**JTU 12/2024**

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**PROBATION RESET TALKS 2024**

**TRADE UNION WORKLOAD REDUCTION CLAIM**

This paper sets out the elements of a trade union side claim to reduce probation workloads.in line with the objectives of our Operation Protect Campaign.

1. **Introduction**

Operation Protect is the joint probation union campaign to tackle unmanageable workloads in the Probation Service. Launched in June 2023, the campaign objectives are to:

* 1. **Work with Ministers\*, HMPPS, HMIP, Probation Institute, Sentencers & Statutory Partners to agree a strategic probation workload reduction programme** by:
  2. Reviewing existing legislative demands which do not add value to core probation work
  3. Identifying other upstream demand reduction
  4. Eliminating or reducing bureaucratic demands which do not add value to core probation work (data management etc)
  5. Identifying and addressing barriers to productivity (IT systems etc)
  6. Surveying the workforce for their ideas on workload reduction
  7. Agreeing a Probation Workloads Reduction Toolkit. See following DfE Toolkit for ideas: <https://www.gov.uk/guidance/school-workload-reduction-toolkit>
  8. Agreeing a Probation Service equivalent of the Prison Service ‘Operation Safeguard’ to allow the Service to declare to external stakeholders that it is full, and that normal service cannot be provided pending more resources

**1.2 Agree a safe workloads and case allocation system** which will:

* 1. Be jointly agreed between the probation unions and the employer
  2. Ensure that each employee’s workload is regularly assessed
  3. Respect probation practitioners’ professional judgement about workload capacity which if they were covered by an independent professional registration body might require them to declare any excessive workload which might affect their fitness to practice
  4. Take contingency action when workloads exceed staffing capacity:
     1. No staff to work above 110% of WMT for more than 1 week
     2. Workloads above 110% of WMT for more than 1 week to be subject to automatic reduction

**1.3 Ensure that all staff have high quality supervision when and how they need it to manage workload effectively by:**

* 1. Agreeing appropriate supervisor to staff ratios
  2. Employing more supervisors as necessary
  3. Providing training, support and mentoring to supervisors
  4. Ensuring that supervisors have authority to reduce workloads via decisions on case allocation
  5. **Give probation staff the confidence, tools and support to challenge excessive workloads by:**
  6. Employer pledge to prevent workloads above 110% for 1 week – also to be shared with external stakeholders
  7. Right of staff to work contracted hours only – no quibble guarantee
  8. Voluntary overtime to be offered to staff who wish to offer more time to the employer. Overtime seniority bar to be removed.

\*Damian Hinds agreed the following letter to School Leaders regarding workload reduction when he was Secretary of State for Education: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753668/Reducing_Teacher_Workload_-_Letter_to_School_Leaders.pdf>

1. **Synopsis**

This claim is split into the following sections:

* Workload Data
* Mitigation of Excessive Workload
* Unpaid Work Supervisor / Group Ratio
* Workload Measurement Tool Extension
* PO/PSO/PQiP Role Boundaries
* Workload Caps
* Span of Control
* Employee Care Agreement

1. **Workload Data**

The Probation Service does not apparently keep any records of discretionary overtime which staff work on top of their contractual hours. We do not therefore have a clear view of the amount of unpaid work being delivered by our members in the course of their duties

The unions propose two complementary approaches to rectify this via the following data gathering:

* **Employer Management Information**: We request the following data from the employer broken down by region, occupation/pay band, gender, and ethnicity.

|  |  |  |  |
| --- | --- | --- | --- |
| **Indicator** | **Level/number in current period** | **Percentage change on previous period** | **Comparative national / regional / sector norms** |
| Turnover rate |  |  |  |
| Vacancy rate |  |  |  |
| Sickness absence rate |  |  |  |
| Productivity measures |  |  |  |
| Accident incident rate |  |  |  |
| Average weekly paid hours worked in excess of contracted hours |  |  |  |
| Number of staff working to PI/15/2017 – flexi time working |  |  |  |
| Average weekly unpaid hours worked in excess of contracted hours |  |  |  |
| Average weekly hours worked by staff with no contracted hours |  |  |  |

* **Staff Working Hours Data Recording:** PI 15/2017 allows for all probation staff with some limited exceptions (APs, UPW and Courts) to work flexitime and to claim TOIL. This means that all sentence management staff, administrative staff and managerial staff up to and including alphabetical grades can choose to work flexitime.

There is a flexitime recording sheet on SOP which can be used for the purpose of accurately recording discretionary overtime.

It has been reported to the unions by members that PI 15/2017 has been completely disapplied by management in Wales and only selectively applied by management in the English Regions.

All staff should be able, if they wish, to work to P1 15/2017, with the limited occupational exceptions set out above. This would provide the employer with accurate management data which we could jointly interrogate for evidence of staff regularly working over and above their contracted hours for no recompense- either TOIL or excess hours payments.

It would also allow staff to make claims for TOIL or excess hours payments for all work over and above their contracted hours. The unions would want discretionary hours worked by staff in the evenings at home and at weekends included in the flexi-time recording.

1. **Mitigation of Excessive Workload**

The unions wish to see the following put in place to mitigate excessive workload:

* 1. **Protected Contractual Hours**

All Probation staff to have their contractual hours protected by employer guarantee.

* + - This will be a guaranteed right for staff to finish work upon the expiry of their contractual hours in any week.
    - Will require in-depth discussion with managers to agree strategies for dealing with work that cannot reasonably be completed in contractual hours.
    - May require the Probation Service to declare to outside agencies/courts etc that capacity to deliver court orders is insufficient at any one time.

Protected hours to apply to all staff regardless of pay band.

* 1. **Workload to be allocated to fit contracted hours only, via:**
     + Workload prioritisation
     + Removal of non-core probation work
     + Unpaid Work – Agreed Supervisor to Group Size Ratios
  2. **Workload above contracted hours to be granted TOIL or paid at excess hours premium rates (staff choice) for all staff regardless of pay band**

1. **Unpaid Work Supervisor / Group Ratio**

Members working in Unpaid Work report excessive workloads in respect of rising supervisor to group member ratios and insufficient time for supervisors to complete paperwork outside of direct contact time with groups. We therefore wish to see the following put in place:

* 1. **UW Supervisor / Group member ratio of 1:6**, which should come into force no later than 03/06/2024.
  2. **In response to health and safety concerns over lone working raised by UPW Supervisors** – who feel they are required to manage more risky, less compliant groups than previously, while being faced with more confrontational members of the public –the approach could alternatively be to mandate default double staffed group working with a ratio of 2 supervisors to10 group members.
  3. **Maximum contact time for supervisors with work groups to be limited to enable all ancillary tasks to be completed within contracted hours**: 7 or 8 hours/working day is proposed as the maximum contact time with work groups subject to local circumstances

1. **Workload Measurement Tool Extension**

HMPPS to provide an estimated timetable to all staff by which a Workload Measurement Tool will be extended to roles where it is currently lacking, including to the following roles (list not exclusive and to be added to):

* 1. Pre-Sentence Report Authors (all formats)
  2. Prison Offender Managers
  3. Pre-Release Team staff
  4. National Security Division Probation Practitioners
  5. Victim Liaison Officers
  6. Domestic Abuse Support Officers
  7. Polygraph Examiners
  8. Case Administrators
  9. Business Managers

1. **PO/PSO/PQiP Role Boundaries**

a. HMPPS to issue a clear statement, co-signed by HMPPS DG Chief Executive Officer, DG of Operations and the Chief Probation Officer, that is unacceptable under any circumstances, because of the risk to the Probation Service’s stated commitment to the professionalism of its employees, to breach established role boundaries for:

* PSO and NQO’s as set out in the ‘Tiering Framework Case Allocation version 2.2’ document.
* PQiP Learners as set out in the ‘PQiP Workload Guidance’ document

With the following to be added to the statement as soon as the work set out below is completed:

* PSO and PQiP Learners who complete pre-sentence reports as set out in the Probation Instruction 04/2016 (‘Determining Pre-Sentence Reports’) document.

b. By 29/03/2024 HMPPS to submit for trade union consultation revisions to Probation Instruction 04/2016 (‘Determining Pre-Sentence Reports’) which mirror the principles shown in a, above and define role boundaries for PSO and PQiP Learners completing pre-sentence reports in relation to the following:

* Standard Delivery Reports, Written Short Format Reports and Oral Reports
* Individuals assessed as posing a High/Very High Risk of Serious Harm and/or a High/Very High Likelihood of Reoffending (of any type)
* Individuals currently managed under an Integrated Offender Management (IOM) scheme
* Individuals with any history (including the current offence/s) of sexual offending, domestic abuse or safeguarding concerns (children and adults
* Organised Crime Group (OCG) involvement / TACT – Individuals convicted of offences under the Terrorism Acts or where a judge has currently/previously ruled as ‘terrorism-related’
* Transgender individuals
* Individuals currently managed at MAPPA Level 2 or 3

* Individuals with a current or recent history of complex mental health difficulties

HMPPS to commit to have published the updated P.I. 04/2016 to come into operation on 01/06/2024.

1. **Workload Caps**

At a future date to be agreed within the next three months, and following further trade union consultation on each suggestion made below, HMPPS to mandate the following workload caps on the number of:

* 1. programme sessions that facilitators deliver each week (e.g., a total of four sessions, including where this involves a combination of different programmes)
  2. MAPPA meetings a MAPPA Coordinator can Chair each day (e.g., one Initial and one Review Level 2 Meeting maximum)
  3. Open (i.e., not fully countersigned by all required, including PPG or HMIP) SFO Reviews an SFO Reviewing Manager can be allocated.
  4. PQiP Learners that can be allocated to a Practice Tutor Assessor (PTA)
  5. PSOs that can be allocated to PSO Assessors.

As an interim measure only, pending the outcome of the work to include other roles in the extension of the Workload Measurement Tool, as shown in 6 above, caseload (or report for PSR authors) caps to be introduced as an interim measure for the roles listed in 6 above.

1. **Span Of Control**

At a future date to be agreed within the next three months HMPPS to mandate workable spans of control for the following roles with line management responsibility:

* 1. Senior Admin Officer
  2. Business Manager
  3. Senior Probation Officer (all 13 roles currently in the Job Evaluation Scheme process)
  4. National Security Division Senior Operational Lead
  5. Probation Learning Manager
  6. Approved Premises Area Manager
  7. Heads of PDU/Function
  8. Heads of Community Integration/Corporate Services/Interventions/Operations

In the future any Probation Service Job Description that refers to a responsibility for line management must also mandate the Span Of Control involved.

1. **Employee Care Agreement**

The Probation Service to agree an Employee Care Agreement with the unions in line with Probation Circular 4/2001: Joint Agreement on Priorities and Employee Care

1. **Conclusion**

Excessive workloads in the Probation Service have been endemic for years. This was never acceptable and our members are paying a heavy price with their health, safety and wellbeing as a result. This must stop. This claim sets out a series of practical and pragmatic steps which the Probation Service must take in order to restore workloads to safe and manageable levels.

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