

2018 AGM RESOLUTIONS (SOUTHPORT)

NEGOTIATING COMMITTEE – Cafcass/Probation

1. Prioritise pay negotiations with Cafcass and Probation employers

The negotiation of annual cost of living pay awards by trade unions was traditionally a strong recruiting point. This has largely ceased to be applicable in the public sector after years of government imposed pay restrictions. With the advent of long awaited signs of a thaw in the 'pay ice age' for workers delivering public services, it is time for Napo to return to placing a significant emphasis on this area of activity.

Napo Officers and Officials are accordingly instructed to prioritise pay negotiations with Cafcass and Probation employers, in order to address the significant erosion of members' standards of living that has occurred over the past years.

NEGOTIATING COMMITTEE – Probation

2. Capability

This AGM notes the timescales in the new NPS Performance Improvement Policy are much shorter than in the previous Capability Policy and the focus of the policy has changed from being supportive to being punitive.

This AGM notes the amount of work suggested as part of the Performance Improvement Plan is often unrealistic and unattainable leading the person undergoing the process to fail. We also note this policy is being used even when reasonable adjustments have been identified as required. In the event of a Stage 3 meeting, where dismissal is likely, the meeting should always be held on neutral ground to protect the member.

This AGM calls on the National Officers and Officials to negotiate with the employer for urgent improvements to this policy and explore other options, if this fails.

3. Very Unreasonable Sickness Management

This AGM is aware of disabled members being given warning letters for absences relating to their disabilities. In some cases, this is also the first disability related absence ever taken. This is disability discrimination.

This AGM understands that management discretion is not being applied in all cases and some managers are unaware of their duties and responsibilities under the Equality Act 2010.

This AGM calls on the Officers and Officials to work to remedy the situation by:

- negotiating with NPS to revisit the Using Management Discretion training making it compulsory for those line managing staff;
- working with our designated legal advisors to bring a test case to stop this discrimination.

4. Pensions

This AGM understands that since Transforming Rehabilitation (TR), the Services' pensions have become victim to numerous administrative errors.

This AGM notes that many members from both NPS and CRC have discovered errors connected to their pensions, which have proven difficult for individuals to resolve by themselves.

This AGM calls for the National Officers and Officials to work with the Pensions Ombudsman to ensure that the CRC/NPS pensions have been transferred correctly and, where errors are still occurring, to work with the Ombudsman to get these corrected at no detriment to our members.

5. Ill Health Retirement

This AGM notes there are still unacceptable delays in the process of Ill Health Retirement, sometimes taking up to 2 years.

This AGM believes this to be discriminatory and unacceptable to our members. We understand a dispute is in progress with NPS, but feel this doesn't go far enough as the situation remains ongoing.

AGM calls on the National Officers and Officials to explore other solutions and consult their designated legal advisor regarding possible legal redress.

6. Offender Management in Custody (OMiC)

Offender Management in Custody is being brought in as part of the NPS Effectiveness, Efficiency, Excellence (E3) initiative. This AGM notes there has been very little information regarding how safe the additional Probation Officers will be in custody. This AGM is concerned about the blurring of role boundaries especially as prisons are run by Prison Governors who have the day-to-day responsibility of running the prisons. Despite SPOs being line-managed by NPS, there is still scope for conflict/confusion.

AGM also notes that no Equality Impact Assessment appears to have been undertaken to examine the likely impact this will have on staff with protected characteristics.

This AGM welcomes the idea of more probation staff being involved with rehabilitation work in custody, but feels that OMiC is not the way to achieve this.

This AGM calls on the National Officers and Officials to negotiate with the MoJ for clearer role boundaries and lines of accountability for Prisons and Probation. This AGM also calls for the Equality Impact Assessment to be made available to ensure all staff are properly considered and appropriately supported.

7. Say No to ViSOR Vetting

This AGM believes that the Violent and Sexual Offender Register (ViSOR) process is above and beyond what we are expected to do as Probation Officers. This is a Police role, and once again we are being expected to take on other service's roles. Not only does the ViSOR access mean we are doing the Police's job, but we are disclosing personal information for access to a system we do not need. And what if we fail? We stop being able to do our job? Only two years ago there was the 'blacklist' scandal involving trade unionists being unfairly barred from jobs.... intelligence which was fed by the Police! Furthermore, the police are not even paying for it – the NPS are!!! Could this extra £70 per person not be put into employing extra staff? Or dare I just suggest a £70 pay rise...?

Napo will therefore not only fight for the cost of the unwanted, unnecessary and intrusive vetting to not be paid for by the NPS – but for this requirement of ViSOR not to be added to Probation Officers' already overinflated caseloads and work capacity at all.

This is about protecting Probation Officers' roles and responsibilities – first ViSOR...what's next? Giving us badges and arrest powers?

8. Probation Pay

South Yorkshire Branch welcomed the motion that was passed at last year's national AGM. We welcome that fact that a joint union pay reform and pay claim has been submitted to all the employers. It's also positive that employers are engaged in negotiations. However, we believe the phrase "This strategy should include the possibility of co-ordinated indicative ballots as part of a strategy that, if necessary, will include collective industrial action in furtherance of this objective" is too vague and needs to be strengthened.

AGM therefore instructs Napo Officers and Officials to positively lead co-ordinated campaigns in the CRCs and HMPPS that must include actual ballots for industrial action on every occasion when an employer fails to engage in meaningful negotiations by a deadline date of 31/12/2018.

9. Mobility and Excess Mileage

Since NPS harmonisation, there has been no separate mobility policy. This creates considerable confusion when supporting members directed to move and the lack of transparency makes challenging decisions impossible.

Offender Management in Custody (OMiC), the strict 3 years for Youth Offending Services (YOS) and a management aim to move staff round the profession every 3-5 years means this is a long term issue.

There are also concerns as to how protected characteristics are considered when moving staff. Without a clear and transparent policy, there is a real danger of discrimination and bullying.

The following issues remain unclear:

- eligibility i.e. who can be directed;

- how voluntary moves work, why excess mileage can't apply if it avoids having to direct;
- how voluntary moves work if compassionate criteria not met;
- how excess mileage applies to a compassionate move..;
- overall criteria for excess mileage.

Some of this is contained within the Staff Resourcing Probation Instruction (PI), the Redeployment Toolkit and the Permanent Transfer PI, but the process and criteria remain unclear.

This AGM calls for the National Officers to negotiate with the employer to construct either a separate mobility document that pulls together the relevant parts of the other documents, or a specific addendum to one of the existing policies.

10. Shared Services

This AGM continues to be appalled at the incompetence and ineffectiveness of Shared Services. Napo will therefore campaign for the HR sector of the NPS to be brought back in-house in the interests of economy, efficiency and sanity.

11. Absence of Reasons to be Cheerful

Since the introduction of the NPS Sickness Absence Policy there has been scant evidence of how this has impacted on attendance. It is time for a review of a draconian policy imposed without consultation.

This AGM calls on the Probation Negotiating Committee to obtain comparable figures at a regional and national level where a robust analysis can be delivered on the pre and post impact of this policy.

That with the Committee the relevant structure within the engagement arena seeks to enter into a meaningful dialogue over the impact on staff wellbeing of a policy that sets up line-managers against their staff.

With it there is an investigation into the limitations of the Single Operating Platform (SOP) as a recording tool for staff absence.

That the review gathers evidence on the nonsense of a policy incapable of distinguishing absence as a result of conditions associated with age, gender, disability and ethnic background.

That there is a return to discretion on such things as accidents and planned operations or medical procedures.

With it this AGM is not only seeking compassion, but the introduction of a policy that indicates staff whether working in Probation, Cafcass or the CRC are more than units with workloads.

PROFESSIONAL & TRAINING COMMITTEE

12. Urgent call for a Licence to Practice to safeguard Probation as a profession

Our profession is under existential threat as some employers are now seriously questioning whether probation even qualifies as a profession and probation staff considered as professionals with professional status.

Previously it was probation employers in national agreement with unions that conferred a licence to practice upon those they employed as probation officers - this is now no longer the case.

It is an urgent priority to develop and establish an independently validated 'Licence to Practice'. This must be universally recognised by all employers, and able to unify as equivalent all the various qualifications, training and experience, that might allow someone to describe themselves as a probation practitioner of a certain type/level. This could be similar in format to that used by professions, such as Teaching, Nursing and Social Work, where qualifications, including those obtained overseas, are able to be recognised as valid and accepted, by all employers seeking to employ professionals.

AGM calls on Napo's Officers and Officials, as an urgent priority, to do everything possible to work with employers and others to establish a 'Licence to Practice' to safeguard our probation profession and preserve the professional status of all probation practitioners both for now and in the future."

13. We Need Training!!

Since the split there has been a complete lack of proper, professional development in the form of training, in both the NPS and CRC. This has significantly eroded staff morale and left staff feeling deskilled and de-professionalised, both new and more experienced staff.

This AGM calls for Napo's Officers and Officials to take this up as an issue with the employers over the coming year and campaign for resources to be properly allocated to both internally and externally organised training courses that aid professional development.

14. Suspended Sentence Orders

Conference will note that the new sentencing guidance states, *"PSRs should not propose a Suspended Sentence Order as a sentence, even when the Courts indicate that a custodial threshold has been crossed. In practice, if the PSR author assesses that the defendant is manageable in the community and that immediate custody is not necessary, a Community Order can be recommended containing requirements addressing rehabilitative aims and providing sufficient restrictions on liberty..."*

It is of considerable concern that once again the Probation Service is being held responsible for the shortcomings of the criminal justice system. It is our opinion that these new guidelines serve to further undermine the work and credibility of court probation officers as the number of 'on the day' reports and oral reports increases.

This AGM calls on Napo, through its Campaigning and Professional Committees, as an immediate priority, to do everything possible to work together with Probation employers and other interested groups (like the Magistrates Association) to demand a rethink into how probation currently works in the courts, thereby helping to safeguard the probation profession within the court setting both now and in the future."

15. Training Arrangements

Over the years this AGM has had reason to question the changes made to the model behind the Probation Qualification. These changes have seen a dilution in its value and generic appeal since the mid 90's and beyond. With the increased distance from academic oversight where underpinning practice with theory was central, there has been a move to train in favour of delivering process rather than professional values.

All of which has been hastened by the introduction of the market and the potential for a two-tier system of training suited to reinforcing the divide between public and private. One that seems to be in favour of reinforcing one model of delivery over the other.

This AGM calls on the Professional & Training Committee, along with those involved in the campaign for reunification and the end of privatisation, to seek the development of a model of training that will be fit for a Licence to Practice.

The aim of this is to develop a qualification where staff can enjoy mobility not only suited to the current delivery model, but one that enables staff to work outside Probation and the current catchment area of England and a reunified Wales.

TRADE UNION ORGANISATION COMMITTEE

16. Retired Members' Committee

This AGM is aware that on retirement many members leave the union altogether, since they believe it has no more relevance to them.

This AGM believes that this is a waste of valuable resources, since these members have much to contribute and deserve to be welcomed and involved still in the workings of Napo.

We note that the increased number of subscriptions should cover the costs of any activity.

Trade Union Organisation (TUC) Committee will therefore draw up a plan for the establishment of a Retired Members' Committee. This will include consideration of votes in all Napo elections and on all other matters except pay and industrial action.

TUC Committee will report back to the second NEC of the Napo year with a view to next year's AGM establishing this Committee.

CAMPAIGNING COMMITTEE

17. Reunify Probation

This AGM continues to be shocked at the disastrous outcome of the TR programme, judged recently by the inquiry of the Justice Select Committee. It continues to impact negatively on public safety and wellbeing of staff.

Our members are the hardworking, professional backbone of this Service, we cannot allow them to continue to bear the brunt of this fiasco.

Napo welcomes the news that in Wales, offender management will be unified within the NPS. We are dismayed that the approach of the MoJ, in the face of overwhelming evidence of the failure of the privatisation project, is to repeat the process again in England. Napo will engage vigorously with the planning processes in Wales, making the case for interventions to be included in the reunification process. Napo will campaign for reunification of Probation in the public sector in England.

We remain confident we can take back our Service from the hands of the incompetent CRC contractors/stakeholders. However, there is a danger that, when this happens, some “cherry picked” areas such as Unpaid Work and Programmes will remain with the private sector. We cannot allow this to happen. Privateers are not to be trusted nor are they fit to manage any of Probation’s work.

The Probation Service should be:

- unified;
- not for profit;
- run as a distinct profession and organisation in its own right;
- managed to high consistent standards;
- sufficiently flexible and nimble to create, sustain and develop local partnerships and strategies that reflect and serve the communities in which it works.

Napo will campaign against the attempt to reconfigure the privatised contracts in England and refutes that this can ever be a solution to TR problems. Napo will work to optimise the new arrangements in Wales to the benefit of all and for interventions to be included in the reunification of the service. This AGM therefore instructs the NEC and all Branch Executives to ensure that a complete, unified Service remains the focus of any negotiations without exception

18. Reconstituting Probation

In the light of the highly critical ninth report on Transforming Rehabilitation published by the Justice Committee on 22nd June 2018 and aware that other organisations are making proposals for reconstituting the Probation Service, this AGM urges Napo to speedily complete and publish its own plan for a future Probation Service.

In addition to the six organisational principles already agreed, this AGM calls for Napo to facilitate discussion of the following propositions for inclusion in the plan:

- that the reconstituted Probation Service should make it explicit that it is an agent of social justice rather than a criminal justice agency;
- that it should seek the restoration of the Probation Order as a non-punitive response to crime and the needs of our clients;
- that it should abandon the language of public protection and the implication it can predict reoffending, in favour of the language of desistance and the need to ensure access for clients to the full range of health, education, housing, youth and victim services.

19. An independent SFO investigation process

Nadine Marshall is the mother of Conner Marshall whose murder was at the hands of a client supervised by Wales CRC. Nadine persisted in her demands for information about findings of the Serious Further Offence (SFO) enquiry and has subsequently said publicly that the shortcomings in the probation supervision of her son's killer were a consequence of TR and the privatisation of probation. With great courage and dignity, she has pressed this point. Members may be aware of her contribution to the Panorama programme about TR which screened last Autumn. She continues to campaign for better victim services and representation and for increased accountability and transparency in SFO processes.

Conference supports Nadine's call for increased transparency and accountability to victims and their families in the Serious Further Offence Investigation process. Such investigations should be independent of the MoJ and we support the proposal of the Chief Inspector of Probation that this should be an inspectorate role. Conference applauds Nadine Marshall for her support of probation staff, her pursuit of answers and her campaign to give victims and their families information. Napo will campaign for the SFO process to be the responsibility of HMIP.

20. Pause and Fix OMiC

The aftermath of TR has left staff in NPS with high caseloads and stifled with bureaucracy. Offender Management in Custody (OMiC) is a politically driven and badly designed initiative which will further draw resources away from the hard graft core service of supervising offenders in the Community. Furthermore, it amplifies the problem of Probation as a profession being subsumed culturally and operationally into both prison and police.

Conference mandates Napo to campaign for OMiC to be paused until it is properly designed, tested and reviewed and for Probation to be "uncoupled" from Prisons in its management structures from MoJ down.

21. TR – All Change

This AGM welcomes the end of TR. However, it is a disgrace that another sham consultation and ‘done deals’ continue to place private profit above public safety.

The fact that the Government and Grayling take no responsibility for their predicted omni-shambles is also insulting to our members, who have continued to perform against all the odds despite the mess. It is their work that has kept the public safe in the desperate mire of complex bureaucracy and audit ridden nonsense.

This AGM and Napo nationally wish to register a vote of no confidence in the MoJ and this Tory administration until such time as Probation is renationalised, unified and truly accountable to the public.

22. The Grayling Effect

Now that TR is acknowledged to have been an expensive disaster, this union wants to prevent the country being similarly ravaged in the future. Napo will therefore campaign in his constituency for Chris Grayling to be deselected before the next general election. This is a precautionary measure; in the unlikely event of his party gaining control ever again, he must not be allowed anywhere near public money.

EQUAL RIGHTS COMMITTEE

23. Disregard for Staff with Disability

Conference is concerned about the introduction and increasing use of teleconferencing at local, divisional and national levels. Whilst this may appear to save time and money for the employers, the impact this is having on staff who have hearing loss appears not to have been considered. Teleconferencing marginalises and, in some cases, excludes those with hearing loss who rely on visual cues such as lip reading, body language, facial expressions etc when communicating. To introduce teleconferencing without a disability impact assessment having been carried out first or providing alternative visual communication methods may also breach equalities policies and even legislation. Where the employers have had this issue brought to their attention, the response has been woeful. No arrangements have been made for staff who have raised concerns.

This AGM instructs Napo to raise this issue with the employers both nationally and divisionally to:

- investigate how teleconferencing has been rolled out with total disregard for staff with a specific disability covered by Equalities legislation;
- request that the employers identify those staff likely to be marginalised by teleconferencing and ensure provision of alternative communication methods or appropriate support during teleconferencing;
- clarify when videoconferencing/Skype will be introduced to replace teleconferencing.

FAMILY COURT COMMITTEE

24. The Crisis in Children's Services and the Family Court

This AGM notes with concern the impact of the Government 'austerity' measures upon Local Government Children Services. The cuts have decimated any services which provided early intervention, ongoing support or specialised group work to the extent that there has been a year on year increase in care applications to the court increasing by 20%. Local Authorities are barely able to meet their statutory duties. This not only means that children are made vulnerable, it also means that there are more draconian outcomes.

This AGM instructs Officers, Officials and Campaigning Committee to link with other trade unions to develop a campaigning strategy including public demonstrations about the crisis which faces the future of Child Protection Services and the wider impact upon the courts, children and families.

HEALTH & SAFETY COMMITTEE

25. Healthy Workplace?

Since Transforming Rehabilitation (TR), we have seen a number of office closures, resulting in more people reporting to fewer premises. We have also seen an increase in violent and aggressive acts against staff and clients. Many security guards have also been removed and staff no longer feel safe at work. There has also been an increase in reports of infestations, such as insects and rodents, which can endanger the health of building users.

The safety of our members and clients should be paramount, yet these changes indicate this is not the case as cost appears to override safety.

AGM calls on the National Officers and Officials to ensure our employers are in compliance with Health and Safety regulations and take swift enforcement action if this is not the case.

26. Office Moves, Information Technology Upgrades: Impact on Assistive Technology Users

Office closures/moves and the upgrading of IT equipment, both in the CRCs and NPS, has had a variety of disruptive effects in terms of health and safety on all staff. Change has had a harder impact or 'double whammy' on those who use Assistive Technology (AT) to do their work. Many AT users who in the majority of cases have a disability, have felt extra pressure, have ended up in performance measures or taken the hard decision to resign, rather than face the indignity of processes that do not take their individual needs into proper consideration.

This AGM calls on the National Officers and Officials to negotiate an agreement with employers to ensure that AT users are treated fairly and consistently and ensure their specific needs are addressed without delay. If necessary, advice should be sought from our designated legal advisors regarding equality issues, with a view to taking zero tolerance action against employers who fail to act legally.

NATIONAL EXECUTIVE COMMITTEE

27. Rebuilding Our Activist Base

Napo bases itself on the dedication of key activists in workplaces to maintain the visibility of the union, forge effective relationships with members and fight injustice from employers at a local level.

The branch is THE vital component in training these activists and in building the solidarity that gives meaning to our collective strength. It is also the place where our elected representatives and full-time officials are held to account.

Any strategy to increase our membership that neglects the branch is building on sand and threatens the lifeblood of the next generation of activists. This AGM calls on Napo to recalibrate the 'Strategy for Growth', putting the branch at the centre.

28. Trade Union Certification Officer's decision

On the 20th September the Trade Union Certification Officer's upheld four complaints against Napo by one of its members. She "reached a decision that the union breached its rules".

This Conference calls upon the General Secretary to explain to AGM how the union's Constitution was allowed to be so breached. Furthermore, it instructs the General Secretary to confirm that he will ensure there is no such recurrence.

CONSTITUTIONAL AMENDMENTS

CA1. Probation Negotiating Committee section

The purpose of this amendment seeks to update and simplify the procedures for consulting probation members about any pay offers.

Reword section 20(a) sub-clause (vi) to read as:

- (vi)* When a referral is made under clause 20(a) (v) each branch, with assistance via Napo Head Office, will hold an e-ballot of all full members of the branch within twenty-eight days to consider the question referred. The agreement or offer shall be ratified if a majority of full members supports it. The General Secretary shall inform Branch Secretaries in writing of the details of the voting.

CA2. Subscriptions

To reword section 5(c) to read as:

- 5 (c) Subscriptions of associate members shall fall due on the annual anniversary of the start of the Associate Membership and shall be paid annually except on application to the General Secretary whereby a member will be provided with the facility to pay these on a monthly basis.

Abbreviations used in resolutions

AGM - Annual General Meeting
AT – Assistive Technology
BAME – Black, Asian and Minority Ethnic
CA – Constitutional Amendment
Cafcass – Children & Family Court Advisory and Support Service
CAS – Case Allocation System
CJS – Criminal Justice System
CNC – Cafcass Negotiating Committee
CRC – Community Rehabilitation Company
E3 – Effectiveness, Efficiency, Excellence Programme (in the NPS)
FCC – Family Court Committee
FCS – Family Court Section
HMIP – Her Majesty’s Inspectorate of Probation
HMPPS – Her Majesty’s Prison and Probation Service
HQ – Head Quarter
HR – Human Resources
HSE – Health & Safety Executive
i.e. – that is (Id Est - *Latin*)
IT – Information Technology
MoJ – Ministry of Justice
MP – Member of Parliament
NEC – National Executive Committee
NPS – National Probation Service
OASys – Offender Assessment System
OMiC – Offender Management in Custody
PBNI – Probation Board for Northern Ireland
PI – Probation Instruction
PO – Probation Officer
PQ – Parliamentary Question
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 NPS)
SSCL – Shared Services Connected Limited
TR – Transforming Rehabilitation
TTG – Through the Gate
TU – Trade Union
TUC – Trade Union Congress
TUO – Trade Union Organisation Committee
ViSOR – Violent and Sexual Offender Register
WiN – Women in Napo
WMT – Workload Measurement Tool
YOS – Youth Offending Services