergency front-line workers by depriving them of the most fundamental employment right of all: the right to strike. Second-rate treatment on pay, pensions and the right to strike is immoral and cannot possibly be justified.*

During his Westminster Hall debate on the sentencing of repeat offenders (21 June), Morris pointed out that "the Government consistently ignore the advice of their own experts", adding:

Grahame Morris: *The Prison Service Pay Review Body has proffered advice that prison officers should be given a proper pay rise. Ministers have ignored experts for three years running, and we are currently waiting for them to respond to this year's pay review body recommendations. The Government broke our Prison Service when they robbed it of resource, in the name of austerity, and now they need to fix it if they want to have any chance of reducing reoffending.*

And at Justice Questions on 5 July, he raised the issue yet again:

Grahame Morris: *I understand that the Government have now received the recommendations from the Prison Service*

Pay Review Body for a rise in prison officers' wages. I do not know whether the Secretary of State chats to any security guards on the House of Commons estate, but many of them are former prison officers who left the service because of poor pay and bad terms and conditions in our prisons. When will the Secretary of State respond to those recommendations, and will he agree to follow them in full and not pick and choose, which is what has been done for the past three years?

Dominic Raab: *The hon. Gentleman has raised an important issue. I am considering the recommendations very carefully, and will respond shortly.*

A fortnight later, the Government finally published their response to the PSPRB's 2022 recommendations – at last accepting the £3,000 uplift. In a Westminster Hall debate on public-sector pay (1 November), Morris welcomed this rise, but explained:

Grahame Morris: *Prison officers, who do an incredibly difficult job, often in hostile environments, are not allowed to take industrial action. It is important to welcome the fact that, after two years, the Government have finally accepted – the Minister is nodding because she was the Minister who did this – the recommendation of a £3,000 pay rise to staff on a fair and sustainable contract. However, that is not enough to make up for 21 years of cuts, as evidenced by the proliferation of food banks in prisons and the number of prison officers leaving the service.*

In the Upper House, Lord Watts also highlighted the retention crisis at a debate on prison capacity and the triggering of Operation Safeguard (6 December), in which police cells are used to house prisoners. Countering the narrative that prisons had completely run out of room, Watts explained:

Lord Watts: *The Prison Officers Association tells us that there is some space in our prisons: even after the need to do more repair and maintenance, there is still capacity there. But the association says it cannot use that capacity because of recruitment and retention problems. What are the Minister and the Government going to do to staff up our prisons so that they can use the space that they have?*

Responding, Minister Bellamy insisted that “we are working hard on a recruitment programme for prison officers” and “I think we have recruited an additional 5,000 or so in recent times” – another minister focusing attention on the recent uplift in staffing without mentioning that it was his Government who cut levels by an even greater amount in the name of austerity. JUPG members will continue to raise this crucial issue and pressure the Government in every way they can to pay prison officers properly.

Campaigns: Manston

The conditions at Manston immigration processing camp had reached such a state by the start of October that the POA wrote to Chief Inspector Charlie Taylor and issued an urgent press release describing the site as “a pressure cooker coming to the boil with a jammed release valve”. The union warned that “the marquees are crowded, levels of bedding on site have become inadequate, laundry facilities are inadequate, cleaning regimes are not adhered to as the number of residents does not drop to allow cleaning teams to attend” and “issues have been raised around high levels of condensation within the marquees that has led to mould and bacteria developing”.

Within a fortnight, the camp was seeing outbreaks of diphtheria, norovirus and scabies, with reports of foot-and-mouth disease too. Speaking on a POA podcast on 24 October, assistant general secretary Andy Baxter recounted his recent two-day visit to Manston, calling it “a humanitarian crisis on British soil”. Residents were sleeping on pieces of cardboard laid on top of plywood floors, he told listeners, charging: “The Government have been asleep on duty, preoccupied by their own internal issues.”

That same day, Chief Inspector of Borders and Immigration David Neal visited the site, telling the Home Affairs Committee two days later about the “pretty wretched conditions” there and admitting he had been left speechless at what he saw – “and I am not normally speechless. I immediately arranged to speak to His Majesty’s Inspectorate of Prisons, which I did, and I wrote to the Home Secretary on Monday night to alert him to the situation,” referring Grant Shapps, who was in post during Suella Bravermann’s six-day break from the role. Neal continued:

David Neal: *I spoke to an Afghan family who had been in a marquee for 32 days. That is in probably the same type of marquee that you saw in the summer, with kit mats on the floor and blankets, for 32 days.*

Committee chair Dame Diana Johnson (Lab, Kingston upon Hull North), asked: “If the numbers continue to rise and the

outflow is considerably smaller than the numbers coming in, at what point does this cease to be a place that is safe and can be run properly?" Neal replied: "I think we have passed that point."

Stuart C. McDonald (SNP, Cumbernauld, Kilsyth & Kirkintilloch East) asked Dan O'Mahoney, who as director of the Clandestine Channel Threat Command was responsible for the Government's operational response to small-boat migration, about the legality of processing delays in Manston: "Given the fact that it is a short-term holding facility, how long does that give the Home Office the right to detain somebody? Is it 48 hours? Is that correct?" O'Mahoney replied: "The short-term holding facilities rules allow for 24 hours," to which McDonald pointed out: "We must be talking about hundreds – possibly four figures – who have been detained illegally, because they have been there for more than 24 hours," adding that, "presumably, all of these people are going to be entitled to compensation at some point for illegal detention".

The following day, Dame Diana secured an Urgent Question in the Commons about Manston. Answering on behalf of an absent Home Secretary, Immigration Minister Robert Jenrick claimed that "the basic needs of arrivals are provided for at the site, including hot food, fresh clothing, toilet facilities, sanitary packs and medical care". Johnson quoted the previous day's evidence, pointing out that "detainees are being guarded by people described by the Chief Inspector as not appropriately trained – and he further warned of a risk of fire, infection and disorder spreading within the facility", while "several cases of diphtheria and scabies have been detected". She also warned that there was a "serious question about the legality of detaining people at the facility for more than 24 hours".

Shadow Home Secretary Yvette Cooper (Lab, Normanton, Pontefract & Castleford) asked the Minister whether he could "confirm that the Home Secretary was previously given options to ease the situation at Manston and refused to act" – which Jenrick refused to answer – while SNP spokesperson Anne McLaughlin (Glasgow North East) told MPs that "the Prison Officers Association's Andy Baxter has described this as 'a humanitarian crisis on British soil'", asking: "How on Earth have we ended up with people sleeping on cardboard, in tents, and with outbreaks of diphtheria and norovirus?"

Three days later, on Sunday 30 October, a far-right terrorist firebombed the Western Jet Foil reception centre in Dover before driving to a nearby petrol station and killing himself. The following day, the Home Secretary made a statement in the Commons on Western Jet Foil and Manston Asylum Processing Centres, during which she claimed: "I foresaw the concerns at Manston in September and deployed additional resource and personnel to deliver a rapid increase in emergency accommodation. To be clear, like the majority of the British people, I am very concerned about hotels, but I have never blocked their usage." She continued:

Suella Braverman: *Indeed, since I took over, 12,000 people have arrived, 9,500 people have been transferred out of Manston or Western Jet Foil, many of them into hotels, and I have never ignored legal advice. As a former Attorney General, I know the importance of taking legal advice into account. At every point, I have worked hard to find alternative accommodation to relieve the pressure at Manston.*

Responding for Labour, Cooper described the "dreadful conditions at Manston":

Yvette Cooper: *Four thousand people are now on a site designed to accommodate 1,600 people, with some families there for weeks. Conditions there have been described as inhumane, with risks of fire, disorder and infection, there are confirmed diphtheria outbreaks, reports of scabies and MRSA outbreaks, outbreaks of violence and untrained staff. The Home Secretary said nothing about what she was doing to address those immediate public health crises or the issues of untrained staff. [...] There are very serious allegations now being reported that the Home Secretary was warned by officials and other Ministers that she was acting outside the law by failing to provide alternative accommodation. Can she confirm that she turned down contingency plans that she was offered that would have reduced overcrowding, as the reports say?*

Local MP Sir Roger Gale (Con, North Thanet) spoke next:

Roger Gale: *The asylum-processing facility at Manston was opened in January to take 1,500 people and to process them daily in not more than 48 hours, but mainly in 24 hours. The facility operated absolutely magnificently and very efficiently indeed, until five weeks ago, when I am afraid the Home Secretary took the policy decision not to commission further accommodation. It is that which has led to the crisis at Manston. Will my right hon. Friend the Home Secretary now give the House an assurance, first, that adequate accommodation will be provided to enable the Manston facility to return to its previous work?*

Braverman replied that "on no occasion have I blocked the procurement of hotels or alternative accommodation to ease

the pressure on Manston. I am afraid that simply is not true". Joanna Cherry (SNP, Edinburgh South West) said she wished to "gently remind the Home Secretary that it is not illegal to seek asylum", adding:

Joanna Cherry: *What is illegal is to detain people without a proper basis in law. Will she confirm that she has ignored legal advice that keeping asylum seekers at Manston for more than 24 hours could be illegal detention? Has she been advised that what is happening at Manston may amount to unlawful deprivation of liberty in terms of article 5 of the European convention on human rights, and inhuman and degrading treatment in terms of article 3? Despite her best efforts, we are still bound to comply with the convention by virtue of domestic law. What will she do about all of this? Even if she does not care about the human rights of the people detained at Manston, does she understand that her failure to obey the law may end up costing taxpayers vast amount of money in court fees and damages?*

Apsana Begum (Lab, Polar & Limehouse) pointed out that "Manston is supposed to be a short-term holding facility. People are not supposed to be there for more than 48 hours. That means people are being detained illegally in these conditions." And she asked: "Will the Home Secretary tell us how many people have been detained for more than 48 hours as well as how many claims for unlawful detention she is expecting, and at what cost?" "We are aware that people have been detained, and we have very high numbers at Manston," Braverman replied. "That is why we are taking really exhaustive steps to ensure that we can procure alternative sites."

Highlighting POA concerns about legal implications of the Home Secretary's alleged wrongdoing, former police officer Allan Dorans (SNP, Ayr, Carrick & Cumnock) asked fellow MPs to "join me in thanking the staff undertaking the difficult task of keeping everyone safe in these challenging circumstances", adding:

Allan Dorans: *Will the Home Secretary give firm assurances today that members of the Prison Officers Association and other staff working at Manston will remain free from personal liability for any illegal decisions by the Government around extending detention?*

Braverman would only say that she was "always concerned about the personal responsibility and safety of the staff at Manston" and that "we will do everything to ensure that their professional positions are safeguarded". Frontbencher Alex Cunningham (Lab, Stockton North) underlined these concerns when he revealed that "staff who are employed at Manston are extremely anxious about their responsibilities and roles and how law-breaking decisions affect them, asking:

Alex Cunningham: *Will the Home Secretary assure the House that staff will remain free from personal liability for any illegal decisions taken by others, including Ministers, about extended detention?*

Braverman didn't answer this question either. Meanwhile, a delegation from the POA met with Shadow Immigration Minister Stephen Kinnock (Lab, Aberavon) to explain first-hand what the situation at the camp was like, especially for staff. A week later (8 November) Labour forced a vote to release Papers Relating to the Home Secretary focusing on security concerns around Braverman's conduct, especially relating to use of insecure email and messaging systems. At the debate, Richard Thomson (SNP, Gordon), repeated the POA's warning about Manston overcrowding, where "the result has been what the Prison Officers Association assistant general secretary Andy Baxter described as a 'humanitarian crisis on British soil', with people sleeping on cardboard in tents amid outbreaks of covid, diphtheria, scabies and hepatitis. David Neal the chief inspector of borders and immigration told the Home Affairs Committee that we are now past the point where we can describe Manston as being a safe facility."

The intense parliamentary and media interest in this issue finally forced the Government to act, and Manston was emptied within days – proving that this could have been done far earlier. Numbers at the site have moved up and down since then, while conditions at the site have improved, but MPs stand ready to act again on union warnings if the situation at Manston or other immigration sites should deteriorate significantly in the future.

Campaigns: Royal Commission

Launching this new parliamentary campaign by the POA, Gordon Henderson tabled EDM 590 (Royal Commission on Prisons and the Wider Criminal Justice System), co-sponsored by Liz Saville Roberts, Grahame Morris, John McDonnell (Lab, Hayes & Harlington), Richard Burgon (Lab, Leeds East) and Kate Osborne (Lab, Jarrow), which stated that "the prison service has reached such a critical point that this must be the Government's priority for reform, starting with a wide-ranging public inquiry run by experts with statutory powers". So far 25 backbench MPs have signed this motion.

Grahame Morris asked the Justice Secretary "if he will establish a Royal Commission on Prisons and the wider Criminal Justice System" at Justice Questions on 22 November. Prisons Minister Damian Hinds replied: "The hon. Gentleman will

know of our commitment, but insisted that, “following the pandemic, it is also right that we prioritise recovery in the criminal justice system”. Morris replied: “I remind the House that the Conservatives made a manifesto commitment to establishing a Royal Commission on Criminal Justice, but that is looking like a pretty slim commitment.” He continued:

Grahame Morris: *Prisons in particular are at the heart of our criminal justice system, and they are in crisis, plagued by violence, drugs, squalor and a shameful lack of meaningful rehabilitation activity. Does the Minister accept that the priority must be a full public inquiry with statutory powers to find out what has gone wrong?*

Damian Hinds: *The hon. Gentleman is of course right about the commitment, and I referred to it in my opening response. It is true that the coronavirus changed many things, including causing significant issues in the criminal justice system and in prisons. We have published the prisons White Paper, which sets out a strategy for further improvement in all aspects of the secure estate, and I am pleased to be able to report significant progress on matters such as employment, which we know is important to reducing reoffending, and accommodation, with a five percentage points reduction in the number of individuals leaving prison who are homeless or rough sleeping.*

This non-answer was entirely consistent with written responses to parliamentary questions throughout 2022: “We continue to keep issues in the wider criminal justice system under review.” It looks increasingly unlikely that the Government will honour this election pledge, yet such an inquiry is needed more than ever. JUPG members will continue to lobby ministers over the issue and seek to ensure that all parties include a similar pledge in their next election manifestos.

Campaigns: Menopause and fitness test

Giving evidence to the Women and Equalities Committee as part of their Menopause and the Workplace inquiry (9 February), TUC women’s officer Nikki Pound explained that “we have had affiliates feed back to us that where women workers are operating in very male dominated sectors, actually something as simple as having access to bathroom facilities is a real problem”. She continued:

Nikki Pound: *Roles like prison officers – the annual health and safety tests that they have to take as part of their fitness check does not always take into account the length that menopause lasts for women or the physical impact.*

And at Women and Equalities Questions the following month (30 March), Shadow Employment Rights Minister Justin Madders (Lab, Ellesmere Port & Neston) asked the Government to “undertake an equalities impact assessment of HM Prison and Probation Service’s equality assessment for fitness testing”. Minister James Cartlidge insisted that “the HMPPS staff fitness testing policy was reviewed, updated and published in 2021. An equality impact assessment was undertaken in 2021, and it remains a live document. It will be reviewed and updated regularly as work in this area progresses.” He added:

James Cartlidge: *HMPPS staff networks, diversity and inclusion experts and trade unions were fully consulted during the policy review, and they contributed to the equality analysis.*

Justin Madders: *The Minister will be aware of concerns, particularly from the Prison Officers Association, that far more female officers than male officers are failing this test. Will he meet the Prison Officers Association to discuss this issue?*

James Cartlidge: *The hon. Gentleman takes a consistent interest in this point, and I am happy to mention his question to the Minister of State, Ministry of Justice, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins). I can confirm that, since prison officer fitness testing resumed last July, 90% of female officers passed on the first attempt, and none failed by the third attempt.*

Unfortunately, Atkins resigned before taking any action over this matter. JUPG members will continue to press for major reform of the fitness test.

Campaigns: Approved Premises proposal at Wormwood Scrubs

In April, MPs were alerted to a proposal by the MOJ to build new Approved Premises in the old Governor’s House outside the gates of HMP Wormwood Scrubs despite a NaCTSO risk assessment listing numerous problems with the plan. Local MP and Shadow Solicitor General Andy Slaughter (Lab, Hammersmith) tabled written questions asking for the risk assessment to be published but was told by minister Victoria Atkins that this would “compromise security and public safety”. At Justice Questions on 24 May, Slaughter raised the issue directly with the Secretary of State:

Andy Slaughter: *Approved premises house the highest risk offenders – terrorists and serious sex offenders – on release from custody. Their location is sensitive both for rehabilitation and protection of the public. Why on earth, therefore, is the Ministry of Justice building approved premises next to the main entrance of Wormwood Scrubs Prison, when the counter-terrorism security assessment lists 18 vulnerabilities, including potential assaults on staff, observation over the prison wall, use of a launch site for drones and undermining rehabilitation? Will the Secretary of State abandon this dangerous and counterproductive scheme?*

Dominic Raab: *Approved premises are vital. Of course we take all the requisite security advice on the matter and I am very happy to write to the hon. Member about any of the details. However, may I suggest that he write to me to set out the facts that he asserted, so I can test them very carefully and rebut them very clearly?*

Slaughter did so and was sent a reply from Minister Malthouse on 8 June, which claimed that, in response to the security risk assessment, “we have developed a mitigation plan with actions identified through effective collaboration across criminal justice agencies” and would “continue to review the plan to ensure we are addressing the identified vulnerabilities”. Slaughter also wrote about the campaign in the Summer edition of *Gatelodge* and met with MOJ officials at the request of the Minister. A variety of media picked up his comments and by the end of the year the MOJ had decided not to appeal the decision by Hammersmith & Fulham Council to reject the planning permission. The JUPG remains vigilant against any attempts in the future to resurrect this ridiculous proposal.

Legislation

Throughout the passage of the Police, Crime, Sentencing and Courts Act during the 2021–22 parliamentary session, Earl Attlee pushed for the inclusion of specific penalties for the disgusting crime of “potting”. He raised the issue first during Committee Stage on 20 October 2021 with his Labour-backed amendment targeting anyone who “maliciously causes an emergency worker to unwillingly or unwittingly come into direct contact with any substance containing urine, excrement or ejaculate”, and ensuring that “sufficient suitable kits for collecting evidence samples are available within the Prison Service”. With the Government refusing to support the amendment, claiming that it was unnecessary, he withdrew it before bringing a similar proposal at Report Stage on 10 January 2022, this time supported by the Lib Dems as well.

Focusing on the “facilitation of potting” – ie someone causing or permitting their bodily substances “to be intercepted without lawful reason or excuse” – Attlee explained that “the amendment now deals only with the preparatory act of intercepting the relevant substance” because “it is not necessary to have a new offence for the actual potting, since that is covered by existing offences”. Having added that, “in the light of a constructive meeting I had with the minister last week, I do not propose to detain the House very long on this matter”, he cautioned:

Earl Attlee: *In Committee, I thought the minister was a bit optimistic when he said he was not aware of any problems with the issuing of spit kits to prison officers. A subsequent written answer revealed that none of the several prisons that I asked about appeared to be issuing spit kits. [...] We all owe a great debt of gratitude to prison officers and prison governors, who we charge with looking after and protecting us from some of the most dangerous, wicked and obnoxious members of our society. We owe it to them to make sure that, if they are assaulted doing their duty, we will back them up and ensure that perpetrators are brought to justice. If we fail to do so, there will be at least two serious consequences: first, we will experience difficulties in retaining the best possible prison officers; secondly, the remaining prison officers will be demotivated, less willing to ensure full compliance and less willing to ensure that prisons are the safe and humane establishments that we all want them to be. I am pleased to say that I have detected that Ministers have taken all this on board.*

Liberal Democrat spokesperson Lord Paddick explained that he was “very pleased to support the noble Earl, Lord Attlee, in his amendment, to the extent that I have added my name”, adding:

Lord Paddick: *We had discussions between Committee and Report; we agreed that the actual assault was covered by existing legislation, but the preparatory acts in preparing these disgusting attacks on prison staff needed to be addressed. That is how we arrived at the revised amendment, and I am very happy to support it.*

And shadow minister Lord Ponsonby of Shulbrede, JUPG co-chair, added: “I pay tribute to the noble Earl: he has been dogged in his pursuance of this and I understand he has had constructive discussions with the Minister. I look forward to what the Minister is going to say to, in the noble’s Earl words, flesh out the proposals in the White Paper, and how these may lead to greater support for prison officers.”

However, the minister at the time, Lord Wolfson of Tredegar, insisted that “this is a preparatory offence and tries to capture behaviour even where the act of potting itself may not yet have occurred or have occurred at all”, and that “doing those preparatory acts is already a crime under Sections 44 to 46 of the Serious Crime Act 2007 or possibly under the Criminal Attempts Act 1981. The penalties for those preparatory offences are the same as those for the substantive offence.” Without sufficient support to win the vote, Attlee withdrew his amendment, but insisted:

Earl Attlee: *Ministers and officials should be aware that I will be working very closely with the Prison Officers Association to monitor progress and, if necessary, we can bring this amendment, or a similar one, back at a suitable legislative opportunity.*

The following week (19 January) in the House of Commons, Grahame Morris presented his Prisons (Violence) Bill, which proposed placing a duty on public and private prison operators to “take all reasonable steps to minimise violence in prisons”. The Bill had broad cross-party support and was co-sponsored by Liz Saville Roberts, Gordon Henderson, Wendy Chamberlain (Lib-Dem, North East Fife), Chris Stephens (SNP, Glasgow South West), Kenny MacAskill, Jim Shannon (DUP, Strangford), John McDonnell, Richard Burgon, Paula Barker, Mary Kelly Foy and Ian Lavery (Lab, Wansbeck). Addressing MPs in the Chamber, Morris explained:

Grahame Morris: *The sky-high level of violence plaguing our prisons makes rehabilitation inside practically impossible, meaning that offenders often leave prison more damaged and dangerous than when they arrived. That leads to more reoffending, costing tens of billions of pounds a year and causing misery for millions of victims and their loved ones who have to live with the consequences of even more crime. The prison lockdowns throughout the pandemic have thankfully reduced assaults from the all-time highs that we saw in 2019, but Ministers must now learn the right lessons and not rely on long lock-ups in future or revert back to a business-as-usual approach.*

He highlighted how the White Paper, published in December 2021, was “a golden opportunity for urgently needed change if Ministers will only commit to doing whatever it takes to tackle both prison violence and, indeed, the causes of prison violence”, adding:

Grahame Morris: *My Bill aligns with the White Paper’s stated aim of reducing prison violence and uses the paper’s framework of key performance indicators – “management targets” in common parlance – to achieve this. KPIs are already used in private prisons to reward or penalise their operators, but the Government’s new strategy extends these targets and adds new ones to public sector prisons too. It is obvious that the new KPIs need to include safety for both prisoners and staff but, curiously, this commitment is entirely missing from the White Paper. My Bill seeks to correct that omission. It would enshrine a statutory duty on prison management – whether in the public or private sector – to minimise violence. If KPIs are the Minister’s preferred method of choice, that is the method we will use here too.*

Morris explained that “penalties could include fines for both public and private sector operators, with the money raised going towards making injury compensation schemes fit for purpose by widening the scope for claims, removing the unfair barriers throughout the process, and lifting awards to reflect the bravery and commitment shown by prison officers and other staff working in our prisons system” and that his Bill “would enshrine in law a range of initiatives designed to protect staff and prisoners from violence and to encourage staff, especially prison officers, to stay in the job”. He continued:

Grahame Morris: *The most wide-ranging of these is the Safe Inside prisons charter. This set of reasonable and straightforward principles for safe systems of work is endorsed by the Joint Unions in Prisons Alliance, a coalition of nine prison unions: the Prison Officers Association; the University and College Union, which represents prison educators; the Royal College of Nursing; the British Medical Association; the National Association of Prison Officers; the Public and Commercial Services Union; Unison; the GMB; and Unite the union.*

He raised the Bill again at Justice Questions the following month (8 February), where he revealed that “numerous prison officers have contacted me to share their experiences of being attacked at work” since presenting his proposed legislation the previous month, and again called for new KPIs covering all form of violence. In response, Minister Atkins would only say that “we have committed to further work to improve the safety of everybody behind prison walls through our prisons strategy White Paper, including – I am delighted to say – by March this year, the completion of our £100 million security investment programme to root out the drugs, phones and other illicit items that can play such a terrible role in the safety of our prisons.”

With the Government refusing to give support, the Bill fell when Parliament was prorogued in April, and unsurprisingly no similar Bill was announced in May’s Queen’s Speech. Debating the Gracious Address two days later (12 May), Morris expressed “regret that the Government did not support my Bill on prison violence, which aimed to place a duty on the

Prison Service and the probation service, including private operators, to minimise violence in the workplace”, warning that ministers “ignore the issue of workplace safety – in fact, they seem to be normalising workplace violence”. His Early Day Motion 949 on Prison Violence, which contained many of the key elements of the Bill, secured the support of 30 backbench MPs before it too fell at prorogation. It is hoped that both the Bill and Earl Attlee’s amendments will be resurrected at a future stage, either as stand-alone Bills or as amendments to suitable Government legislation.

Links to selection of debates

Police, Crime, Sentencing and Courts Bill, Committee Stage day 1 (20 October 2021):

<https://hansard.parliament.uk/lords/2021-10-20/debates/A3954398-16DA-4A16-8AB4-35B67A52586C/PoliceCrimeSentencingAndCourtsBill#contribution-F8A1D576-FD1E-4903-B99C-182BB2C87A2B>

Police, Crime, Sentencing and Courts Bill, Report Stage day 4 (10 January 2022):

<https://hansard.parliament.uk/lords/2022-01-10/debates/474D641C-F45C-4005-9666-BF03BE842124/PoliceCrimeSentencingAndCourtsBill#contribution-57786CB1-264F-4945-AAD3-10AE60EB75B9>

Prisons (Violence) Bill presentation (19 January 2022): [https://hansard.parliament.uk/commons/2022-01-19/debates/1738B4D7-7837-4C1A-90A3-332BE1AA218C/Prisons\(Violence\)](https://hansard.parliament.uk/commons/2022-01-19/debates/1738B4D7-7837-4C1A-90A3-332BE1AA218C/Prisons(Violence))

Justice Questions (8 February 2022): <https://hansard.parliament.uk/Commons/2022-02-08/debates/ABEB230D-1A8C-47C2-A6D6-DE40280EFC7C/Justice>

Women and Equalities Committee, inquiry session: Menopause and the workplace (9 February 2022):

<https://committees.parliament.uk/oralevidence/9839/html/>

Women and Equalities Questions (30 March 2022): <https://hansard.parliament.uk/Commons/2022-03-30/debates/F0CB0273-0A58-4DA4-B006-136EBA7935FA/HMPPrisonAndProbationServiceEqualityAssessmentForFitnessTesting>

Fairness at Work and Power in Communities debate (12 May 2022): <https://hansard.parliament.uk/Commons/2022-05-12/debates/8DAC81EE-07A4-4C4F-B7B4-4994AEF73773/FairnessAtWorkAndPowerInCommunities#contribution-5A602E07-3D7A-4D0F-97D6-5CD98CED6EA0>

Justice Questions (24 May 2022): <https://hansard.parliament.uk/Commons/2022-05-24/debates/A57B9257-EF2C-40AF-A7D8-AE6BEB495C49/Justice#contribution-13A4572F-AF92-45D1-B52B-56B8F71D33EF>

Prison Officers: Occupational Pension oral question (16 June 2022): <https://hansard.parliament.uk/lords/2022-06-16/debates/FD70C792-7A16-4780-B6EE-BA20936EB925/PrisonOfficersOccupationalPension>

Sentencing: Repeat Offenders debate (21 June 2022): <https://hansard.parliament.uk/commons/2022-06-21/debates/657E07C9-373B-487D-8579-0E6B8867A008/SentencingRepeatOffenders>

Community Payback debate (28 June 2022): <https://hansard.parliament.uk/Commons/2022-06-28/debates/DF8AD007-9CEE-454A-9D2E-4EA2D0BDAE28/CommunityPayback> and

<https://hansard.parliament.uk/Commons/2022-06-28/debates/0E9B8E4B-48A6-416B-969F-067333799EA1/CommunityPayback>

Justice Questions (5 July 2022): <https://hansard.parliament.uk/commons/2022-07-05/debates/7DAFA6BE-709C-49F8-B71F-FE5658864EBC/OralAnswersToQuestions>

Justice Questions (18 October 2022): <https://hansard.parliament.uk/commons/2022-10-18/debates/7A347C38-15C1-4555-9B2D-74C062DED338/OralAnswersToQuestions>

Cross-Channel Migrants: Manston Facility urgent question (27 October 2022):

<https://hansard.parliament.uk/Commons/2022-10-27/debates/4D7AF554-033A-452F-B059-2E94936B8948/Cross-ChannelMigrantsManstonFacility>

Western Jet Foil and Manston Asylum Processing Centres statement (31 October 2022):

<https://hansard.parliament.uk/commons/2022-10-31/debates/F189CA88-FDF3-4018-905C-1CC8A1B76E28/WesternJetFoilAndManstonAsylumProcessingCentres>

Public Sector Pay: Proposed Strike Action debate (1 November 2022): <https://hansard.parliament.uk/commons/2022-11-01/debates/37AF0C62-26F2-42B8-98EA-49C44E491243/PublicSectorPayProposedStrikeAction#contribution-91CB1C90-B729-4DE0-A898-B7B17F609704>

Papers Relating to the Home Secretary debate (8 November 2022): <https://hansard.parliament.uk/commons/2022-11-08/debates/7AE21E80-5B5A-4581-81C5-21F0B48B003C/PapersRelatingToTheHomeSecretary>

Justice Questions (22 November 2022): <https://hansard.parliament.uk/commons/2022-11-22/debates/6FBEDF55-9DEE-4FCD-AD08-2115A203134A/OralAnswersToQuestions#contribution-83D5C8D8-CC27-4A5D-9EA1-D11B654AAF84>

Prison Capacity debate (6 December 2022): <https://hansard.parliament.uk/Lords/2022-12-06/debates/F657709E-875C-40DD-AF26-DEB0BEE7A911/PrisonCapacity#contribution-CB60F61B-DE7C-4F1A-975C-B9D506C40120>

NATIONAL COMMITTEE FOR PRIVATE SECTOR SERVICES

National Committee for Private Sector Services Annual Report 1/1/22 – 31/12/22

Introduction

Since 2019 the POA private sector membership has grown year on year. At present the work within the private sector is delivered by the POA employees. As the private sector work increased, a decision was taken to allocate the private sector work on the basis of each company as opposed to an area structure. The POA believe this decision has provided better for both continuity and the opportunity to build relationships with the PS companies and managers and Directors on those contracts.

PECS

Access to the PECs contract North & South staff remains very limited.

There is no formal recognition agreement in relation to these groups of staff.

However, the POA have had success in representing members who work on this contract in disciplinary hearings and in workplace Grievances.

We have no formal recognition for negotiation of pay.

MITIE ICE

In relation to the Mitie in Country Escorting contract, working relations between the POA and Mitie have strengthened. The POA have further developed the seat on the Mitie JCNC monthly UK-wide meeting, with POA representatives attending from France, England, Scotland and Northern Ireland.

The Mitie network of workplace POA representatives has grown, with representatives now working in the Calais and Dunkirk juxtaposed bases.

We have seen a significant growth in membership from the expansion of the Manston STHF in Kent and the Swinderby STHF in Lincolnshire.

The POA raised deserved criticism of the Government in relation to the rapid expansion of Manston and its impact on our members.

The issues being faced by staff and detainees at Manston STHF became worldwide news following a POA site visit intended to address members' working conditions and pressures.

POA members continue to provide support to Border Force and UK Immigration on the South Coast Operation, with the use of Dover's Tug Haven much reduced and their Kent Intake Unit supplementing the Manston operation.

Significant improvements were achieved at the Manston site, and the POA engaged with all forms of media to highlight the growing tensions at Manston and the impact on our members.

It is likely that this summer will again see Manston become the largest single site of detention in the UK and the POA will continue to support our members in a highly demanding operational environment.

The POA have pursued voluntary recognition from Mitie Care & Custody in relation to Mitie Group trainers who deliver ITC to new entrants to the company. To date no agreement has been reached but it is hoped that this can be resolved through further talks.

POA membership across this contract has risen by 99% since January 2022.

The POA engage with Mitie each year through collective bargaining on pay.

The POA team put considerable time and effort into writing pay submissions that can be fully evidenced.

The 2022 pay round talks that began in April 2022 were still ongoing into August 2022. The eventual 2022 pay award of 5.5% was accepted by a narrow margin through a postal ballot in September and implemented with back pay and back pay on overtime applied in the October 2022 pay run.

As the size of the Mitie ICE branch membership grows, the expanding membership requires more service. Discussions with Mitie Care & Custody have seen an agreement to increase the number of workplace representatives by a further seven, and work is ongoing to establish how best that additional support can be deployed.

Looking forward, it's inevitable that, as we see a government determined to criminalise anyone who reaches the UK border by whatever means, the Manston STHF facility will again grow exponentially this summer.

With Haslar and Campsfield IRC due to reopen and an anticipated expansion of ICE vehicle bases, the POA will work constructively with Mite Care & Custody for the benefit of existing and future members.

SODEXO

Sodexo currently operate five prison establishments in England and Wales: HMP Northumberland, HMP Forest Bank, HMP Peterborough, HMP Lowdham Grange and HMP Bronzefield. Sodexo will also take over the contract to run HMP Altcourse from 1 June 2023 following a competitive bid. HMP Northumberland is the only Sodexo establishment in which the POA have recognition rights, but despite this we continue to represent members in Forest Bank, Peterborough, Lowdham Grange and Bronzefield in Grievances and Disciplinarys.

The Local Committee at HMP Northumberland continue to provide a high standard of representation to our 248 members there. The Committee have been actively involved in re-profiling, Keywork disputes, Internal Dispute Resolution, Health and Safety work, Job Evaluation in relation to OMIC and a new core day, which fits in with all principles of the POA regarding a safe environment.

The Local Membership have also recently been balloted on a pay award for 2023. Following protracted negotiations, the Branch agreed an 8% pay increase with Sodexo.

I would like to thank the Local Branch for their support.

SERCO

Serco currently operate prison establishments in England and Wales: HMP Ashfield, HMP Doncaster, HMP Thameside and HMP Dovegate. In addition to these establishments and the Inter Prison Transfer Contract, Serco also operate Yarl's Wood and Gatwick Immigration Removal Centres.

Gatwick Immigration Removal Centre is the only workplace in which the POA have recognition rights but despite this we continue to represent members in all areas of the Serco Justice Sector in Grievances and Disciplinarys. The Local Committee Gatwick IRC continue to provide a high standard of representation to our 188 members there.

Following Annual Conference 2022, Steve Gillan, the General Secretary, signed up to an expanded recognition agreement which gave the POA further bargaining units which included the DOMs. The Branch Committee are currently involved in pay negotiations.

G4S

There has been an increase in POA membership within the G4S Estate and, having had recognition at Oakwood for some time, the POA has obtained and signed off recognition at Five Wells, a new prison being built on the site of Wellingborough Prison. The prison is due to be handed over to G4S in November. The POA have made an initial visit and handed out approximately 50 application forms. We have had interest from those on the ITC to become Committee

Members and would hope to have a Committee up and running by the time the prison starts receiving prisoners in February 2022.

The TUPE transfer of Gatwick IRC from G4S to Serco, which, as a result of the pandemic, took place virtually, went smoothly despite concerns raised by the POA. The input of the POA and the Committee is to be commended for making this happen on time and ensuring what was by and large a smooth process which has seen almost no comeback.

This is an opportunity for us to increase the POA membership in the private sector and to influence the development of the private sector in a positive way, as on some issues they are more open to change, such as over reasonable adjustments, bullying and discrimination.

The POA have formally requested recognition at both Parc and Oakhill, and this is being considered by G4S. It is hoped that this will be progressed as quickly as possible in order to be able to have an input into both the policies and their implementation in the same way as occurs at Oakwood. The increasing number of POA members at Parc has required significant input from the POA in terms of representation and support.

There have been numerous challenges for the staff at Oakhill, the last remaining Detention and Training Centre due to the difficulties with the YCS Contract, low levels of staffing and the resulting high levels of violence. The POA have supported members in this establishment in hearings, provided advice on asking for discretionary payments from the Company, and access to the Welfare Fund when necessary.

There is a high level of representation required at Oakwood and this takes up much of the time of the Committee, who do a sterling job in supporting members in what have been challenging times. There have been wins in terms of overtime payments where staff have worked additional time due to a failure by management to ensure that the day shift leaves on time as per their contractual hours.

There is an agreement that facilitates the granting and taking of ad-hoc leave. There is also an agreement that those unable to take ad-hoc leave can carry over for an additional three months. There have been pay increases of 2% and 1.2%. Generous over-time rates of £25/hour on the basis of an additional 40 hours per month. Members have been awarded additional payments for taking on the responsibility of Family Liaison Officer and ACCT Assessor. The Employer offered and the POA accepted training on wellbeing of staff, which was a very positive experience. Currently work is being undertaken with G4S corporately and locally with the POA to create a robust health and safety culture.

Challenging unfair treatment, discrimination and bullying and harassment has occurred and there has been progress in obtaining good outcomes for members individually and collectively, with perpetrators dealt with, ensuring that the workplace is safer.

It has been a challenging year for G4S members in terms of short-staffing and difficulties recruiting and retaining prison officer and OSG roles. Currently we have recognition in three of the five G4S estates where we have members and over the past year have been looking to develop two new Branches, having received recognition at Five Wells, the newest prison in the sector, and Oakhill.

The cost-of-living crisis has hit members and in order to respond to this, pay talks have been initiated early and members have received a £2,000 cost-of-living increase, which has amounted to approximately a 7-9% pay rise. On some sites, retention bonuses have been offered to incentivise retention and maintain staffing levels, which appear to be having the desired effect. We are currently negotiating a number of non-pay issues such as overtime payments, annual leave, bereavement leave, long service payments and waiting days on sick pay. The Welfare Fund has supported many of the members in the private sector as, depending on their contracts, sick pay is not generous and it has left members struggling to pay bills due to being unable to work.

It has been a challenge to maintain levels of POA membership where recruitment and retention of staff is a challenge, a 50% turnover occurring in one establishment. Regardless of this, the local officials have ensured increasing membership levels in those prisons where we have recognition. Altcourse will be transferring to Sodexo and its healthcare provision will be transferring to Mersey Care, where the POA have an active branch. Approaches have been made to ensure that our members' interests and terms and conditions are protected in the TUPE transfer.

During the year, a large amount of casework has been generated covering use of force, allegations of corruption, health and safety concerns, bullying and harassment, equality, and loss of badge. Thanks is given to all of the active branch officials who have stepped up and supported members in improving the safety, terms and conditions of POA members in the workplace, standing up to bullying managers and saving members' jobs.

MINUTES OF NATIONAL COMMITTEE FOR PRIVATE SECTOR SERVICES (NCPSS) MEETING HELD AT QUORN GRANGE HOTEL

TUESDAY 11TH JANUARY 2022

Present:

Joe Simpson – Deputy General Secretary
Mick Pimblett – FTO
Andy Baxter – FTO
Phil Fairly – FTO
Steve Lewis – Organiser – Minutes
Paul Foster – HMP Northumberland
Steve McKenna – HMP Northumberland
Kirsteen Brown – HMP Oakwood
Ray Somers – Mitie C&C ICE
Eric Asamoah – Gatwick IRCs

1) Chair's opening remarks:

The Chair opened the meeting and thanked all those in attendance.

2) Apologies:

Michelle Masters – HMP Oakwood
Angela Montgomery – FTO
Carl Lewis – Gatwick IRCs
Ally Guiney – Mitie C&C ICE

3) Minutes of Previous Meeting – 2nd December 2021:

Discussed and carried as a true record.

4) Matters Arising:

Action Point – Parliamentary Question on Covid bonus scheme funding to be drafted.

Action Point - Branches to ask for Bonus Payments contained in the HMPPS Document to be paid locally.

Action Point – DGS Write to Oakhill, Parc and Lowdham Grange Director to ask for Bonus payments to be made to staff.

There are now 99 outbreak sites in prisons in England and Wales. Mandatory testing systems have been introduced and were discussed. It was highlighted that this is a H&S issue which makes it difficult to oppose, though many concerns with proposed schemes need to be raised.

Action Point – G4S policy Mandatory testing - letter to G4S to be drafted (SL).

5) Action Points:

Action Point – Arrange NCPSS meetings to take place monthly online then face to face until Conference.
Done

Action Point - Draft a letter to Charlie Allan on the opening of regimes at private prisons.

Done – meeting with Ellie Reeves from the Labour Shadow front Bench took place on the 8th January where she was fully apprised of the issues facing privately operated prisons.

Action Point – set up meeting with Dave Rodgers regarding the withholding of Badges.

A legal case is currently taking place so this matter is - Ongoing

Action Point – All Pay claims to have additional payment for skills over and above skills require for the role should form part of all future pay claims.

Ongoing – this will be done as pay claims are submitted.

Action Point – the DGS to contact Community with reference to the disputes procedure they have with Sodexo.

This policy has now been received and we can now progress the issues this document raises.

Action Point – Serco disputes policy to be circulated.

Action point – MP to write to HMPPS to check in new PP Bonus scheme will apply to the private sector establishments. CC Dave Rodgers

Done – this has been queried and currently the new scheme does not cover private sector prisons.

Action Point – Write and submit some Parliamentary Questions on additional space costs

Done

6) Retention Issues (Northumberland)

Poor retention at Northumberland. 62 in a year. Recruitment very poor for OSO staff rate of pay being offered will be below Minimum wage by April. Same people being pushed to do overtime and are urning out. A general discussion on this matter and it became apparent that all branches were experiencing the same issues.

Action Point - branches to ascertain their Target staffing and SIP pay rates LRD pay line for each area, gather information on the recruitment pool for new staff. Find out the number of ITC Courses run during 2021.

Action Point - SL arrange a two-day face to face meeting at Quorn first day to discuss the outcomes of the data search from pervious Action Point

Action Point - Prisons White Paper to be circulated for all branches.

7) Update from Branches:

Oakwood

Christmas was bad due to staffing. Testing regime is a problem testing staff going in and out. Night time staff replacements will be an issue.

Northumberland

Pay submission is in. letter gone in asking for information which may delay talks. Claim 5% match inflation. Returned to more limited regime.

OMIC letter gone in and this is causing concern my Sodexo.

Sodexo asking staff about pensions options.

Action Point - Sodexo pensions papers to be forwarded to DGS.

Gatwick IRC's

Still discussing pay with director, expansion of Rec agreement for DOMs ongoing. DOMs shift patterns are a significant issue, discussion on this are ongoing though this may take some time.

The ongoing inquiry is also taking up some time for the committee with current and ex members. Members need more information on the best way to progress issues to Thompsons.

Action Point – Gatwick IRC Branch to contact Legal to discuss best way to move forward.

DGS and MP to visit on the 18th January where issues can be progressed.

POA ICE

Moving forward steadily. Trainers recognition issue linked to travel time. Covid absence are becoming an issue. Dover small boat arrivals a significant issue. RAF Marsden potentially to be used as part of the South Coast Operation.

If staff end up having to pay for LFT test this will cause major issues.

8) Membership Data

A list of leavers and joiners has again been sent out to the branches. Changes to membership during the pandemic were

discussed. Branches were again congratulated on increasing overall private sector membership during the last 12 months.

The latest overall private sector membership figure stood at 1,329.

9) Date of next Meeting:

31st March Via Teams

MINUTES OF NATIONAL COMMITTEE FOR PRIVATE SECTOR SERVICES (NCPSS) MEETING HELD VIA TEAMS THURSDAY 31ST MARCH 2022

Present:

Steve Gillan – Deputy General Secretary
Joe Simpson – Deputy General Secretary
Mick Pimblett – FTO
Andy Baxter – FTO
Angela Montgomery – FTO
Steve Lewis – Organiser – Minutes
Paul Foster – HMP Northumberland
Steve McKenna – HMP Northumberland
Kirsteen Brown – HMP Oakwood
Rob Stevens – Mitie C&C ICE
Alex Dondi – Mitie C&C ICE
Eric Asamoah – Gatwick IRCs

1) Chair's opening remarks:

The Chair opened the meeting and thanked all those in attendance. The Chair particularly thanked welcomes the new Branches Oakhill and five Wells to the meeting.

It was note that this year there were no motions for conference from the private sector Branches.

The H&S pack for branches was discussed and branches could get copies of this if needed.

2) Apologies:

Phil Fairly – FTO
Carl Lewis – Gatwick IRCs
Matt Lynch – HMP Five Wells

3) Minutes of Previous Meeting – 11th January 2022:

Discussed and carried as a true record.

4) Matters Arising:

Gatwick enquiry was ongoing with no public outcome as such. There is no further information of extending the recognition agreement for cover the manager grades. This will be progressed.

Action Letter to Director ref Recognition MP.

5) Action Points:

Action Point – Parliamentary Question on Covid bonus scheme funding to be drafted.

These were drafted and laid in the House though they have not been answered yet.

Action Point - Branches to ask for Bonus Payments contained in the HMPPS Document to be paid locally.

This item has been included in each pay submission from the POA.

Action Point – G4S policy Mandatory testing - letter to G4S to be drafted (SL)

G4S were approached on this issue and a meeting took place with Senior management. The POA raised a number of issues, and a commitment was given to take on board our concerns on these issues. Though it was clear imminent changes to Government restrictions would potentially overtake on this matter.

Action Point - Prisons White Paper to be circulated for all branches.

This paper has been circulated for branches information.

6) Retention Issues (Northumberland)

This has been taken to management up by the local committee retention is recognised now by management as an issue for ongoing discussions. The local branch wants to be able to take this issue forward more forcefully.

This was agreed to by the chair.

Some branches are seeing problems with other unions poaching POA members and this matter needs to be challenged.

Action point – Lanyards and Badges to all branches to highlight POA presence in the establishments.

Action Point – the acquisition of additional memorabilia for members will be discussed with the Senior Office Administrator JS.

7) Conference 2022

Speakers for the Fringe
Tony Simpson from Sodexo
Gordon Brockington from G4S
Paul Morrison from Mitie Care and Custody ICE
Steve Hewer from Serco

Fringe Theme – Public or Private One Goal

Action Point - Invites to all employers outlining other employers invited.

8) Updates from Branches

Oakwood

The Oakwood 2022-3 pay award has been agreed, there is an additional one hour a week, with pay increases amounting to:

8.5 Residential Officers
5.5 Operational Officers
8.5% Security Officers

The prison is planning one ITC a month with 14 new staff per course.

Northumberland

The pay ballot at Northumberland had been completed and the result was to accept the 4.5% offered by the employer.

Introduction of Kronos which is delivering shift patterns which are not WDT Compliant. These are being Challenged locally.

The latest ITC for 25 only had 75 applications.

They too are having social media and members inappropriate use of it.

Gatwick IRC's

5.3% pay rise agreed at Ballot. Increases for other grades are to be followed up. Carl Lewis may be leaving for a new job outside Brook House.

Membership recruitment at ITC's is ongoing.

POA ICE

Pay submission has been completed and submitted to management, we are awaiting proposed dates for the first meeting to discuss it with management.

Some site only have two staff allocated so Use of Force is not operable. This issue is being taken forward with senior managers. Potential difficulties and dangers for this were discussed.

The business is expanding significantly, especially in the Kent area what management plan to recruit around 300 new staff in the next 6 months. Alongside this they will be recruiting over 130 other new staff across the rest of the country.

Many Covid restrictions remain in place, but the number of residents allowed in a van has returned to its max capacity of 6.

Covid immigrants as cattle room occupancy

The dangers of social media and WhatsApp were discussed. This is an ongoing public issue for Mitie.

Oakhill

E1 and E2 pay submission has been completed and submitted to management. An initial meeting has taken place and pay talks are ongoing.

Five Wells

Pay talks have been completed following negotiations. The offer is currently being balloted on and the result will be known later on the 31st March.

The prison now has a role of 288 and the steady expansion is expected to continue.

Action Point – circular to be sent out highlighting the outcomes of this years private sector pay round. SL

9) Membership Data

A list of leavers and joiners has been sent out to the branches. Changes to membership during the pandemic were discussed. Branches were again congratulated on increasing overall private sector membership.

The latest overall private sector membership figure stood at 1,386.

All branches were asked to make sure they have a slot on their ITC courses or site inductions and utilise these to recruit new members as they join the businesses.

Action Point: Send all branches up to date membership lists.

Action Point: Recruitment Campaign at Parc to be prioritised.

10) Date of next Meeting:

TBA At Conference

MINUTES OF NATIONAL COMMITTEE FOR PRIVATE SECTOR SERVICES (NCPSS) MEETING HELD AT CRONIN AND NRO VIA TEAMS THURSDAY 29TH SEPTEMBER 2022

Present:

Joe Simpson – Deputy General Secretary

Dave Todd – POA Vice Chair

Mick Pimblett – FTO

Angela Montgomery – FTO

Steve Lewis – Organiser – Minutes

Paul Foster – HMP Northumberland
Steve McKenna – HMP Northumberland
Kirsteen Brown – HMP Oakwood
Alex Bratton – Mitie C&C ICE
Carl Lewis – Gatwick IRCs
Michelle Knox - Oakhill

1) Chair's opening remarks:

The Chair opened the meeting and thanked all those in attendance. The Chair particularly thanked welcomes the new Branches Oakhill and five Wells to the meeting.

Pay proposals for 2023 beginning to be prepared. Save staffing levels and the maintenance.

2) Apologies:

Steve Gillan – General Secretary
Phil Fairley – FTO
Andy Baxter – FTO
Ray Somers – Mitie C&C ICE
Heran Limbachia – Gatwick IRCs
Gavin Dore – Five Wells

3) Minutes of Previous Meeting – 31st March 2022:

Discussed and carried as a true record.

4) Matters Arising:

Brook House Managers recognition for managers achieved.

Action point – Lanyards and Badges to all branches to highlight POA presence in the establishments.

Ongoing new Memorabilia to be procured.

Action Point – the acquisition of additional memorabilia for members will be discussed with the Senior Office Administrator.

Action Point - Invites to conference all employers outlining other employers invited.

This was done but there seemed little appetite from the employers to attend or take part.

Action Point - We need to write out earlier to attend conference 2023. Conf and events for invites for MPs.

Action Point – circular to be sent out highlighting the outcomes of this year's private sector pay round.

This had been drafted and would be published shortly.

Action Point: Send all branches up to date membership lists.

These were forwarded to branches and more up to dates list on joiners and leavers sent recently.

Action Point: Recruitment Campaign at Parc to be prioritised AM/SL

Parc joint recognition request to be submitted in the New Year.

5) Pension Challenge (Northumberland)

More info needed on why Northumberland was treated differently. The main reason is The Employer. The difference employers across the country are all having to be dealt with separately. The case is laid and is awaiting GLD making decisions on how to take this matter forward.

The need to addresses and email addresses need to be up to date and this will help once the settlement has been agreed.

6) BAU – Future Regime (Northumberland)

The issue of not returning to mass unlocks. Delivering more from within existing budgets seems what HMPPS want to achieve.

The consensus was that private sector had returned to pre-covid regimes.

Branches were advised to ask for SSPW and risk assessments. Then to use H&S legislation to challenge employers.

Action Point- Local Committees to ask for SSOW and Risk Assessments

Action Point – circulate H&S paperwork.

Action Point – inform membership to ensure the fill in the Hazard Book when incidents take place.

7) Retention and Recruitment (Northumberland)

Northumberland 20 just started, 6 left for the police in one day. 75 applications for 25 jobs. They are still losing more than they are recruiting.

Employers becoming desperate to retain staff.

To deliver on their training plan Sodexo would need to double the Training Non-Effective.

Oakhill retention a problem. New staff teaching new staff. only compulsory training being undertaken.

Oakwood not as bad but it's still an issue. Trainers have not got experience on the job. No staff have not moved from Non-operational to take up operational positions, following an increase pay for operational roles.

Brook House, not recruitment its retention is their issue. Gatwick Airport is their major other local employer taking their staff.

Immigration Service taking ICE staff. HMPPS pay increases not helping recruitment for ICE. The loss of shift allowances has had a long-term detrimental effect.

8) Part time working contracts/Legal advice (Northumberland)

Legal case being taken forward where TUPE'd staff are being prevented from taking up part time roles on their old conditions.

There are pensions implications and conditions on reducing hours within the scheme rules. This is an ongoing issue at Northumberland.

9) Local Agreements (Gatwick IRC's)

Northumberland provided copies of their local agreements.

There are many instances across the private sector but many are not written and signed.

Bedwatch agreements were the main example discussed.

What is an emergency for shift extensions etc? Was identified as another example of where these can be written and agreed.

Action Point – all local committees to share local agreements.

10) Updates from Branches

Oakwood

Some H&S issues no breaks during shifts. Use of force Instructor delivering course on this own.

Action Point – WTD grievance LA100 and employment forms to be completed.

Action Point – Solo Training case to be monitored and progressed.

Northumberland

Pay is coming up, HMIP visit has taken place. Sodexo

Omic, 70% judged. They will only accept reports from the designated officers as sick and leave is taken from the 30% reduction.

Additional funding was given for Key Work Officers, but not properly rolled out.

Gatwick IRC's

Serco have agreed £850 payments over the next few months. As a Gatwick Appreciation payment.

LRD Payline useful as part of formulating pay submissions.

POA ICE

5.5% paid in September's salary, OT backpay to be paid on 6th October. Staff leaving rates are poor.

Ongoing pay department issues.

Recruitment is hard with only 37.5 hours, though more can be earned with OT.

Large contract expansion Manston and Swinderby.

Vacancies across the country.

Moving from HOMs to C&R which will be rolled out from October. Dojos opened around the country to deliver in house not a Kidlington.

There is a perceived north south divided in terms of work and pay.

Oakhill

Capped to 40 boys, girls expected to come soon. Visits taken please to Wetherby. Real concerns from staff about this change.

There are first aid training issues too. There should be first aid staff for both staff and prisoners.

The Staff Association has begun talks for Pay 2022-23 for SCO and SO staff.

Action Point – POA take this to the YCS National Meeting

Action Point – the POA to submit a pay claim for SCO's/SO's

Action Point – Wetherby/Kepple report to be sent.

11) Membership Data

Leavers and joiners list had been sent out to the branches. The significant increases to the private sector membership during the last two years were discussed. Congratulations were given to local committees on delivering and increase of 561 to the union.

The latest overall private sector membership figure stood at 1,623.

All branches were asked to make sure they have a slot on their ITC and induction courses utilise these to recruit new members.

12) Date of next Meeting:

15th December at Quorn Grange Hotel

**NATIONAL COMMITTEE FOR PRIVATE SECTOR SERVICES (NCPSS) MEETING Thursday 15th December 2022
09:45 Quorn Grange Hotel**

Attendees

Joe Simpson – POA DSG
Mick Pimblett – POA FTO
Angela Montgomery – POA FTO
Phil Fairlie – POA FTO
Andy Baxter – POA FTO
Kirsteen Brown – HMP Oakwood
Andrew Garabedian – HMP Five Wells
Gavin Dore – HMP Five Wells
Michelle Lennox – HMP Oakhill
Carl Lewis – Gatwick IRC
Darren Grant – Gatwick IRC
Steve McKenna – HMP Northumberland
Paul Foster – HMP Northumberland
Frank Wilkey – HMP Oakhill
Carl Roberts – HMP Dovegate.

Apologies

Steve Lewis – Annual Leave
Michelle Masters HMP Oakwood
Ray Somers – Mitie Care & Custody
Alex Dondi – Mitie Care & Custody

Minutes of Previous Meeting – 29th September 2022

The minutes were discussed and agreed as a true record.

Action Points

Lanyards and Badges have not been distributed.
Circular around Private sector pay awards drafted to be distributed.
Membership Lists – Circulated
Parc recruiting – Ongoing.
Local Committees to ask for SSOW and RA – Partially completed.
Oakhill SOLO training is ongoing.

JS To speak to Steve Lewis re action points

Matters Arising

A discussion about the YJ qualification took place and its impact on the private sector.

A discussion about proposed roll out of PAVA in the youth estate took place.

A discussion around ongoing talks relating to YJ qualifications and the equivalent private sector apprenticeship.

Chairmans Remarks

The Chair welcomed everyone to the meeting and discussed the POA ability to influence private employers and Government.

A pending pay offer at HMP Five Wells was discussed, the branch chair and secretary at Five Wells were thanked for their support.

A discussion around pay strategy for the Private Sector took place.

A discussion around Section 127 applying to the Private Sector took place.

Private Sector Pay Dates were discussed.

Northumberland talks begin 1st January.

1st Feb Gatwick – Gatwick appreciation pay £150 for 4 months with £250 in January, we will start our submission 1st week in January.

HMP Dovegate pay rise due in March. Serco have opened job shops in a shopping centres, recruitment and attrition is an issue – 5-year increments were dropped to 3 years pay range £21 - £27,000, in transition without a director.

Oakhill – PCO pay talks begin in January, pay rates are higher than Five wells.
PCO are on £30 to £33 after 6 months, bonus payments and a £40 an hour overtime scheme is in place.

Oakwood – Talks begin in March, waiting to establish what other establishments receive.

Issues around medical inefficiency at HMP Northumberland were discussed.

Thompsons Solicitors

Due to low levels of PI claims from the private sector Lesley Carlton from Thompsons Nottingham Multi track accident team (£25k+) addressed the meeting and highlighted the work Thompsons do on behalf of the POA.

Private Sector Motion/Fringe for Conference 2023 (Northumberland)

A debate followed around organizing a conference Fringe event took place.

A debate around dedicated private sector FTOs and the Pat Cuffe recommendation took place.

Can Private Sector coverage be expanded to cover the growing geographical challenge. Is there still a need, can we address the need of the Private Sector.

The challenge of profiling FTO work and introducing a Private Sector caseworker was discussed, as the private sector grows the situation will be monitored.

Do we need to look at the TOR for the Private Sector Committee.

A debate took place around a potential motion for conference, the Union not having a protocol or plan in place if a member from the Private Sector stands and is elected to the POA NEC.

The theme for the fringe meeting was discussed, the future of criminal justice / immigration outsourcing, long term ambitions of companies within the criminal justice / immigration system.

Conference Fringe Theme - Public & Private – Stronger together.

Action AM 2 Day Private Sector Meeting for February.

Vetting (Northumberland)

Northumberland are re-vetting all staff due to anomalies discovered.

The issues around delays on vetting and impact on staffing was discussed.

Northumberland want everyone to be vetted prior to coming through the door.

Similar issues at Five Wells with delays and people slipping through the system.

Issues with new accommodation means HMP Northumberland using agency OSGs for the build.

Update from Branches

HMP Northumberland – BWVC policy being challenged, legal advice being sought, issues with doors left open.

Pay talks start tomorrow, we have asked for 13%.

Gatwick IRC – Study at Brook, issue around rostering at Tinsley. Capped at 78 due to Harmondsworth. STHF shift pattern being followed, issues with how leave fits into the shift pattern. Pay talks start in January.

HMP Five Wells – Improvement notice, early pay rise, aim to be at capacity by July.

Losing 40% from ITCs mainly through vetting, then shadowing.

Looking at interview process in relation to quality opposed to quantity.

Committee of 7 is now set up, wide range of people, different grades and ages.

HMP Dovegate – Recruitment and retention, underpay, over reliance on overtime, is an issue. £50 an hour to give up your weekend off.

Key Work and profiling. Serco not putting key work on profile, being asked to do key work as part of wing duties. Serco were paid additional monies.

Prisoners are being awarded points that are stored on a card, those points increase prisoner benefits such as extra clothes parcels, extra spends.

No pushback from the recognized union.

HMYOI Oakhill – Recruitment and retention, people being pressurized to do OT on shadowing week. Recruitment process interviews not being done by operational grades, knock on effect people being recruited who are not suitable.

Girls' unit has just opened, we need a trans gender policy. Pay talks are starting. There is a bonus scheme for weekends and bank holidays, £700 bonus and £40 an hour.

New staff teaching new staff.

HMP Oakwood – Same issues as others, 2 large ITCs, but people are just leaving, our OT rate is £18 an hour, no bonus payments, pay talks starting January. Ex Prisoner walked off site when he was due to go live. Locking down due to staff shortages.

Mitie Care & Custody – Update on Manston, staffing issues across the contract, more acute in airports. Pay talks start 1st April with a view to implementing arise on 1st May. Membership has grown to 494.

Membership Data

Membership data was discussed.

Any Other Business

BOT 30th January – Applications close 16th December.

If your establishment are only carrying over 9 days, there will be an HMPPS instruction this year that 12 days can be carried over.

MP - Action Share the HMPPS notice around extra carry over of leave.

Fix, Flex & Free from HMPPS was discussed and the ER section could be shared with Private Sector Branches.

MP - Action Share the HMPPS Fix, Flex & Free, ER section with Private Sector Branches.

A discussion took place around the LRD subscriptions.

Date of Next Meeting

To be arranged

LEGAL

Legal Annual Report 2022

The Full Report of legal services from Thompsons will be issued at Annual Conference 2023. The Accounts will show the costs associated with POA Legal Services.

The Legal Aid Committee met on a monthly basis to discuss applications and appeals, with the NEC making final determinations on members' appeals in accordance with the Rules and Constitution.

The Legal Aid Committee have continued to progress matters on behalf of POA members. The basis on which the POA Legal Aid Scheme is run is set out in the POA's Rules and Constitution.

The Legal Aid Committee has provided Legal Representation to members in relation to Legal Advice and Assistance, Police and NHS Fraud Investigations, Self-Inflicted Deaths, Criminal Injury Compensation Authority, Personal Injury and Stress Claims and Employment Law Claims.

The Guidelines as set out in the Rules and Constitution state (amongst other things) that legal assistance will not generally be continued where the prospects of succeeding in the claim do not warrant support or where the cost of pursuing the claim is disproportionate to the benefit to be gained from the action. We are aware that there is often criticism of Thompsons Solicitors when they advise that a Legal Case should not be pursued. However, they are merely acting upon the criteria which you, the membership, has stipulated.

Since Conference 2022, Thompsons have recovered over £3,000,000 in compensation for our members. This is on top of other work that they do for our members in Criminal Cases and in Coroners Courts. The damages recovered are 100% of what was awarded and there is no reduction for Thompsons or the POA fees. Unlike other companies, Thompsons are 100% committed to claimant-only work and they will only represent the injured or mistreated person and never the people, organisations, or insurance companies liable to pay out this compensation.

As well as the damages recovered, these cases should assist Branch Officials and Health and Safety Representatives in the workplace and prevent similar incidents in the future. Cases such as those above also show the value of the Union's Legal Service and our partnership with Thompsons.

Thompsons Solicitors have also provided Legal Advice on the following issues (as well as others) since the last Conference: Pilots in Prisons, Collective Bargaining Agreement at Gatwick IRC, Pay Recommendation 3, Revised Rules and Constitution, Batons and the Offensive Weapons Act, Boon Letter, Free Flexed and Fixed Guidance, HMPPS Disciplinary Policy, Bill of Rights, JR; The Conduct of Employment Agencies and Employment Business (Amendment) Regulations 2022, PIN 40, POA Employment Handbook, Shielders, Ballots and TULRCA 1992, FOI with reference to HMP Berwyn, Care and Management of Individuals who are Transgender Policy.

I think it is clear to see that the POA is a Union who supports its members with adequate Legal Support and specialist knowledge. Over the past year there have been many legal challenges and the POA still managed to operate within the cap of £1.2million, which has not increased since 2008, in partnership with Thompsons, demonstrating real value for money for the POA membership.

I would like to thank Nadine for all her help as the support member of staff responsible for Legal issues.

Mick Pimblett
Assistant General Secretary
POA

CONDUCT COMMITTEE

Conduct Committee Annual Report 2022

Since the last Annual Report, the Conduct Committee had six cases referred to them.

1 case went to a Disciplinary Hearing and 1 member was expelled from POA membership.

1 case was successfully resolved at local level.

2 cases were found to have no case to answer after investigation.

2 cases are still ongoing.

In line with POA policy, the Conduct Committee work in accordance with the changes made at POA Annual Conference 2022 to the rules pertaining to their responsibilities.

I thank all members of the Conduct Committee for their work on these cases.

I would also give my thanks to Angela Sinclair for her hard work in providing exemplary secretarial support to the Conduct Committee and myself.

DUNCAN KEYS

Chair, Conduct Committee

SCOTLAND

Scotland Annual Report 2022

2022 saw the POA in Scotland engaged with a number of issues of direct interest to our members across the public and private sector prisons and the secure facility of the State Hospital. Here are some of the elements of the prisons and trade union business for the whole of this period.

PAY & PAY POLICY

Circ 10/22 - 31 May - SPS Pay Offer

Circ 12/22 - 24 June - Pay Ballot

Circ 14/22 - 14 July - Pay Ballot Carstairs

Circ 15 & 16/22 - 8 & 29 July - SPS Pay Ballot results and Next Steps

Circ 19 & 20/22 - 1 Sep – SPS Pay Offer Update and ballot and Preparations for Statutory Ballot

Circ 21/22 – 8 Sep – SPS Pay Offer

Circ 22/22 – 23 Sept – Statutory Ballot for Carstairs

Circ 23/22 – 23 Sep – SPS Pay Ballot Result

Circ 25/22 – 20 October – Ballot Result Carstairs

Circ 26/22 – 24 Oct – NHS New Pay Offer Carstairs

Circ 27/22 – 7 Nov – SPS Pay Offer

Circ 30/22 - 21 Nov – Carstairs Ballot Result

Circ 31/22 – 24 Nov – SPS Pay Ballot Result

Circ 32/22 - 28 Nov – Carstairs Pay Offer

Circ 35/22 – 19 Dec – Carstairs Ballot Results (Annex A)

As can be seen from the list above of circulars and communications on pay in both the SPS and in the State Hospital in Carstairs, the pay process last year took an enormous amount of time and negotiations to get to the point of having both pay awards finally settled.

The SPS pay offer (due in April 2022) was first made on 31st May 2022, the offer being in the form of a flat cash rise across all bands. The sums varied between £750, £700 and £500 increase to majority of staff. There was also a small non-consolidated payment for those at the top of their pay band. This offer was overwhelmingly rejected by the membership.

Following a further round of negotiations and a further offer that was rejected, the SPP issued a final offer to SPS staff in November 2022 which was accepted through ballot and paid in December 2022 (backdated to April 2022).

The offer was 5.9% consolidated for the majority of our membership (5.7% for our FLMS and F bands) with a further non-consolidated element that took the offer value range to 6.6% for our highest paid and 7.4% for the C band officer grades.

We had a similarly protracted process for pay in settling the outcome for our members in the State Hospital, Carstairs, who were also subject to three separate offers and three ballots. We also conducted a Statutory ballot in the State Hospital following the rejection of the second offer, alongside all trade union colleagues in the NHS.

A final offer was tabled and accepted by the membership in December 2022 which saw a range uplift between £2205 and £2751. This equated to between 11.3% for the lower-paid staff and 3.34% for the higher-paid staff.

It should be noted that there were enormous administrative pressures in conducting six separate pay ballots, and one Statutory ballot all within this timeframe. There was also an enormous amount of work to bring the database up to date in anticipation of a Statutory ballot for industrial action in the SPS as well as the State Hospital. Thanks to those branch officials for their efforts at local level, but particular thanks to Kathryn who had the sole responsibility of coordinating all the data and updating the system with literally thousands of pieces of data to ensure we were legally compliant to conduct the ballots.

SNC ELECTIONS

In this period we had an SNC election for the post of Vice Chair, which was won by Jim McCabe (who was the interim

Vice Chair at the time of the election).

PRIVATE SECTOR

Preparations are well under way for HMP Kilmarnock returning to the public sector in March 2024 and becoming an SPS site. The POA are engaged with the Employer for full recognition rights for the staff within the prison, as well as being actively involved in the transition issues for the prison to the SPS.

C & R REVIEW STEERING GROUP

Roll-out of the new C & R II training for YOIs and pilot for women's estate.

POA SCOTLAND NEW OFFICE

Following the completion of the sale of Calder Road offices, we moved into the new office during the summer of 2022. Bowden House is situated in Alloa, Clackmannanshire. It is in the heart of Scotland and according to GoogleMaps makes the journey time to the vast majority of the branches in Scotland accessible in between 20 mins and 1 hour journey time. Those further afield are no further away than they were from our Edinburgh office, and it has the advantage of not trying to negotiate the traffic as a commute in and out of Edinburgh or Glasgow.

The facility has all the office space and facilities we will ever require and we see it as the long-term solution for facilities in Scotland.



MEETING WITH THE CABINET SECRETARY FOR JUSTICE

Office-bearers of the SNC met with Keith Brown Cabinet Secretary for Justice & Veterans Minister on 13th October 2022. Phil Fairlie Assistant General Secretary, John Cairney Chair SNC, Jim McCabe Vice-Chair SNC, and William Reid Treasurer SNC were all in attendance.

The meeting consisted of matters of mutual interest in prisons such as violence, staff/prisoner safety, drug use, organised crime gang activities, and for us as a trade union, proper recognition through the pay system for frontline operational staff. We also discussed the position of pension age for prison officers. There was some discussion around the potential impact and consequences of strike action in our prisons, given the recent pay situation at that time.

The meeting was productive, with assurances and commitments given on a variety of issues important to us, and a commitment to meet on a regular basis to monitor progress on these issues.

APPOINTMENT OF NEW CHIEF EXEC FOR THE SPS

Following a protracted period of a temporary appointment to the position of Chief Executive to the SPS, Teresa Medhurst was substantively appointed to the role in March 2022. The POA position has been to seek someone with an operational background who properly understands the service and culture, and given Teresa's long history within the SPS we formally welcomed the appointment.

STUC UNION LEARNING

Karen Ewen SNC member took over the responsibility for the STUC Union Learning project and has submitted a bid for future funding to the fund. We await the outcome of the bid and look forward to continuing to offer learning opportunities for the membership in the coming year through this fund.

SPS WOMEN'S FACILITY

Following on from Dame Elish Angiolini's review of women in custody in Scotland, the SPS has developed two new female units, which are now open. The first to open was the Bella unit in Dundee, while the other, the Liliac Centre, is in Glasgow. The current female prison, HMP Cornton Vale, is currently undergoing a new build on the existing site and will reopen in late 2023/early 2024 as HMP Stirling.

The SNC have been fully involved in all of these projects and will continue to be through to and beyond the opening of the new facility.

POA SCOTLAND MEMBERSHIP RECRUITMENT

SPS, like many employers during COVID, have had a period of relatively static employee numbers. Many staff chose not to take retirement or new jobs out with the service, whilst the uncertainties of COVID impacted on us all. The SPS have now had a record number of people exiting the service and have been running a continuous recruitment campaign to attract new staff. Throughout the period preceding and up to COVID the SPS were managing to maintain compliment numbers to within 1% of the target figure. At present we are sitting around a 4% deficit of compliment which is having an impact on service delivery and staffing issues. The recruitment and retention of staff has proved as difficult for the SPS as it has for many employers, but the college has been working at full capacity, with significant recruitment going on throughout the year. Despite the compliment issues in the service, the level of recruitment has helped us grow the membership numbers in Scotland. We have a standing slot at the SPSC for all recruitment classes, which has proved very useful for recruiting new members as soon as they join the service.

January 2022 – 3324

January 2023 – 3516

Current March 2023 – 3540

SCOTTISH ANNUAL CONFERENCE

After the suspension of Annual Conferences during the period of COVID we had our first Scottish Conference for the first time in three years. The conference was held at the Peebles Hydro Hotel on 26th & 27th October 2023. It was a conference which included a large number of new delegates attending for their first time, and it was the first conference for the Chair of the SNC, John Cairney – all of whom had a very successful and positive conference experience. We had an address to the conference from the new Chief Executive Teresa Medhurst, and the new Cabinet Secretary for Justice Keith Brown. We were also addressed by the National Chair Mark Fairhurst and Joe Simpson, Deputy General Secretary.

It is a tradition of Scottish Conference to organise fundraising for a chosen charity each year and we managed to raise a very impressive £5K for Cancer Support Scotland, who support the wellbeing of people affected by cancer throughout Scotland.

CAPABILITY – APPLICATION – OUTCOMES

Following scrutiny of the sharp increase in the numbers and costs of cases leaving the SPS through capability, there has been a distinct change in approach of the management of these cases by the employer in an attempt to reduce the costs associated. Following this change of approach, we have set up a database of all cases we are aware of and are updating as more cases become known to us. Circ 34/22 – 8 Dec 2022 was issued to branch officials asking them to share this information with us from local information to allow us to build a database in an effort to ensure staff are being treated fairly and equally if they are involved in the process. This is an ongoing piece of work that will continue for the foreseeable future.

Daniel Ashe from the Chief Executive's Office is currently drafting a report on the matter after consultation throughout the SPS estate, titled 'Efficiency Compensation Report'. It is anticipated that this report alongside our own information will help us to work in partnership on this issue.

CURRENT SNC MEMBERSHIP

John Cairney – SNC Chair
Jim McCabe – SNC Vice Chair
William Reid – SNC Treasurer
Karen Ewan – SNC Member
William Carle – SNC Member
John Devine – SNC Member
Mark Meikle – SNC Member
Phil Fairlie – SNC Assistant General Secretary for Scotland

Regards



PHIL FAIRLIE

Assistant General Secretary

(Annex A – Pay Circulars of 2022)

CIRC/10/22 31st May 2022

Dear Colleagues

SPS PAY OFFER 2022/23

We have received a formal pay offer from the SPS for 2022/23 and we are aware that the offer has now been published on the SPS SharePoint site.

While we recognise that the SPS have made an offer based on the Scottish government public sector pay policy, we are nonetheless extremely disappointed with the terms of the offer given the current cost of living crisis being experienced right across the UK.

With inflation alone sitting in and around 10% today the offer does not in any way reflect the costs being felt by the membership and does nothing to help alleviate those daily pressures, which are not going to ease any time soon.

It will be for the trade unions within the TUS to now meet and discuss the response and next steps for us all in managing this offer, but there are two things that will happen from a POA perspective.

The SNC will be conducting a workplace ballot of the members to ascertain your position on the offer, and it will be a straightforward yes or no question on the ballot paper.

Before we conduct the ballot, members of the SNC will be attending your branches to talk with the membership and look to answer any questions or provide clarity on any issues you may wish to seek guidance on, before casting your vote in the ballot. It is important that we provide sufficient time for as many members as possible to seek those answers or guidance, and we intend to ensure we allow enough time before opening the ballot.

Once we meet as an SNC, and as a TUS, we will write again with further details and timeframes for those next steps to take place.

Yours sincerely
On behalf of the Scottish National Committee



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC/12/22 25th June 2022

TO: ALL MEMBERS

Dear Member

RE: SPS REVISED PAY OFFER 2022-2023 - WORKPLACE BALLOT

The SPS have today issued a revised offer to the staff groups, which we assume you have been made aware of, or had access to.

The offer is available on the SPS Sharepoint site. It has been presented to the trade unions and confirmed to us that this is a full and final offer, and the SPS have placed on the table all that is available to them in this pay deal.

To that end we now intend to conduct a workplace ballot of the membership on the revised offer.

BALLOT TIMETABLE

The ballot will commence on **Friday the 9th of September 2022**

The ballot will close at **Midday on Friday the 23rd of September 2022**

Ballot papers will be delivered to branches today and tomorrow.

Members will be provided with their ballot papers from their local branch committee. Please speak to your local reps for information on how to access your ballot paper, and for the location of the branch ballot box where you can cast your vote.

COUNTING PROCEDURES

On the close of the ballot at **Midday on the 23rd September**, local branches are required to have the ballot box opened and votes counted, by 2 people independent of the POA.

They will be required to confirm the numbers and sign the declaration form. Local branch secretaries or Chairs are then required to provide those forms electronically to Adminscot@poauk.org.uk **before 5pm that day**.

We will make known the outcome as soon as is practicable, as well as informing the employer and sister trade unions of the outcome.

NEXT STEPS

If following the ballot, the offer has been accepted, we will engage with SPS to seek clarity on the payment being made to staff without any further delay, and at the earliest next pay round opportunity.

If the offer is rejected, given the confirmation that there are no further monies available to improve the offer, we cannot see any purpose for any further negotiations with the employer on this matter. We will initiate the next steps to conduct a statutory ballot for industrial action.

We will of course continue to inform you as matters progress one way or another.

Regards
On behalf of the SNC



PHIL FAIRLIE
Assistant General Secretary

CIRC/14/22 14th July 2022

TO: ALL CARSTAIRS MEMBERS

Dear Member

RE AGENDA FOR CHANGE 2022/2023 SINGLE YEAR PAY OFFER

We are about to open the ballot for the NHS AFC pay offer for 2022/2023. The pay offer has been circulated previously and I am sure you are all aware of the detail and content of the offer by now. However, it is attached to this circular for ease of reference.

We are not making a formal recommendation to you on the offer, you will make that decision for yourself based on having all the information to allow you to reach an informed position personal to you.

What we can say is that as a trade union we are deeply disappointed with the offer and do not feel it in any way adequately reflects either the current cost of living crisis we are all experiencing at present; or the enormous dedicated, professional contribution you have all made in yet another year of unprecedented challenges in the State hospital during the COVID crisis.

These views and levels of disappointment are echoed across the NHS trade unions and have been communicated very clearly to those responsible for tabling the current offer.

The ballot itself will be a workplace ballot and will be open from Monday 18th July until Wednesday 3rd August 2022. You will be able to pick up your ballot slip from your local branch committee. Please speak with them for information about the location of the ballot box to allow you to cast your vote.

Whatever decision you take over the offer, please ensure to use your vote. It is important as a trade union we have as large a response as possible so that we are comfortable that the outcome is a true reflection of our memberships view on this matter.

There is a meeting scheduled with all the constituent trade unions through STAC on the 11th of August, where each union will make known their respective response to the offer. A joint response will be communicated through STAC to the relevant parties.

Yours sincerely
On Behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

CIRC/15/22 18th July 2022

TO: ALL MEMBERS

Dear Colleagues

RE: WORKPLACE PAY BALLOT – OUTCOME

You will be aware that we have been conducting a workplace ballot on the pay offer from the SPS. The ballot concluded today, and it has been an overwhelming rejection of the offer.

We had an 83.3% response rate to the ballot, and a 98.47% rejection of the offer.

As indicated in the circular issued on 25th June, the constituent trade unions from the TUS will now meet tomorrow afternoon to collate a collective response to the pay offer and communicate this to the employer.

We already have a date in the diary for next week with the TUS and employer where we await their response to the ballot outcome. We will continue to keep you informed following any developments from those meetings.

What is without doubt a very clear and comprehensive expression of the membership's view of the offer, we want to thank all of you for engaging in the process in such large numbers and giving reassurance that the outcome properly and accurately reflects the views of this trade union.

Regards
On behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

CIRC/16/22 29th July 2022

TO: ALL MEMBERS

Dear Colleagues

RE: SPS PAY OFFER – NEXT STEPS

You will have seen the notice earlier in the week from SPS regarding the current position on pay.

The TUS national officers had met and agreed to look to postpone the scheduled meeting between us and the SPS on the basis that there was some dialogue continuing between parties around next steps.

We have taken the decision to provide time for SPS, Scottish government, and ourselves to establish whether there is any potential at all to revisit the offer that was tabled. As pay negotiators, it is incumbent on us to explore every avenue to establish if there is room for improvement on the current offer and it would be remiss of us not to take the opportunity to do so.

We have also set up a meeting with our legal providers Thompsons solicitors to make sure we have the correct information to hand, and to ensure we have the correct procedures in place to conduct a Statutory ballot for industrial action should that be the next steps required for us as a trade union.

We will again, keep you informed of developments as and when they happen.

Regards
On behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

EF: CIRC 19/22 1st September 2022

TO: ALL MEMBERS

Dear Member

RE LATEST PAY SITUATION

The TUS trade unions met with SPS management on Tuesday of this week to discuss pay.

The SPS tabled a new, increased offer to the trade unions at this meeting and the offer was discussed by all parties present.

The discussion has led to several questions being raised, and further detail requested by the trade unions. The SPS management have endeavoured to provide that information and to that end we have a further meeting scheduled for Monday 5th September.

We will keep you informed of any developments and next steps next week.

Regards
On behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC/21/22 25th June 2022

TO: ALL MEMBERS

Dear Member

RE: SPS REVISED PAY OFFER 2022-2023 - WORKPLACE BALLOT

The SPS have today issued a revised offer to the staff groups, which we assume you have been made aware of, or had access to.

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If the offer is rejected, given the confirmation that there are no further monies available to improve the offer, we cannot see any purpose for any further negotiations with the employer on this matter. We will initiate the next steps to conduct a statutory ballot for industrial action.

We will of course continue to inform you as matters progress one way or another.

Regards
On behalf of the SNC



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC/22/22 23rd September 2022

TO: ALL CARSTAIRS MEMBERS

Dear Member

RE: STATUTORY BALLOT FOR STRIKE ACTION OVER PAY 2022/23

The POA are about to conduct a statutory postal ballot for strike action over the pay offer for 2022/23 pay. The ballot will open on **Monday 3rd of October 2022** and will close on **Wednesday 19th October 2022 at midday.**

This step was an inevitable consequence following the overwhelming response and rejection of the latest pay offer From the NHS which we conveyed to you last month.

We had a **96%** response rate to the ballot, with a **92%** rejection of the offer. You further indicated in that ballot that **90%** of the membership would be willing to take industrial action over pay, if the offer was not significantly improved.

In short, there has been no further offer since that time and the POA, along with our other sister trade unions within the NHS have been left with no option but to conduct statutory ballots for industrial action at this time.

POSTAL BALLOT

Unlike the pay ballot, this one is a postal ballot. You will all receive (or already have received) a ballot paper sent to you by **Civica Ballot Services**, who are conducting the ballot on our behalf.

You will see that there is a single question on the ballot paper, and a reply-paid envelope for you to return your vote for counting.

While again, there is no formal recommendation on how to vote in this ballot, it is absolutely imperative that you take the opportunity to cast your vote and return it within the timeframe set out on the ballot paper. As a trade union we need a very clear outcome one way or another on this issue, given the importance of matters affected by it. It is an opportunity to have your voice clearly heard on this issue whichever way you vote. Please do not miss out on that opportunity.

Anyone who does not receive a ballot paper by the start of the ballot and believes their membership is up to date and should have received one, please contact your local branch officials in the first instance.

Please do not contact us to have your address checked unless you believe it to be wrong for the issuing of a ballot paper.

We will communicate the outcome of the ballot as soon as we are informed, and of course, next steps should they be required.

Yours sincerely
On Behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC/23/22 23rd September 2022

TO: ALL MEMBERS

Dear Member

RE RESULT OF WORKPLACE BALLOT ON 2022/23 PAY OFFER

The results from branches across Scotland for the 2022/23 pay offer has been overwhelmingly rejected by the members of the POA.

The votes were as follows:

VOTES CAST:	2564	PERCENTAGE RETURN:	83.3%
VOTES FOR:	746	PERCENTAGE FOR:	29.1%
VOTES AGAINST:	1818	PERCENTAGE AGAINST:	70.9%

It is quite clear from the vote that the membership do not see the offer as in any way being sufficient to address the current cost of living crisis being faced by all. We want to thank the membership for the size of the response to the ballot, and the very clear outcome.

The SNC will meet again next week to discuss next steps, which, given the clear mandate presented here in the ballot, will include discussion around moving to an industrial ballot for strike action.

Yours sincerely
On Behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC/25/22 20th October 2022

TO: ALL CARSTAIRS MEMBERS

Dear Member

RE: RESULTS OF INDUSTRIAL ACTION BALLOT - THE STATE HOSPITAL CARSTAIRS

In accordance with sections 231 and 231A of the Trade Union and Labour Relations (Consolidation) Act 1992, I write to advise you of the result of the ballot.

- i. The number of individuals entitled to vote in the ballot; **[345]**
- ii. The numbers of votes cast in the ballot; **[157]**
- iii. The number of individuals answering 'yes' to the question 'are you prepared to take part in industrial action consisting of strike action?'; **[157]**
- iv. The number of individuals answering 'no' to the question 'are you prepared to take part in industrial action consisting of strike action?'; **[0]**
- v. The number of spoiled or otherwise invalid voting papers returned; **[0]**
- vi. The number of votes cast in the ballot is **45.51%** of the number of individuals who were entitled to vote in the ballot.

Although we have 100% of those members who voted in the ballot in favour of strike action, we do not have a sufficient return of ballot papers to meet the threshold required to achieve the mandate for calling industrial action. (The required threshold is 50% of those eligible to vote).

I am required under the legislation to make you the members, and the employer, aware of the outcome as soon as practicable, and I will be communicating this outcome to the Chief Executive today.

Yours sincerely
On Behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC/26/22 24th October 2022

TO: ALL CARSTAIRS MEMBERS

Dear Member

RE: NHS SCOTLAND PAY OFFER

Attached to this notice is the updated pay offer from Scottish government. You will see from the notice that the offer has been restructured from a fixed % across all pay grades, to a flat cash figure to everyone, irrespective of grade.

Clearly this leads to a wide variation of the % value for each individual, with the biggest % rise being offered to the lowest grades, and the smallest rise to those on the higher grades.

All trade unions impacted by this offer are now conducting their own consultation of their respective memberships. It is our intention to conduct a workplace ballot in the same way that we did for the previous offer.

Your local POA committee will issue you with a ballot paper and inform you of the location of the ballot box on site where you can cast your vote. The ballot will open on Monday 7th November and will close at 12pm on Thursday the 17th of November.

The result of the ballot will be made known to you by way of circular as soon as the count is completed and notified to POA headquarters.

After consultation with your local branch committee, we are recommending that the POA members at Carstairs reject

this offer. Whatever your views are on the offer, please ensure to use your vote.

Yours sincerely
On Behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC 27/22 7th November 2022

TO: ALL MEMBERS

Dear Member

RE: REVISED PAY OFFER FOR SPS 2022/2023

We have been engaged in further pay talks with the SPS in the last few days and we have had a *further, improved, and final offer presented to the TUS*.

It is our intention now to put the offer to a workplace ballot which will open on **Thursday 10th November 2022**. The ballot will run for 14 days and closes at **12pm on Thursday 24th November 2022**.

Following the lengthy period of time it has taken to get here, the SNC feel it is now right that we outline our thinking on this offer based on what we know, and what we are aware of through these discussions. None of what we outline here changes the fact that the decision on this pay offer sits with you the membership, and it is for you alone to decide whether to accept the offer or not.

The offer falls short of what we have asked for throughout the pay negotiation process. We are not alone in that regard, it is the same for the trade unions right across the public sector; with the current financial crisis being cited by the trade unions as to why a substantial rise is necessary, and equally cited by employers and government, as to why the funds simply are not there to match the pay claims.

There are elements of the offer we welcome;

- It is a no strings offer, that does not require us to self-fund through some other terms or conditions loss or trade off, nor does it involve a change to our working day.
- The offer removes the lowest pay points at band C,D,E and F, all of which we have recognition rights for. This step helps with recruitment and retention and helps to build in more meaningful progression for members as they move through the pay bands.
- The offer continues to reflect the commitment to addressing the Operational 'pay structure' issue outstanding from the previous 3-year deal. (This matter was further addressed in a meeting between SNC office bearers and the Cabinet Secretary for Justice, where the continued commitment was confirmed).
- The 2019-22 pay deal was the best pay rise across the public service in the last 3 years and got us to a better starting point entering this year's pay talks. At the time of writing, we believe that this current offer is the best 'no strings' offer out there in the public service, with the exception of the NHS.

The options open to us at this stage are that we vote to accept this offer and we push to have it paid as soon as possible, or we reject the offer through ballot and continue with a Statutory ballot to seek a mandate for a programme of industrial action.

From the extensive discussions with the SPS and government officials, as well as what we know from information in the public domain, the view of the SNC is that we believe the offer on the table now is the best we are able to achieve in the current financial climate.

While industrial action remains an option, and one we will fully support should it be the decision of the membership, we have a responsibility to be honest and open with you before asking you to make that decision. We are not in a position to offer any reassurance or guarantee that taking that route will allow us to improve the offer on the table as things stand, and it is on that basis that we would now encourage members to consider accepting this offer.

There are a series of branch visits being arranged by members of the SNC for this week and in to next week. Although the ballot opens this Thursday, anyone who wishes to wait to hear from their SNC rep before voting will have the option to do that.

Given how long it has taken to get to this point in this year's negotiations, we are mindful that we will be entering into pay talks again very soon in the future for next year's pay. All of the issues that have been tabled by the trade unions and remain undelivered, will continue to be a feature of those discussions.

Regards
On behalf of the Scottish National Committee



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC/30/22 21st November 2022

TO: ALL CARSTAIRS MEMBERS

Dear Member

RE: NHS REVISED PAY OFFER BALLOT RESULT - THE STATE HOSPITAL CARSTAIRS

The workplace ballot on the revised pay offer closed on Friday 12pm, and the result of the ballot is as follows:

Numbers of members who voted	= 277
Votes to accept pay offer	= 28
Votes to reject pay offer	= 248
Spoiled papers	= 1

That response is an overwhelming rejection of the offer which equates to 89.5% voting against. There has been an 80.2% turnout in the ballot.

We want to thank everyone who took part in the ballot process and given a very clear steer as to your thoughts on the offer. You will recall that we conducted a statutory ballot for industrial action previously, based on an overwhelming rejection of the pay offer as it was then. Although we had a 100% support for industrial action of those who voted, we did not achieve the 50% return required to get above the legal threshold for industrial action at that time.

Given the outcome of this ballot and the impasse it leaves us all with, national officers are in discussions at present with a view to considering running another statutory ballot in TSH. We would need to ensure that we have sufficient support and response to a further ballot that as a minimum, gives us a clear mandate and a legally competent response level to allow us to use the mandate should that be the wish of the membership.

There are meetings taking place through STAC where the NHS trade unions are collectively discussing their ballot outcomes and strategies for going forward from here.

We will keep you informed on any developments on those discussions, and any decision around a further industrial ballot once we have concluded those discussions.

Yours sincerely
On Behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC/31/22 24th November 2022

TO: ALL MEMBERS

Dear Member

RE RESULT OF WORKPLACE BALLOT ON 2022/23 PAY OFFER

The results from branches across Scotland for the 2022/23 pay offer has been accepted by the members of the POA.

The votes were as follows:

VOTES CAST:	2723	PERCENTAGE RETURN:	87%
VOTES FOR:	1616	PERCENTAGE FOR:	59.34%
VOTES AGAINST:	1107	PERCENTAGE AGAINST:	40.66%

We will now inform the Scottish Prison Service management of the result. The priority for us now is to ensure that the pay offer is included in the December salaries.

Thank you to all who took part in the democratic process.

Yours sincerely
On Behalf of POA Scotland



PHIL FAIRLIE
Assistant General Secretary

REF: CIRC 32/22 25th November 2022

TO: ALL CARSTAIRS MEMBERS

Dear Member

RE: REVISED PAY OFFER FOR NHS/AFC 2022/2023

You will be aware that further pay talks have taken place this week, and that a further, final offer has now been tabled. It is our intention now to put the offer to a workplace ballot, which will commence in the near future.

Following the lengthy period of time it has taken to get here, the local branch committee and I feel it is now right that we outline our thinking on this offer based on what we know, and what we are aware of through these discussions. None of what we outline here changes the fact that the decision on this pay offer sits with you the membership, and it is for you alone to decide whether to accept the offer or not.

The offer falls short of what we have asked for throughout the pay negotiation process. We are not alone in that regard, it is the same for the trade unions right across the public sector; with the current financial crisis being cited by the trade unions as to why a substantial rise is necessary, and equally cited by employers and government, as to why the funds simply are not there to match the pay claims.

The offer represents a 'value' of **7.5%** although clearly, what it means to you personally is determined by where you are on the pay scales range. It has an underpin of a minimum payment of **£2205** and the % value of that varies widely. For a **band 3** on first pay point it is **10.16%** and for a **band 8A** a **5%** rise equates to **£2,751** on point 2 of the pay band.

The offer is a 1-year deal and takes us to **March 2023**. If accepted, the payments are backdated to **April 2022**.

The offer includes several non-pay related commitments, including a review of Band 5 job profiles, as well as a working group being established to explore a shorter working week (36 hrs) without loss of pay.

There is a further commitment to establish a working group to consider 'protected learning time' for professional groups on AFC terms, with a focus on assisting recruitment and retention issues.

The options open to us at this stage are that we vote to accept this offer and we push to have it paid as soon as possible, or we reject the offer through ballot and continue with a Statutory ballot to seek a mandate for a programme of industrial action.

From the extensive discussions with the trade unions and government officials, as well as what we know from information in the public domain, the view of the committee and I is that we believe the offer on the table now is the best we are able to achieve in the current financial climate.

While industrial action remains an option, and one we will fully support should it be the decision of the membership, we have a responsibility to be honest and open with you before asking you to make that decision. We are not in a position to offer any reassurance or guarantee that taking that route will allow us to improve the offer on the table as things stand, and it is on that basis that we would now encourage members to consider accepting this offer.

While we recognise the offer still falls short of our aspirations for the members in these talks, there was a clear view of those negotiators involved in the talks, that a rejection is not likely to result in us being invited back to the table for further talks. We would move then to a ballot again for industrial action and seek a mandate to take that action.

Given how long it has taken to get to this point in this year's negotiations, we are mindful that we will be entering into pay talks again very soon in the future for next year's pay. All of the issues that have been tabled by the trade unions and remain undelivered, will continue to be a feature of those future discussions.

Regards



PHIL FAIRLIE
Assistant General Secretary

Ref: CIRC/35/22 19th December 2022

TO: ALL CARSTAIRS MEMBERS

Dear Member

RE: THE STATE HOSPITAL POA BALLOT RESULT ON REVISED PAY OFFER 2022/23

The workplace ballot on the revised pay offer result is as follows:

Numbers of members who voted	= 261
Votes to accept pay offer	= 138
Votes to reject pay offer	= 122
Spoiled papers	= 1

That response is an acceptance of the offer which equates to 52.87% of those voting, in favour of the offer. There has been a 75.65% turnout in the ballot.

We want to thank everyone who took part in the ballot process.

We are now required to inform our trade union colleagues in STAC, and the employer at the State Hospital of the ballot outcome.

You will be aware that other trade unions impacted by this offer have declared their ballot outcomes last week, and that others are to announce theirs this week.

Once all ballot outcomes are known, we will meet again through STAC and formally respond to the Scottish government with those outcomes. Given there has not been a unanimous response through trade union consultation processes we are unable to say for certain what the next steps are going to be, but we will keep you informed on any developments as soon as we have them.

Kind Regards

A handwritten signature in black ink, appearing to read 'P. Fairlie', with a long horizontal flourish extending to the right.

PHIL FAIRLIE

Assistant General Secretary

NORTHERN IRELAND

Northern Ireland Annual Report 1/1/22 – 31/12/22

As I continue with my second term of office as Northern Ireland Area Chairman, I will endeavour to move along with the Vice Area Chairman and the Northern Ireland Area Committee, who are committed to fight for better terms, conditions and pay for all our members. At the time of writing this letter we are still awaiting the long-awaited publication of the Prison Service Pay Review Body report, which hopefully will be supplied to the Area Committee soon.

This year has seen avenues opened with the Senior Management Team, which we have never had access to before. Working groups on Prisoner Escort and Court Custody Service and on the Professional Code of Conduct have been established, and work continues on these.

With the absence of our Area Secretary this year, I have been fortunate to have the support of my Vice Area Chairman Maurice Ferguson and all the Area Committee, who have helped me throughout the year.

It is a privilege for me to serve you all as your Area Chairman and I acknowledge the fantastic work that you all achieve through your dedication in these trying and testing times.

The threat to Northern Ireland prison staff, not only on the landings but in their day-to-day life, remains SEVERE and I would encourage you to be vigilant and to stay safe.

With fraternal best wishes.

IVOR DUNNE
AREA CHAIRMAN POA (NI)

POA LEARNING

POA Learning Annual Report 1/1/22 – 31/12/22

Union Learning Fund Project Wales

In 2022, the POA's Wales Union Learning Fund project "Skills accelerator Wales" drew to a close. However, the Welsh Government have maintained their commitment to fund union-led learning that focuses on a range of outcomes. These outcomes include the development of essential skills, increasing the employability of the workforce, with a particular emphasis on removing barriers for traditional non-learners, as well as encouraging wider participation in learning and to support bespoke workplace learning opportunities.

POA have been able to secure further funding for three years until March 2025. The new WULF project "Learning and skills Wales" will seek to build on the foundations established during the last project. Its aim will be the development of new learning opportunities that correspond with the interests of members and the wider workforce. The project will also work to strengthen the links with POA branches, allowing them to take ownership of the learning agenda and to collaborate on developing specific learning outcomes.

The project conducted a learning survey of all staff in the prison and probation sector in Wales, seeking the views of individuals and allowing them to indicate their learning needs, interests and aspirations. The data provided has been utilised, with the project extending its learning offer to incorporate qualifications in project management fundamentals, gym instructors and education and training.

There is ongoing work to complete development of several other learning options. We have been working with FDA Learn to create new learning opportunities that target those members who will be engaging with the civil service success profiles process. We have developed new learning sessions that focus on approaching the application form and preparing for interview.

Feedback from the learning survey indicated a strong interest in coaching and mentoring and we have been working with several providers and are about to launch a series of mentoring sessions. There are also several other learning options that remain in development that include supporting the provision of learning Welsh, addressing skills fade with maths and English, plus minute-taking, CV-writing and an increasing number of CPD courses.

In addition, we have developed a structured British Sign Language pathway, from the initial stage of the taster session to support through foundation, level 1 and level 2 BSL qualifications.

The project will continue to strive towards engaging with as many members as possible, encouraging them to consider the benefits that learning can bring to them as individuals and to work towards providing new opportunities that meet their needs.

Nigel Williamson
POA WULF Project Manager

DECEASED MEMBERS 2022

NAME	BRANCH
WILLIAM GIBSON	GREENOCK
PETER GRIER	HULL
ALAN DICK	KIRKLEVINGTON
PAUL FOY	ASHWORTH
DEREK BRANNON	WYMOTT
PAUL HOLLAND	HEWELL CLOSED
PAUL BAILEY	WAKEFIELD
PHIL LOTCHO	EDINBURGH
DAVID BANKS	HINDLEY
STUART HILLHOUSE	BARLINNIE
GEOFFREY JACOBS	SWALESIDE
ROBERT DUNCAN	MAGILLIGAN
MICHAEL ENRIGHT	STOCKEN
SAM BAKER	HUMBER
JOHN CREIGHTON	WOODHILL
AMANDA PEARCE	ALBANY
DONALD HANNAH	DUMFRIES
MARK WINN	RANBY
MICHAEL TURNER	MANCHESTER
JASWANT SHOKER	LONG LARTIN
DAVID MACK	MOORLAND
JOHN SHANNON	HLM
JORDAN RUSSELL	EDINBURGH
PETER KERR	BELMARSH
PAUL CONNOLY	FOSTON HALL
ANTHONY FOSTER	GARTH
LAURA SOWDEN	SWINFEN HALL
ANDREW MORRIS	WAYLAND
DEBORAH HAYNE	LEEDS
DAVID RUSHWORTH	LANCASTER FARMS
KEVIN DOWNER	PARKHURT
NIGEL ALLCHURCH-BARWOOD	ICE
KAREN PAULEY	WOODHILL
JAMES SMYTH	HLM
JOSEPH PERRY	LIVERPOOL
DAVID SMITH	WORMWOOD SCRUBS

