

# Notice of Proposed Motions and Constitutional Amendments

## Motions and Constitutional Amendments

Notice of the following motions for the AGM has been received in accordance with the provisions of the constitution. They are followed by the names of the branches, national committees/networks or The Forum proposing them or the names of individual proposers and seconders. Motions have been broadly grouped under the committees/networks to which their subject matter relates and the order in which the committees/networks are taken is rotated on an alphabetical basis each year.

## Ballot – via Link to Online Ballot

Included in the circulation of motions to all members will be a link to the Online Ballot for the purpose of deciding the order in which motions will be discussed. All members, **including those unable to attend the AGM**, are urged to complete the ballot via the link that accompanies the motions' mail-out.

The order of business will be based on ensuring that the highest voted motion under each committee/network heading will be debated following the order as set out in this motions' mail out.

There are 4 committee/network headings under which **no** motions have been received:

- Negotiating Committee – CAFCCASS
- Family Court Committee
- Retired Members' Network
- Trade Union Organisation Network

Consequently, these headings are not included in the Notice of Motions or Ballot.

Members can vote for up to **7** motions.

Please note that the closing date for the Ballot is: **12noon on the 4th October 2023**. If you have any problems accessing the online ballot link in the mail-out, you will also be able to find all the documents including the ballot form in Word version on the website in the AGM section. You can return that to **motions@napo.org.uk**.

## Amendments to Motions and Constitutional Amendments

Amendments to motions can be proposed by the NEC, any of its committees and networks, a branch, the Forum, or two full or professional associate members. Notice of any proposed amendments must be given in writing and must reach the General Secretary by **12 noon WEDNESDAY 4TH OCTOBER 2023**. Email to [motions@napo.org.uk](mailto:motions@napo.org.uk).

Further advice on amendments and on the process of compositing can also be found on the website in the AGM section, called ST04/2023.

## Emergency Motions

Members are reminded that if they wish to submit an emergency motion they need to ensure that it meets all the necessary criteria.

The criteria for emergency motions is set out in Napo's General Meeting Standing Order 7, which states:

### “7. Emergency Motions

- (a) Emergency motions shall be debated only in exceptional circumstances and must be submitted in writing to the General Secretary or Chair of the Steering Committee acting on behalf of the General Secretary. They must relate to urgent issues:
  - i. which have arisen since the closing date for motions
  - ii. which cannot be dealt with in any other way, and
  - iii. which are of such gravity as to justify rearrangement of business.
- (b)
  - i. If the emergency nature of the motion is accepted by the Steering Committee and approved by the meeting the motion shall be placed on the agenda
  - ii. If the emergency nature of the motion is not accepted by the Steering Committee, the proposer of the motion shall have the right to challenge the Steering Committee's ruling by explaining in not more than two minutes the emergency nature of the motion. The ruling shall then be put to the meeting for decision without debate.
  - iii. It shall not be possible to amend emergency motions.”

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## Equal Rights Committee

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### 1. Combat Discrimination

This AGM calls on HMPPS to produce a comprehensive report on potential discrimination in the nine protective characteristics to include identifying measures such as, disciplinary processes, grievance procedures, reward and recognition, staff recruitment and retention. This AGM agrees that if this comprehensive report identifies discrimination in any of the measures outlined nationally or in local Probation areas then an action plan is put in place and dates for implementation agreed.

**Proposer: Thames Valley Branch**

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### 2. Failing to Support Neurodiverse staff

This AGM notes our Employer has a duty of care to put reasonable adjustments in place for all staff with disabilities as defined by the Equality Act 2010.

This AGM believes the Probation Service is failing as an organisation to support their staff with neurodiversity (ND). This can be seen by the length of time taken to assess staff and identify suitable reasonable adjustments.

We understand that those enrolled on PQiP who are neurodiverse have been badly affected as they are often paused to allow time for them to go through the necessary assessments and processes. In some cases this has resulted in the Service declining to implement some identified adjustments on 'business' grounds. This creates disability disadvantage because members are left to cope with their disability disadvantages alone without support.

This AGM calls on the Officers and Officials to do the following:

- provide guidance for members to help them navigate through the processes involved when reasonable adjustments are identified and refused;
- work with the employer to raise awareness and develop training around how to support ND staff and stop discrimination and disability disadvantage.

**Proposer: Richard Clark (Kent, Surrey, Sussex Branch)**

**Seconder: Charron Culnane (London Branch)**

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## Health And Safety Committee

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### 3. Duty of Care

This AGM notes HMPPS are (in areas) failing in their duty of care, as a result of staff shortages. This is leading to unmanageable caseloads and pressures being applied to members, who are already exhibiting work related stress / fatigue and in some cases mental health consequences. Cases are being allocated on a daily basis to members, who have informed their line managers they are not coping with their current caseloads.

This AGM believes that HMPPS are knowingly and wilfully breaching their duty of care to ensure the health, safety and welfare of their workforce, so far as is reasonably practicable, including members mental wellbeing, as laid out in the Health and Safety at Work Act 1974.

This AGM calls on Napo to negotiate the cessation of allocating additional cases to those who are in excess of the Workload Measurement Tool (WMT) guidance. If this not forthcoming, Napo will advise members to seek legal advice around litigation and compensation for members who are knowingly and wilfully being subjected to undue stress as the result of the employers' actions.

**Proposer: London Branch**

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### 4. Unpaid Work not fit for purpose

This AGM believes staff and clients should be safe at Unpaid Work projects. This AGM understands some serious recent incidents have resulted in safety measures being found inadequate and processes not working in the required way.

This AGM calls on Napo Officers and Officials to investigate the following matters with the employer to assist them to improve safety:

- Do we have sufficient staff to supervise clients?
- Should project supervisors be working solo?
- Are the project risk assessments thorough enough?
- Are the individual client risk assessments properly considered before sentence and placement?
- What measures and checks are in place to ensure improvements in responsiveness with lone worker device systems?
- Are these being monitored and reviewed on a regular basis?

**Proposer: London Branch**

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## 5. Ban e-bikes and e-scooters due to fire risks

This AGM understands that due in part to the amalgamation of offices, and the drive toward wellbeing, staff and clients are cycling and scooting to the office and parking is an issue.

This AGM believes e-bikes and e-scooters are serious fire risks and should not be permitted in our buildings. There is currently no uniform policy regarding this, and practice varies from office to office.

This AGM calls on National Officers and Officials to negotiate with our employers for the following:

- the urgent inclusion of e-bikes/scooters in Health and Safety risk assessments and a thorough risk assessment to be undertaken on all buildings;
- the formulation of a policy with our employers, banning e-bikes and e-scooters from all premises in a clear, transparent and enforceable manner.

**Proposer: London Branch**

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## National Executive Committee

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### 6. SFOs Corporate Responsibility Not Scapegoating

This AGM supports the Napo Workloads campaign but feels it does not go far enough. AGM notes Serious Further Offence investigations are increasing in number and we are seeing more result in disciplinary action.

While increased workloads due to serious staff shortages are noted as a mitigating factor there is a noticeable lack of the Organisation being willing to accept Corporate Responsibility. This is leading to front line staff being scapegoated in the name of accountability.

This AGM believes it is almost impossible for staff to undertake all of the duties required to safely manage or assess people in the community with the current workloads and staff shortages.

This AGM calls on Napo to:

- raise awareness of the impact of staff shortages on serious further offences, highlighting this is increasingly through unsafe working practices;
- negotiate with the employer the circumstances in which Corporate Responsibility will be applied.

AGM further calls on Officers and Officials to take action up to and including industrial action to achieve this.

**Proposer: London Branch**

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## 7. Dangerous workloads due to increasing staff shortages

This AGM is appalled by the leaked Tory government report identifying that many Probation areas are at a critical situation due to dangerously low staffing levels. This AGM agrees to call on the Ministry of Justice (MoJ) and government to put in place immediate measures to alleviate dangerously high workloads and improve recruitment and retention with a decent pay rise that will encourage staff to stay in the service. This AGM agrees that in the event of no agreement with the government and MoJ then industrial action should be balloted for.

**Proposer: Thames Valley Branch**

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## Negotiating Committee – Probation

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### 8. OMiC, Probation NOT Prison

This AGM notes Offender Management in Custody (OMiC) has seen an increase in prison Governors becoming part of the process in managing staff sickness for Probation Service (PS) staff in prison Offender Management Units (OMUs).

This AGM understands that while the line management of Senior Probation Officers (SPO) in OMUs has passed to Governors the management of other probation staff has not. There is now clear guidance for managing SPOs but the policy remains silent on the management of OMU PS staff.

This AGM calls on Napo to negotiate clear guidance, as soon as possible, to clarify the situation to ensure all probation staff under HR policies are treated equitably across all branches of the Service.

**Proposer: London Branch**

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### 9. Management Discretion

This AGM notes there has been a dramatic increase in managers choosing not to use their discretion when considering imposing warnings for sickness absence. This AGM believes this is excessively punitive and also discriminatory practice in many cases.

This AGM further understands advice from Human Resources is currently to issue a warning in all cases including where the absence is disability related.

This AGM calls on Napo to:

- raise awareness of the impact these punitive measures have on staff retention and discrimination;
- negotiate with the employer for the reinstatement of management discretion in line with the relevant policies;
- challenge discrimination by any means including supporting members to seek legal redress where appropriate.

**Proposer: London Branch**

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### 10. HR – not fit for purpose

This AGM believes Human Resources (HR) have a clear role to play in advising staff and managers in relation to HR policies and processes. This AGM is aware of serious discrepancies between the advice given to management staff and the information in the policies and policy guidance.

We are also aware many new HR staff have come from the prison side of HMPPS and seem to be confusing prison and probation processes and outcomes. This is leading to unfair processes including HR staff being part of the HR meetings to which they do not have attendance rights. This is leading to an adversarial environment in formal meetings.

We call on Officers and Officials to negotiate with the employer for improvements to this service and to the training given to HR staff urgently.

**Proposer: London Branch**

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### 11. No more outsourcing

This AGM agrees to campaign for an end to all outsourcing, particularly in Approved Premises, which has had dangerously low levels of skilled staff, adding to severe stress on staff. This AGM agrees to campaign for decent wages and conditions in Approved Premises to aid recruitment and retention.

**Proposer: Thames Valley**

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### 12. Commissioned Rehabilitation Services

Commissioned Rehabilitation Services (CRS) are supposed to provide specialist support to people on probation which they cannot access directly from their practitioner. However, the quality of service provided greatly varies across regions. There are a high number of complaints, questioning whether some of them are even fit for purpose. For example, some of the ETE services have no means to offer funding for training, and some accommodation services ask probation to complete housing referrals. This seems to defeat the purpose.

Probation clients with complex needs may require a referral to four or five different services, which means attending many appointments in addition to their probation supervision, all with different professionals, possibly on different dates and different venues. Even if they comply, there is a chance that they will be further signposted or do not achieve a meaningful outcome anyway. Instead of increasing their chances of success, this can leave people feeling demotivated and let down by the service. Staff also experience frustration as they are left to deal with the negative outcomes and service users in crises.

This AGM asks that these contracts are looked into and challenged on a national level to ensure good quality of service.

**Proposer: The Mercia Branch**

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### 13. Workload Measurement Tool (WMT)

Workloads across Probation, but particularly in sentence management teams, have risen even further since last year. The WMT has been questioned by many in the past regarding its effectiveness to accurately reflect the workload of practitioners. The percentage shown by the WMT determines whether practitioners are able to claim overtime and if so, how many hours. It is also one of the key factors in case allocations, and more widely recruitment and staffing for offices/PDUs.

Over the past few years, changes made to the WMT resulted in a drop in percentages when practitioners' experience suggest that their workload in fact increased. Additional tasks, forms, procedures are constantly being added which adds to the time required to manage a case to the expected standard. New platforms and portals are also regularly introduced which require time and effort.

This AGM asks that a full review of the WMT is completed to accurately reflect the current duties and responsibilities of practitioners.

**Proposer: The Mercia Branch**

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### Professional And Training Network

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### 14. People over Targets

There has been a clear pattern of shifting priorities within probation practice over the past decade. A profession which once predominantly focused on face-to-face engagement and meaningful work with service users, has now turned into an endless battle with admin and paperwork related tasks.

Research clearly suggests that one of the best predictors of change is positive rapport, a meaningful working relationship and intervention between service users and professionals. In reality, the actual person can often get lost in the rush to meet national standards, targets and business priorities.

This is especially important given the large influx of trainees and new starters in recent years as they do not have the same foundation and grounding in "old-style" probation values as more experienced practitioners do. They also have less confidence to challenge the target-driven culture and may feel more pressure to comply with the ever-growing expectations.

This AGM asks this to be taken up as a significant issue to protect the person-centred approach within probation practice and allow practitioners to spend meaningful time with their clients.

**Proposer: The Mercia Branch**

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## 15. Abolish Parole

Napo will campaign for the abolition of parole. Whatever the humanitarian impetus for its introduction parole is now an expensive exercise in secondary sentencing allowing for double jeopardy, unfairness and political opportunism. With the exception of the life sentence for murder, Napo will campaign, where custody is regarded as a last resort, for sentences to be of determinate length with fixed remission to promote good order in prisons.

In the light of this change Napo will urge the Sentencing Council to issue new guidance on sentence length.

**Proposer: Retired Members' Network**

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## 16. Paradigm change

Conference notes that Martin Wright, speaking recently to the Howard League, has proposed that those concerned with penal affairs should adopt two paradigm changes. Firstly to replace punishment with making amends and secondly to install the rebuilding of relationships at the heart of sentencing practice. Conference supports these proposals and resolves that Napo should:

- join with other organisations similarly inspired to campaign for their adoption, specifically by the TUC and the wider Labour movement;
- bring forward proposals to advance these changes within probation practice.

**Proposer: Retired Members' Network**

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## Campaigning Network

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## 17. End Child Poverty

This AGM is shocked by Keir Starmer's determination to keep the cuts in Child Benefit limiting it to two children. Napo will draw up a campaign to abolish this odious tax, reporting on its progress to the first NEC after AGM. Napo will take this to the TUC and report back to the following NEC.

**Proposer: London Branch**

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## 18. Out of Westminster, out of the Civil Service, separate from Prisons: Probation in Wales can show a better way

Conference notes:

- the Thomas Report (Commission on Justice in Wales) recommends the devolution of justice;
- the Gordon Brown Report to UK Labour "A New Britain" specifically recommends the devolution of Probation and Youth Justice;
- First Minister Mark Drakeford, addressing Napo Cymru recently, said "this is for real": concrete practical planning is underway, but the necessary legislation must be passed by a UK government;
- the insistence of Welsh Ministers Mark Drakeford, Jane Hutt, Mick Antoniw on collaboration with Justice Unions;
- the work of the Welsh Centre for Crime and Social Justice (WCCSJ), specifically its Probation Development Group, and its collaboration with Napo Cymru;
- Napo Cymru has worked with WCCSJ, Justice Unions and Welsh Ministers to establish the need to remove Probation from the Civil Service and uncouple Probation from the Prison Service;
- the argument for the devolution of Probation has been won in Wales, but must be passed by a UK government to proceed.

Napo will actively, urgently and persistently campaign for the devolution of Probation in Wales, focussing these efforts on the Westminster Labour Party, demanding that the devolution of Wales Probation is included in the UK Labour manifesto for the next General Election.

**Proposer: Napo Cymru**

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## 19. Oppose the Tory Minimum Service Levels Act

AGM recognises the 'Strikes (Minimum Service Levels) Act' is a major draconian, undemocratic attack on the right to strike.

This is another crude attempt by the Conservative government to shift the blame for inflation onto the working class instead of bosses' profiteering.

No individual union or member should be left isolated. The whole of the trade union movement must mobilise collectively to defend workers' rights.

AGM calls on Napo to demand:

- all unions and the TUC urgently call a national Saturday demonstration against the new law;
  - Keir Starmer pledges an incoming Labour government to reverse fines and other measures taken against any union under the terms of the Strikes (Minimum Service Levels) Act;
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- all employers refuse to use the provisions of the Strikes (Minimum Service Levels) Act and that a lead in such non-compliance be given by any government, council, fire authority or other employer led by the Labour Party;
- if any union is taken to court or worker threatened with dismissal, an emergency demonstration is called and an immediate meeting of the TUC General Council be convened to organise mass co-ordinated strike action, including a 24-hour general strike;
- the repeal of all anti-union legislation.

**Proposer: Family Court Section**

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## 20. Condemning the Recruitment of Convicted Prisoners as Mercenaries

This AGM understands that the Russian Prison Service allows the Wagner Group, a commercial company that hires out mercenary forces, to recruit convicted prisoners, in exchange for their freedom when they have served out their contract to fight for the Wagner Group. The Wagner Group is infamous for fighting for the Russian Federation in Ukraine, but the Group also sells its services to a number of African governments.

The practice of recruiting convicted prisoners as mercenary soldiers in exchange for their freedom is morally repugnant in the following ways:

- it completely contradicts all civilised concepts of rehabilitative justice;
- it abrogates society's duty of care to those it imprisons and undermines the human rights of the prisoners concerned;
- it means that a gang of presumably mainly violent offenders are issued with lethal weapons in a warfare situation where there is a high risk of their committing atrocities against enemy soldiers and civilians.

Napo will raise this issue through the TUC and appropriate campaigning groups like Amnesty International in order to build a campaign to persuade the UN to declare that the recruitment of convicted prisoners as soldiers in exchange for their freedom is a crime against humanity.

**Proposer: Retired Members' Network**

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## 21. Just Stop Oil Trials

Napo is appalled to discover that some courts presiding over Just Stop Oil trials are forbidding defendants to state their motive for their actions. If they do, they are sent immediately to prison for contempt.

In the light of this, Napo will write to the government requesting that all mention of Justice in government titles is changed to 'Injustice'.

**Proposer: Retired Members' Network**

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## 22. Enhance Campaigning

Conference acknowledges that it is hard for Napo to perform its role campaigning for criminal justice improvements, given the current location of the Service within the Civil Service. This lack of campaigning activity is a contributor to poor morale and recruitment and retention for both the Union and the Service. Conference therefore resolves that it should reinvigorate its campaigning work by joining directly with other organisations, specifically the Howard League and the Centre for Crime and Justice studies to secure:

- the release of IPP prisoners who have exhausted their tariff;
- the end to joint enterprise prosecutions;
- the reduction of the remand population;
- the reform of sentencing guidelines.

Napo will pay particular attention to securing the further support of the TUC and the wider labour movement for these objectives.

**Proposer: Retired Members' Network**

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## 23. Cuts in Foreign Aid

The reduction of UK funds from foreign aid will cause misery, deprivation and death among some of the world's poorest people. This government's decision to implement these cuts was wilful, callous and racist. Napo will campaign with the TUC to overturn the cuts.

**Proposer: Retired Members' Network**

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## Abbreviations used in motions

AGM - Annual General Meeting  
AT – Assistive Technology  
BAME – Black, Asian and Minority Ethnic  
CA – Constitutional Amendment  
Cafcass – Children & Family Court Advisory and Support Service  
CJS – Criminal Justice System  
CNC – Cafcass Negotiating Committee  
CRS – Commissioned Rehabilitation Services  
ETE – Education, Training and Employment  
EVR – Enhanced Voluntary Redundancy  
FCC – Family Court Committee  
FCS – Family Court Section  
HMIP – His Majesty's Inspectorate of Probation  
HMPPS – His Majesty's Prison and Probation Service  
HQ – Head Quarter  
HR – Human Resources  
HSE – Health & Safety Executive  
i.e. – that is (*Id Est - Latin*)  
IOM – Integrated Offender Management  
IPP – Indeterminate Sentence for Public Protection  
IT – Information Technology  
ITTG – Integrated Through the Gate model  
MoJ – Ministry of Justice  
ND - Neurodiversity  
NEC – National Executive Committee  
NOMS – National Offender Management Service (predecessor HMPPS)  
OASys – Offender Assessment System  
OMiC – Offender Management in Custody  
OMU – Offender Management Unit (prison)  
PBNI – Probation Board for Northern Ireland  
PDU – Probation Delivery Unit  
PI – Probation Instruction  
PIT – Practice Improvement Tools  
PO – Probation Officer  
PQ – Parliamentary Question  
PQiP – Professional Qualification in Probation  
PSO – Probation Service Officer  
PSR – Pre-Sentence Report  
PSS – Post Supervision Sentence  
RAR – Rehabilitation Activity Requirement  
SFO – Serious Further Offence  
SOGP – Sex Offender Group Programme  
SOP – Single Operating Platform (in the PS)  
SPO – Senior Probation Officer  
SSCL – Shared Services Connected Limited (PS payroll, HR services)  
TU – Trade Union  
TUC – Trade Union Congress  
TUO – Trade Union Organisation Committee  
ViSOR – Violent and Sexual Offender Register  
WCCSJ – Welsh Centre for Crime and Social Justice  
WMT – Workload Measurement Tool  
YOS – Youth Offending Services

