



Ian Lawrence, Napo General Secretary, joined a protest against legal aid cuts outside Westminster Magistrates organised by the Criminal Bar Association (see story on page 2).

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## OR Bill: highlighting the flaws and dangers of TR plans

The fight against privatisation will continue into the spring and summer. The Offender Rehabilitation Bill was used by MPs as a means of highlighting what the government is up to. It is important to note that parliamentarians are not being given the opportunity to debate the Transforming Rehabilitation Agenda first hand. They are being told that the Labour government's 2007 Offender Management Act allows them to just get on with it.

The immediate next step will be lobbying and supporting key members of the House of Lords who will force the argument and vote again on the need for proper transparency and accountability through a debate and vote on TR in both Houses of Parliament (see page 2).

Following the passing of the OR Bill, Napo will concentrate solely on highlighting the flaws, dangers and risks in the TR agenda, both in the lead up to 1 June and beyond.

Briefing papers for use nationally and locally are already being prepared and will be available in the near future. Napo will

also be highlighting a number of areas where the potential for mistakes, serious errors and structural failure are immense. These include:

- The failure of government to take account of its own risk registers;
- Problems with merging IT systems;
- Staffing issues, including transfer appeals and the unknown nature of the future employers;
- Problems with strategic partnerships;
- Responsibility for writing court reports;
- Risk assessment and risk escalation;
- Case allocation;
- Shortage of credible bidders;
- Data sharing issues;
- Multi-Agency commitments
- Risks involved in the lack of coterminosity;
- The inexperience of privateers.

It is essential that members continue to feed in to Head Office any problems that they experience with TR at local level so that these can be highlighted nationally in the press and parliament.



**Justice Committee concerns**  
 Page 3



**Probation Institute**  
 Page 8



**Butler Trust Awards**  
 Page 10

## OR Bill leaves Commons for Lords

**The Offender Rehabilitation Bill which paves the way for supervision of short term prisoners post release by the private sector received its third and final reading in the House of Commons on 14 January.**

Despite the fact that the decision to hold the debate was only announced the previous Thursday, many MPs from Labour, Plaid Cymru and the Liberal Democrats made useful interventions.

The main debates affecting Probation were based on Lord Ramsbotham's successful amendment in the House of Lords that there should be no reorganisation of probation without debates and votes in both Houses; and that Transforming Rehabilitation was so controversial and the timescale so short it should be piloted first.

Jenny Chapman, the Shadow Justice Minister, led for Labour supported by many colleagues from her side. Sarah Champion (MP for Rotherham) pointed that Chairs of the Probation Trusts of Derbyshire, Leicestershire and Warwickshire had written to the Secretary of State to warn him of the dire consequences of rushing his reforms through. 'Those experts say that "performance is bound to be damaged and that public protection will inevitably increase". They go to say that the fragmentation proposed by the government would lead to "more systematic risks and more



Jenny Chapman.

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preventable serious attacks and deaths" and that the current timetable was "unrealistic and unreasonable ... with serious implications for service delivery and therefore increases the risk to the public".

Napo had prioritised lobbying Liberal Democrats, both nationally and locally, to try to get them to support either of the two amendments. New Clause 1 which insisted

on debates in both Houses, was lost by 213 to 247; and New Clause 4 on the piloting of probation reform was lost by 244 to 315.

### The votes

An analysis of the votes suggests that seven Liberal Democrats voted with Labour on both amendments, albeit the names were slightly different; and a further seven appeared to have abstained. Voting with Labour were also three Plaid Cymru MPs and a number from Northern Ireland. The Labour vote was approximately 235; but there are 257 Labour MPs. However, a further analysis of the Government vote shows that they were also between 25 and 30 members short on the vote, which may mean that they were paired by arrangement.

The votes are clearly disappointing because it could and should have been closer; but the lobbying of Liberal MPs was positive and must continue through the spring and summer, using briefings which will be supplied nationally and which argue that TR is flawed, risky and dangerous.

**Harry Fletcher (Parliamentary Consultant)**

## Napo in alliance with the Lawyers!

**London Napo members came out in strength on 6 January to show solidarity with members of the Criminal Bar Association who chose to withdraw their labour in an unprecedented display of defiance against Chris Grayling's plans to slash the legal aid budget.**

General Secretary Ian Lawrence joined a range of speakers who addressed a well attended rally held outside Westminster County Court. Ian commended the CBA and the Justice Alliance for their display of unity as he updated the rally with news of Napo's campaign against TR. Urging like minded organisations to step up their campaign against austerity, privatisation and the lies being perpetrated by the Coalition about the real cost of legal aid, Ian said 'the cracks in the Government are fast becoming a chasm as people see the real truth behind their desperate economic policies.'

Other speakers included those representing the Howard League, Liberty and the Law Society



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## Early Day Motions

**An early day motion is a means by which backbench MPs can express support for a cause or campaign. Napo has used EDMs successfully for some 20 years. The fact that a large number of MPs support a particular cause can be used in briefings for the media and in arguments for change.**

Since the start of the year Napo has tabled two early day motions and supports a third. We would ask members to write to their MPs and ask them to sign the following EDMs:

- EDM 936 – Piloting Transforming Rehabilitation Agenda
- EDM 917 – a call for domestic abuse laws
- EDM 900 – a call for the implementation of Eve's Law, which would prohibit a court from forcing an abused woman to give her refuge or temporary address to that court.

Model letters are available on the Napo website [www.napo.org.uk](http://www.napo.org.uk) and you can find and email your MP direct from the site too.

At the time of writing 31 MPs have signed the TR agenda motion, 44 have signed up to the call for domestic abuse laws and Eve's Law, which Napo is supporting, has attracted 62 signatures.



# Justice Committee reinforces Napo's concerns on TR

**The Justice Select Committee investigation into Crime Reduction Policies took evidence on the impact of the TR agenda from the MoJ, ministers, CJS experts and other stakeholders, including Napo. On 22 January it published its interim report on TR, the conclusions of which echo many of Napo's expressed concerns and fears.**

Napo welcomed the report and the concerns raised about the government's aggressive timetable for the reforms. The report says: 'witnesses to the inquiry, including those supportive of the changes, had major concerns about the scale, architecture, detail and consequences of the reforms much of which has not been tested, and the pace at which the government is seeking to



Sir Alan Beith MP

© PA Photos

implement them.'

Napo has been warning the government for months about these issues. On Friday 17 January Chris Grayling announced that the closure of the current Probation trusts will be postponed until the 1 June. This is another indicator that the timetable he has set is unrealistic and unachievable. The infrastructure is just not there and this will lead to real risks to the public as offenders will not be supervised adequately during the transition period. The issue of risks to performance and to public safety were also raised during the inquiry. Sir Alan Beith MP, Chair of the Committee, concluded: 'there is a lack of information both about risks they might encounter during implementa-

tion and the steps they will take to mitigate those risks. They also do not appear to have devised a contingency plan if the competition fails to yield a viable new provider for a particular area or a new provider subsequently fails.'

Napo told press that it supports the Committee's conclusion that, whilst welcoming the plans to work with those receiving under 12 months 'any gains made in reducing re-offending must not come at the expense of the supervision of offenders on other sentences, and must not diminish the value of community sentences'.

Napo General Secretary, Ian Lawrence, said: 'these plans are ill thought out, are untried and untested and as yet have not been thoroughly costed. We strongly urge the government to scrap these plans or at the very least to pilot them before rolling them out nationally so that glitches can be addressed and the impact they have on reducing reoffending can be properly evaluated to evidence that they work'.

**Tania Bassett**

## Where are we with Measures?

**Most members will by now have read something about 'Measures'. There is a reasonable amount of detail in Appendix A to the National Agreement on Staff Transfer and Protections. As stated, right at the beginning of the Appendix, 'Consultation must take place on any measures which Probation Trusts or NOMS/MoJ envisage will be taken in relation to the staff due to transfer to the NPS or CRCs as a result of the transfer.'**

This is about working out all the implications of the transfer and then talking to staff and the unions about these 'measures'. It's about information giving and consultation with a view to reaching agreement. The implementation of the changes required will be easier if all affected parties agree how they are to be achieved. Then some of the 'measures' will also require negotiation as opposed to consultation, because they involve contractual terms and conditions.

### Negotiations

The fact that there need to be negotiations in particular, raises the problem then of who should negotiate the changes and where? Existing Trust employers can hardly negotiate changes that will have nothing to do with them – because they won't exist after 31 May. It will need to involve the new employers, who, as yet, don't really exist in any meaningful form (certainly in the

case of the CRCs). Then also the negotiating structures need to be re-formed – new areas covered, new sets of employees, etc. So new structures, and new players, need to be established, both locally and nationally. Emanating from the national discussions over measures, between NOMS and the unions and the employers, there is thus a new and urgent workstream associated, in the first instance, with re-structuring the National Negotiating Council. This will then need to be replicated locally i.e. CRC by CRC.

### Facility time

Linked to these negotiations will be discussions about facility time and duties for union officials both locally and nationally. Who represents who and where? It is anticipated that there will need to be some transitional arrangements as staff (and reps) are split between CRCs and the NPS. It will also be necessary to re-formalise and/or establish union recognition agreements.

### Interchange

Not particularly arising from the measures consultations, there are also urgent discussions to be had with a view to establishing both a Staff Commission and an Interchange Agreement. Both are referenced in the National Agreement. The former will consider issues arising as a direct consequence of the transfer of staff from Probation Trusts to either a CRC or to

the NPS. The latter will aim at maximising career development opportunities and interchange between the CRCs and NPS.

### Local negotiations

Initially, much of the restructuring described above will need to be effected at a national level but in due course (for CRCs) changes will need to be made at a local level – perhaps with some shadow arrangements being developed prior to 1 June. Much, if not all, of the required negotiation will have to wait until the actual formation of the new organisations. MoJ/NOMS are keen to complete as much consultation and preparatory work before 31 May.

### Conditional

The unions will need to take a view regarding how far they will cooperate with these processes. We will not want to compromise the best interests of our members in the long run. Equally we will not want to do anything that assists in the establishment of a new model for providing Probation services to which we are fundamentally opposed. This will be a difficult tightrope to walk and it is a dilemma that will face union officials both nationally and locally.

Finally, it is as yet too early to fully understand the implications of the recent announcement putting back the establishment of the NPS and CRCs from April to June.

**Mike McClelland**

## Ian Lawrence writes

### Lions led by Coalition Donkeys

The return to work from the Xmas break is often the bleakest time of the year, not helped by the desperately dark and dank mornings which tantalisingly yield a little more light as each day passes.

But we have more important things to think about than the inclement weather conditions as we turn our attention again to the serious challenges facing Napo and all of our members.

### Cafcass

In the Family Court Section these include the impact of an exponential rise in Litigants in Person within the Family Division as Grayling's other ideological pet project to cut the legal aid budget, starts to directly impact on those who would ordinarily have recourse to legal assistance to help them and their children through the trauma of a broken relationship. Cafcass practitioners tell me of the frequent emotional pressures that they face in trying to steer distraught and often fractious parties towards the haven of a mediated settlement without the recognised pathways or support mechanisms being in place.

Moving Cafcass into the MoJ may make more sense in terms of trying to secure a more joined up approach to the various strands of the justice system, but it's still the same old story of target driven performance in a another departmental culture of 'more for less' (that's a favourite HR sound bite which when translated from 'Klingon'\* broadly means: more work done for the employer for free by way of the long hours culture, with more stress and more bureaucracy for even less pay and recognition). But before Anthony Douglas and Jabbar Sardar queue up to complain that I am having another go at Cafcass, let me say that it's the crumbling Coalition Donkeys who should shoulder the blame for the cause and effect of all this. Obviously Napo hopes that the improving working relationship now being cultivated by AGS Dean Rogers and Cafcass senior leadership will help provide them with renewed vigour as they go in to bat against the MoJ spin bowlers.

\* *Klingon (ISO 639-2 and ISO 639-2) is the official constructed language spoken by the fictional Klingon race in the Star Trek universe which many MoJ officials prefer to believe is in fact parallel to the one that we actually live in. Hope that helps you?*

### Cold out there but very hot in Probation

Anyway back on planet Earth, we have seen some remarkable developments in recent weeks from the flailing Omni-shambles of Grayling's TR project.

The triple whammy before Xmas saw us

secure major concessions from the Ministers on continuity of service (despite the MoJ 'naysayers' best efforts to suggest it wasn't worth turning up) leading to the prospect of a Framework Agreement to which Napo will signal its qualified ratification.

No sooner were we telling you about that, when the great news (that's 'buyngop' in Klingon incidentally) came through by way of a somewhat humbling Parliamentary statement by the SoS that Serco and G4s had decided not to enter as 'Prime Bidders' for the great CRC 'Sale of the Century'. Never mind for a minute that they shouldn't have even been afforded the dignity of a choice in this matter, it was still 'buyngop' in anyone's language.

### Market forces

As was the simultaneous revelation that despite the millions of pounds of tax payers' money spent on creating a market for the CRC share sale, the list of 30 qualifiers is anything but impressive. Although Jeremy Wright chose not to agree with my take on this at the PCA Conference on 24 January when I put this to him, just do the maths Minister? For if you discount the 10 Mutuals who (according to the bluster being displayed by one or two of their prospective Chief Executives) ought to be a shoo-in for the CRC contracts when or if the auctioneers hammer opens the bidding, the list of circling sharks looks a bit thin in the absence of the two 'Great Whites' known as Serco and G4S. This straightforward numerical fact will in itself test the great Tory holy grail of so called competition. But there again, when did principle come into any equation that they have ever devised?

### Labour getting on side

Following on from this came the statement from Khan, (Saddiq that is, not the guy in Star Trek) who weighed in with a timely Xmas cracker in the form of a threat to rip up any outsourced contracts that were given to the likes of Serco and G4s and anyone else if they are under investigation for alleged malfeasance. This was a lot better than anything we have seen before, and represented a step in the right direction in terms of what Napo has been seeking from the Labour Front Bench. Work in progress there for sure.



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### No time for complacency

Positive then, but loads still to do, and our immediate priorities having now secured as much as we could in the form of protection for members by way of the NNC Framework Agreement, includes turning up the heat on the Offender Rehabilitation Bill prior to its next reading in the House of Lords. The excellent work by Tania Bassett (with a bit of hired help from an old friend of ours) ensured that a whole new cadre of politicians in both Houses now know more

about what Probation actually does, what integrated offender management means and now better understand the real risks to their constituents posed by the TR proposals.

The articles elsewhere in *Napo News* give a fuller picture of our Parliamentary activity and aptly demonstrate why party political loyalty trumps common sense; but we have won over some influential friends. This is especially the case in terms of the Justice Select Committee whose damning conclusions in their report on TR was released a week after the Commons debate on the OR Bill which the Government adroitly ensured would be the case. They can run but they can't hide forever.

### Next priorities

The second top priority, especially given the desperate U-turn on the Trust termination date, is to start exposing some of the potential bidders for the CRCs in terms of their track record on employment, health and safety, which unethical companies they invest in and their track record on human rights where trade unions abroad dare to speak out against them. You will no doubt also want to know how much money some of them have paid to their mates in the Conservative Party or closeted away in tax scams in places like the Seychelles.

Grayling and Wright can wax as eloquently as they like about the evolutionary nature of a changing workforce and how new providers will need your skills for many years to come, but let us be clear: the Privateers are after you and your jobs; and being in a trade union is the best protection anyone can afford themselves. What's more, that union of choice should be Napo – leading the fight back against TR.

## Women in Napo – Have your say

**We are hoping to have regular Women in Napo features in future additions of Napo News and would really welcome contributions from as many women members as possible. So please do submit items for publication to Kath Falcon at Chivalry Rd, or feel free to contact me or Sarah Friday to discuss ideas.**

You will see below that we have revived the profiles of active women members in this issue. We would like to make this a regular feature. If you would like to take part please do get in touch!

We would also really welcome your ideas on how we could use the new website when it comes on stream to share experiences, ideas and information. In the past there has been an email list that women members

could sign up for to receive information around issues, meetings, training, etc. which was particularly relevant to women. However keeping the list up to date and ensuring that new members have access to it has been an issue. Using the website to disseminate this sort of information would seem to be a better option, but we would welcome your views.

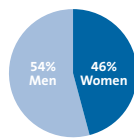
One thing we really want to know more about is why women seem to be more active and involved in some branches than in others. If we can share ideas on what has

worked well, then other branches can think about whether a similar strategy would work for them.

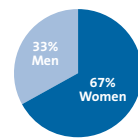
Women's participation in Napo has increased but there is still some way to go given that women form 70% of Napo membership. The latest figures are shown below.

Finally it is not too soon to start thinking about the next WIN conference in 2015. If any branch is interested in hosting this please do get in touch!

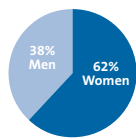
**Megan Elliott and Sarah Friday**



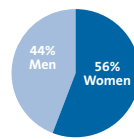
Branch chairs



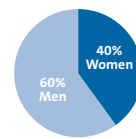
NEC reps



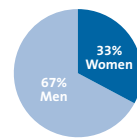
Other branch post holders



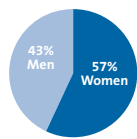
Committees



National Officers



National Officials



Overall

### Profile: Barbara Randall

**Napo News is reviving its series of profiles of women activists, asking them why they got involved in the union, what Napo can do to support its women members in getting more involved and what they have got out of being an active woman trade unionist. First off this month, Barbara Randall. Barbara is an ERO with Northumbria Branch and also Chair of the National Disabled Staff Network.**

Becoming a probation officer in 1997 was one of my proudest moments. My membership to Napo followed shortly after that. Not because of some strong and compelling belief nor a deep understanding of trade union business but rather my membership was inevitable but extremely fortuitous. Inevitable because of the inherent structural disadvantage a blind probation officer would face and fortuitous because I was catapulted into an association where my identity as a disabled woman could be galvanised and legitimised. I have since held the position of branch rep on the National Executive Committee and currently an Equal Rights Officer.

#### Becoming active

Being an activist within Napo is something I would encourage others to do especially those with a disability. I

became blind at the age of 29. Apparently a hereditary condition not previously known in my family. In this regard there was no preparation for my life as a disabled woman or an idea of the level of prejudice and dis-

crimination that was ahead of me.

When my mobility was becoming increasingly difficult I trained with my first Guide Dog, Kirsty. Although the kids loved the dog, and the youngest in particular thought it raised my 'street cred', it was in fact a sort of 'coming out' experience. For the first time in my life however I was denied access to restaurants and taxis because I had a guide dog and spoken to in a patronising manner and in a loud tone just in case I did not understand what the person was saying.

#### My experience

My experience is typical. A disability is quite often acquired rather than something you are born with. In this regard it is all too easy to hold negative attitudes around disability thus unintentionally colluding with those systems and structures that are stacked against you. For example, responding to others with stock phrases such as I don't want to be treated different from others or be given anything extra. In becoming a Napo activist I soon learned that the employment playing

field was not fair or level for some disabled people because of inherent structural barriers. I now 'get it'; to achieve equality employers and service providers need to take

steps to meet the needs of disabled people even if that means more favourable treatment. You are not getting anything extra, just an even playing field. I now hold the position of Chair of the National Disabled

Staff Network (NDSN). NDSN works to remove institutional barriers and to empower disabled staff and service users. Had I not become a Napo activist, I very much doubt whether this would have been possible. I neither had the confidence or knowledge to take on such an important role.

#### Inspiration

The women activists that have most inspired my disability equality campaigning are Shirley Anderson, an extremely engaging and dynamic branch member, Beatrix Campbell in relation to feminism and Jenny Morris a disabled activist and academic who campaigned against institutional care, espousing the idea that if politicians and decision makers like institutions that much to accommodate disabled people then they should try them out themselves.

#### Support from Napo

My Napo branch has been nothing other than encouraging and has helped me to grow both personally and professionally. I was funded to attend countless training courses including the two day TUC public speaking course having expressed fear of talking to an audience. I feel valued and encouraged to stand shoulder to shoulder on the picket line and within every forum where we go as a branch including the annual general meeting. I am never short of a dancing partner and I have probably added years onto my life as my fellow branch members love to hit the dance floor record after record after record.

**Barbara Randall**

women  
+ in napo



## Family Court FoCuS

**When the Government announced its huge cuts to legal aid budgets staff right across the justice sector were quick to raise fears about the impact these would have on the efficiency of the court system, workloads of staff and ultimately, vulnerable people seeking support and justice from the system. A Napo survey of Family Court members highlights how quickly and alarmingly these fears are becoming reality (see page 7).**

Members supporting private law cases involving parents in dispute about custody and access to their children are already reporting alarming problems as a result of a dramatic increase in cases where one or both parties are not represented by a solicitor and are choosing to represent themselves, known as litigants-in-person (LIPs). Cafcass figures show that before the cuts to legal aid 18% of cases began with neither party represented. 82% of cases began with one party (60%) or both parties (22%) legally represented. It was more likely that both parents would have representation than neither.

However, almost immediately the cuts to legal aid took effect this position was reversed. By December 2013 only 4% of cases saw both parties represented by a solicitor. An incredible 42% of cases saw neither parent represented. In other words we are now 10 times more likely to see two parents fighting for custody without legal representation than we are to see both of them with a solicitor! In nine months that's more than 10,000 families in this position.

This all has an impact – on children, the justice system and already over-stretched staff. Napo members are already reporting a reduction in the number of experts being used to clarify allegations made by either party. For example, parties can pay for tests to prove or disprove allegations of heavy alcohol or drug misuse. Likewise, where threats of domestic violence are alleged supporting police information can be bought. Without legal aid members say this is already happening less.

Members are also reporting concerns about cases taking longer. As one member said, 'Money saved on legal aid is being spent on more court time!' Parents with low literacy levels are least likely to be able to afford a solicitor and inevitably find it harder to cope with being a LIP.

The rise in LIP cases also significantly increases FCS member workload as the process slows down. 92% of members working in Work After First Hearing (WAFH) teams responding to our survey indicated an increased workload. 36% report spending more time clarifying roles and process. 36% said they were spending more time on

phone calls and interviews and 19% report spending longer or having more interviews with parties.

All members working in Early Intervention Teams (EIT) who responded said their workload had increased. Almost 4 out of 5 said they had to spend longer clarifying expectations, identifying legal baselines or explaining the court process. Almost 2 in 3 said they are spending more time on court duties and in longer first hearings and almost half described dealing with more phone calls and emails from LIPs.

Napo believes that these problems are only beginning to emerge and plan to continue monitoring this area periodically over the coming period. We are also sharing our findings with Cafcass management and will be looking for joint discussions around how these concerns can be managed and the impact minimised.

However, until access to justice is again recognised as a legitimate equal right for everyone then these challenges are likely to grow. This is why Napo has already taken these concerns to the Family Court Unions' Parliamentary Group.

### No need to be afraid of the Big Bad Wolf?

With Cafcass awaiting the first full organisation-wide inspection from Ofsted, Napo News thought it would be timely to reflect upon what will be happening some time soon.

Talk to any teacher or school governor about their feelings in the period when they know Ofsted is due but they don't know exactly when the call will come and you'll get a reaction akin to someone waiting for an air raid siren to go off! Such is the fear and dread of education's real life ver-



sion of the Big Bad Wolf.

In truth, a lot of the same teachers, once they've 'survived' Ofsted, tell you it wasn't so bad and it's good to have some pointers about what they need to do next to improve. I've heard teachers in a school which was recognised as having improved even say they feel their professionalism has been validated. But it's

unfortunate that Ofsted's use as a political football to beat schools over the last two decades has generated a reputation as the biggest of playground bullies.

Ofsted in Cafcass is likely to be very different – not least because it's the first time they've been asked to inspect the whole of a national organisation; nor does there seem to be a pre-ordained agenda to kick Cafcass.

Cafcass also has a lot to be confident about. Napo recognises members are professional and held in high regard by other agencies, e.g. it being increasingly evident in courts as staff are asked to take more of the strain as legal budget cuts bite. It would be difficult to see how Ofsted could want to see much more being delivered in terms of value for money.

That is not to say Cafcass doesn't have huge challenges. Increasing workloads, isolated working practices linked to these efficiencies, adapting to new technology, and higher public expectations and pressures are day to day realities across the service.

Napo hopes and expects Ofsted to recognise Cafcass's strengths and celebrate the valuable and professional work members do to their political and public audience. We also hope they'll be realistic and honest in recognising the challenges Cafcass members face, providing ammunition for any funding battles to come.

**Dean Rogers**

## Napo Equality Training Programme 2014

27 March **LGBT Training**  
15 May **Race Equality**  
5 June **Public Speaking for Women**

All of the courses will be held at Aston Business School in Birmingham. Due to budget constraints we have made some changes to the way in which the courses will run this year. In order to keep costs to a minimum and to allow Napo to deliver a full equalities programme the courses will now run over one day starting at 10am and finishing at 5pm.

We expect that most members will attend the course on the day. Napo centrally will meet the travel costs for members to attend the course. However, if in exceptional circumstances members do require overnight accommodation, they will need to secure permission from their branch and local branches will be asked to contribute to the cost of the overnight accommodation.

**For more information and to reserve your place on a course please email [Deirdre Heinrich](mailto:Deirdre.Heinrich@napo.org.uk)**

# Napo survey – legal aid cuts and the Family Courts

## Increase in Litigants in Person

The scale of the increase in litigants in person cases is beyond question.

This rise averages at over 1,000 a month since the cut in legal aid took effect.

Put it another way, until February 2013 you were more likely to see both parties represented than neither party. By the start of 2014 you were 10 times more likely to find neither party represented than both parents bringing their solicitors.



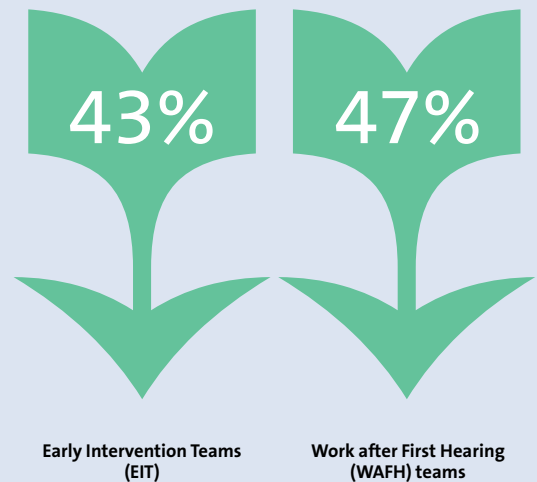
Source: Cafcass National Case Management System (CMS).

## Reduced Use of Experts

Very often expert advice is required where allegations are made in private law disputes involving children. For example, where allegations of heavy alcohol use or drug misuse are entered parties can request testing. Legal aid would have assisted in facilitating this use of experts. Likewise, where threats of domestic violence is alleged supporting police information could be purchased, supported by legal aid.

Napo fears this lack of access to legal aid funding is already increasing safeguarding risks in relation to domestic violence, and drug / alcohol misuse.

### Reduction in number of experts called



Source: Napo members reporting a reduction in the number of experts called

## Lengthier Proceedings

Without legal aid justice looks to be getting slower, less efficient, as well as less effective.

Members indicated that they were being required to attend more Directions Hearings. Conversely, members are concerned that fewer Fact Finding Hearings are being called. These would establish facts where they were in dispute and again could call upon expert evidence. However, without solicitors to prepare bundles and help administer these and with reduced scope for expert advice members sense courts have less confidence in this method.



**69% of WAFH members indicated they were required to attend more final hearings and that these were taking longer**

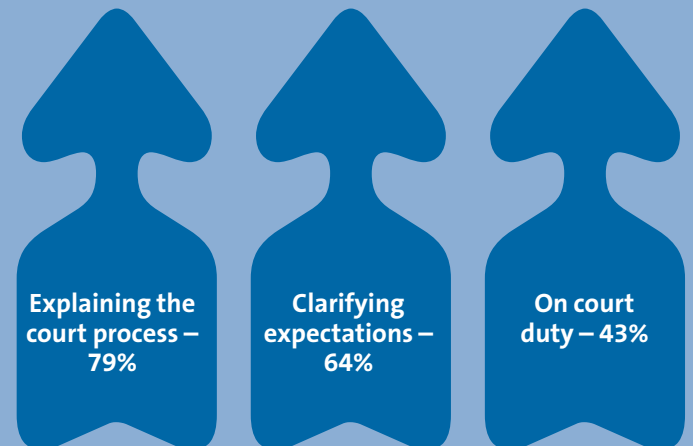
Source: WAFH members responding to our survey

## Impact on Staff Workloads

The increase in LIP cases already appears to be impacting upon Napo members' workloads.

92% of WAFH members said their workload has increased.

### Members working in EIT reported spending longer



Source: EIT and WAFH members responding to our survey

## Probation Institute –providing an academic backbone

**There are fashions in criminal justice that come and go with the seasons. When I was a trainee Probation Officer, we learned about warmth, empathy and genuineness but, organisationally, the approach to clients-sorry, offenders – was all about enforcement and public protection. The new tough talking Probation Service was at odds with the training we received. Cognitive Behavioural Therapy was the order of the day and damn it if you didn't address offending behaviour on day one of supervision. Never mind the practical problems clients faced – it was all about thinking skills. Centrally driven targets would drive up standards. Did they really?**

Then it all changed. Targets were burned. CBT was 'soooo last year darling' and offender engagement was the new kid on the block. Let's spend time building relationships with offenders- sorry, now called service users. Many of us breathed a sigh of relief although it was slightly annoying to be told how to do your job by NOMS. A recent Minister of Prisons and Probation said he wanted staff to spend time with those who had offended. An exasperated colleague replied, 'I don't know what you think I've been doing for the past 25 years!' We have been advised to look at the psychodynamic reasons for offending and spend time taking case histories. Now the government wants to shift the emphasis to accommodation and employment.

Of course, the above description is something of a parody and it is a truism that all of those approaches have merit. But the essential point is that no one approach is better than the other because much of it depends on the needs of the person sat in front of us. Our profession involves all of those approaches and it is inevitable- and welcome- that the job evolves and develops. The problem is that we get blown about in the prevailing political discourse and have, hitherto, lacked an independent, institutional anchor that brings together the best from academia and practice. The Probation Institute provides us with that opportunity.

### Probation Institute launches new twitter account

While planning for the creation of the Probation Institute is advancing it is clear that an unofficial site has been created which does not represent the views of the stakeholder groups.

Napo members who utilise social media can find the official account for the Institute at: [@ProbInstitute](https://twitter.com/ProbInstitute)



It's always been needed to provide what one member described as the 'academic backbone to our job'. The need for it has become more pressing given the government's intention to privatise probation.

Napo has supported a Licence to Practice as a way to safeguard training and professional standards and this is vital in a new era of fragmentation. Napo is a professional association and will continue to be so but it is not appropriate for us to act in that way.

We might be called upon to represent someone who may not be meeting the standards required by register and it is right that we do that as a trade union.

Subject to ongoing consent by our National Executive Committee, Napo, along with Unison, the Probation Chief's Association and the Probation Association has been involved with developing the Institute. The organisation is in the very early stages of development; registering itself as a company, writing a Code of Ethics, getting a bank account, etc. It is planned to develop over time to include a professional register and hold seminars and events to contribute to continuous professional development. As I have written before, the first principle of the Institute is that it is independent. It was a shame, therefore, that the government announced the formation of the Institute in the same breath as privatisation. This has led to a conflation of the two and I have been asked whether the Institute is a fig leaf for privatisation. The answer is no. If it was, we wouldn't touch it. Instead, the Probation Institute offers a way to ensure we embed our knowledge and values, and lead the way, in the changing landscape of community justice.

**Tom Rendon**  
**National Chair**

### Napo ULF Project comes to an end

**On the 9 December 2013 Napo received disappointing news from Catherine McClelland, Union Learn Business, Finance and ULF Manager, that Napo's bid for funding from 2014/15 had not passed through the Department of Business and Enterprise gateway and that as a consequence the ULF England project will no longer be funded beyond 31 March 2014.**

Catherine made it clear that the Napo bid was impressive and reflected the hard work that the team has undoubtedly put in, but that the decision was entirely in the hands of the BIS Assessors and was a sign of the harsh economic climate and their desire to reduce funding.

ULF Lead Project Manager Marilyn Owens said: 'The ULF team know this will be disappointing news for members and Union Learning Reps, but it is important that while we analyse the impact of this on individuals and the team, that we continue to do all we can to achieve our contractual obligations until the natural end of the project on the 31 March 2014.'

General Secretary Ian Lawrence added: 'I am sure that members will share the disap-

pointment at this news but it is not entirely unexpected given the massive uncertainty surrounding the future shape of Probation and the attitude of prospective new providers to the wider learning agenda. The fact that it was almost impossible to make accurate projections about the extent of ULF activity in the fragmented service in which our members will find themselves after 1 April put us at a massive disadvantage in the bid process.'

Napo wishes Marilyn, her fellow Project Manager, Briony Sutcliffe and ULF Project Support Worker, Jacqui Paryag, well in the future. We know that Napo members are hugely appreciative of all that they have done during the lifetime of the ULF project.

The Napo ULF Team would also like to thank all of those ULFs past and present, who have demonstrated their commitment to the projects by working hard to promote Continued Professional Development for members in the workplace. The team also wishes to convey their thanks for the encouragement and support they have received over the years from other Napo colleagues with whom they have worked in various forums.



## Stress Training Day

**The health and safety committee annual training day was held in December, it was specifically targeted at our Family Court representatives and office contacts on the subject of stress at work; the most significant health issue for our Family Court members.**

Cafcass have taken steps to try and bring down stress levels by for example by introducing a workload measurement tool. But these actions only scratch the surface of the problem. Sickness absence due to mental health related issues is still far and away the main reason Cafcass staff take sick leave.

The main purpose of the course was to familiarise the reps with the Cafcass stress policy; which is in my view an exemplary policy. The trouble is it doesn't get used. The policy states that:

*'CAFCASS will seek to identify all workplace stressors and conduct risk assessments to eliminate stress or control the risks from stress. These risk assessments will be regularly reviewed.'*

In line with this the course participants were encouraged to ask their office manager to carry out a stress risk assessment.

I didn't want the course to get too heavy going – and had to keep the subject matter straight forward as the majority of those on the course were office contacts and so weren't familiar with the detail of safety legislation. So the programme included body mapping (different body maps for men and women – to see if stress impacted men and women FCA's differently – it didn't), a stress quiz – which introduced in brief how difficult it is to win a stress at work legal claim, and a YouTube video [www.hazardscampaign.org.uk/hazard-](http://www.hazardscampaign.org.uk/hazard-)



sconference/index.htm of Phil Taylor, Professor of Work and Employment Studies at Strathclyde University and author of a recent report for the Scottish TUC 'Performance Management and the New Workplace Tyranny'.

### Workplace tyranny

Professor Taylor has agreed to speak at the Family Court conference in May, his research shows that techniques formerly used in maximising production line productivity are now being applied to white collar and professional workers, who are being made to pay for the economic crisis, as through constant restructuring more work is being done by a smaller workforce. This means that breaks and 'thinking time' time within the working day have been almost completely eroded. It is through performance management (such as sickness absence procedures) that those who can not keep up with the pace are managed out of the service. The course participants recognised elements of the issues Professor Taylor's research has highlighted in the way that Cafcass expect their staff to work.

The emphasize of the course was on collective action as being key to stopping stress at work, and to achieve this collectively by asking for team stress risk assessments, recruiting non members to Napo, for office contacts to become safety representatives and for members to attend the Family Court conference in May.

This course has only outlined the first step in what the Family Court section needs to do to address the issue of stress at work – things are getting very hard for our Family Court members – they will have to get themselves organised to stop things from getting worse.

**Sarah Friday**

### PSO Forum 2014

**The first PSO Forum of 2014 will be held on Wednesday 5 February 2014 at The Priory Rooms, 40 Bull Street, Birmingham from 11.00 am – 4.00 pm.**

National Napo will fund one PSO member from each Branch to attend. Branches are welcome to send additional PSO members, but their expenses will need to be met by the Branch.

If you would like to attend the January meeting, please contact your Branch Chair/Secretary in the first instance, or Cynthia Griffith at Chivalry Road for further details (Tel: 020 7223 4887, email: [cgriffith@napo.org.uk](mailto:cgriffith@napo.org.uk)). Registration forms will be sent to all Branches and elected PSO Reps.



# Napo members win prestigious Butler Trust Awards

**The Butler Trust is an independent charity promoting excellence in UK prisons, probation and youth justice through its annual awards scheme, development programme and the sharing of good practice,**



This year's Butler Trust Annual Award Ceremony takes place on 20 March at Buckingham Palace, where the winners will be presented with their certificates, in recognition of their outstanding work in correctional settings, by the Trust's Patron, Princess Anne.

Last year, Napo News reported that Alan Lilly, a former PSO and military veteran, received a commendation for his work in setting up and running the Cheshire Probation Trust (ex-Armed Forces) 'Veteran Support Officer' (VSO) initiative (pictured).

Among this year's Award winners are Napo members Mathew Ashworth and Mark Siddall both from West Yorkshire.

Matt was nominated for developing an

innovative approach to tackling burglary by 18-21 year olds in Leeds as part of the Safer Leeds Burglary Strategy.

Mark receives his award, along with Probation Officer Liz Mills and Janet Carter from the West Yorkshire Court Service, for developing and implementing the Dynamic Change Model of offender management.

Other Napo Members to receive Commendations this year are:

- Mike Atkinson (Devon & Cornwall Probation) – for outstanding skill and commitment as an offender manager; nominated by a former offender.
- Angie Batham (Staffordshire & West Midlands Probation) – for contributions to public protection through the management of high risk offenders.

- Janice France (Greater Manchester Probation) – for contributions to safeguarding children and the prevention of child sexual exploitation.
- Eve-Marie Furness (Greater Manchester Probation) – for contributions to meeting the move-on housing needs of offenders in Approved Premises.
- Jo Tierney (Surrey & Sussex Probation) – Senior Probation Officer: for contributions to public protection.



## My experience on Any Questions

**Or the day I called the Secretary of State 'morally wrong and factually incorrect'. The event: Any Questions, Radio 4, 10 January, Heythrop College, London. The panel: Chris Grayling Justice Secretary, Sadiq Khan Shadow Justice Minister, Sarah Teather Liberal Democrat MP and Patrick O'Flynn UKIP Communications Director. The question: In light of this week's disturbances at the G4S run Oakwood Prison, and the first ever walk out by barristers over cuts to the legal aid system, is the Government right to now be privatising the Probation Service?**

I was fortunate to get a ticket to go to the live recording of Any Questions, thanks to Mike Guilfoyle, former probation officer. I knew it would be an excellent opportunity to raise the issue of probation privatisation. I emailed the producer in advance and arrived early on the night to speak to her, to impress how it important it was to get the issue raised with the OR Bill due back in the Commons.

There was a 90 minute wait to find out which questions had been selected. The audience had the chance to ask Ceri Thomas, Head of News Programmes, general questions about Radio 4. Issues included the diversity of radio presenters and whether a far right presenter would ever be on Radio 4. Ten minutes before the programme was live on air, they announce which questions

had been selected.

When I asked my question Chris Grayling immediately disputed that the Bill would privatise the Probation Service, stating his only and frequently mentioned argument that it had been a 'Travesty of Justice' that those sentenced to under 12 months are not supervised and that he would extend supervision to those 45,000 people. He said the whole purpose of the reforms is to provide mentoring and support for those people and that he regarded it as 'the biggest hole in the criminal justice system'.

He spoke about bringing in the management skills of the private sector – a point challenged by Patrick O'Flynn who surprisingly supported us stating that in his view it was wrong to privatise branches of public services in the criminal justice system and he was wary of farming out to big private companies to make profits from tax payers' money.

Sadiq Khan spoke of the ongoing Serco and G4s disasters and suggested projects were piloted. Chris Grayling said he was already piloting Peterborough, and that he had not given any contracts to Serco or G4S since he had become Justice Secretary, failing to omit that until Serco and G4S were investigated by Serious Fraud Office he had planned to give them our work!

When I was asked my view I made it clear that in mine and Napo's view pri-

vatizing probation would lead to a fragmented CJS and would not protect the public as effectively as it currently does. When Chris Grayling again started talking about those sentenced to under-12 months, I was allowed to challenge his view, motivated by a desire for the public to know the truth. His criticism then afforded an excellent challenge by Sadiq Khan that it was also Chief Officers, the Former Lord Chief Justice, Probation Inspectors and Select Committees who were citing their concerns; and as Sadiq Khan said to Chris Grayling 'Why are you in such a rush?'

Once the programme ended Chris Grayling made a beeline to speak to me to try and convince me why he was right and told me that I would thank him in 5 years time!

The following day, on Any Answers, there were calls from a Chief Officer, Programmes Manager, ex-prisoner and the voluntary sector. I have had a fantastic response to my question and subsequent challenge on Any Questions. The listening figures are around 400,000 for the live show and up to 1.2 million for the repeat on Saturday. The clip is on YouTube, entitled 'Khan-v-Grayling', (and curiously accompanied by a teletubies video and something saying anarchist PO!!). It's also available on BBC Radio 4 iPlayer.

**Deb Borgen**

**Probation Officer, Greater London Branch**

## Letters

### TR delay shows campaign is working

Whilst I welcome the pre-Christmas news that terms and conditions of future employment (yet to be ratified), and an increased voluntary redundancy package (which does not apply to me) have been agreed let us not lose our focus on why we have thus far taken industrial action. It is not about pay and conditions it is about the PRIVATISATION of the Probation Service.

Do NOT be distracted by the recent events. Chris Grayling's Christmas DVD makes his plans clear in that he intends to forge ahead with his vision to create a two-tier system within criminal justice. The first tier consisting of a 'network of CRCs working in resettlement prisons', without the bureaucracy of inputting information into a com-

puter, assisting prisoners serving less than 12 months custody through the gate and directly into accommodation and employment through local agreements with private landlords and employers. A system that cannot currently operate in the public sector because of Government red tape.

The second tier, working solely on high or very high risk offenders, wrapped in the same red tape and multi-agency working as is current practice, will be the National Probation Service.

The recently announced stay of a two-month execution condones the view that all is not rosy in the Grayling garden and that he has a long way to go before the Service becomes a viable option for potential buy-

ers. Each grievance registered is a victory, putting a negative in the 'for sale' column of the organisation.

My Chief Officer has e-mailed staff stating that he has 'been advised against seeing this announcement as a potential loss of momentum', but that is exactly what is. Do not be fooled into believing that the stay of execution is merely a means of giving organisations more time to get their house in order. It is recognition that our campaign is working and that potential buyers will not be interested in buying a company in disarray.

So members, stay focussed and support the campaign to fight off the privatisation of our much loved, and valued Service. Submit your grievance letters to your line manager and slow down the process of privatisation.

**Tom Brannon**

**Northumbria Branch**

### Unique social event for ALL Probation staff

I wanted to let *Napo News* reader know that I am organising a social event/get together for all probation staff in the service, in Birmingham on Saturday 8 March. The venue is the Holiday Inn Snow Hill in Birmingham city centre. (It is being subsidised by the NCP car park next to the hotel).

The cost for anyone wishing to come is £40 per room, including breakfast. (That's £40 per room NOT person). All rooms are double rooms so if you want to share the cost per person reduces.

I have reserved 100 rooms and if you would like to book, you can phone the hotel on 0121 647 3999, quoting 'the probation service - March' for the booking. Payment

will be taken by credit or debit card but will not be charged until you day you check out. You can cancel the booking up to one week prior to arrival without charge.

All bookings MUST be made before Friday 7 February. So hurry.

The plan is that people can arrange their own group events for the evening. Prior to that we can all meet in the foyer at 5pm for a big get together.

This is NOT a union event, but something I have organised in a personal capacity. You can contact me at humayun.shouib@gmail.com or via Facebook.

**Humayun Shouib**

**Lancashire Branch**

### Grayling makes surprise visit to Brighton

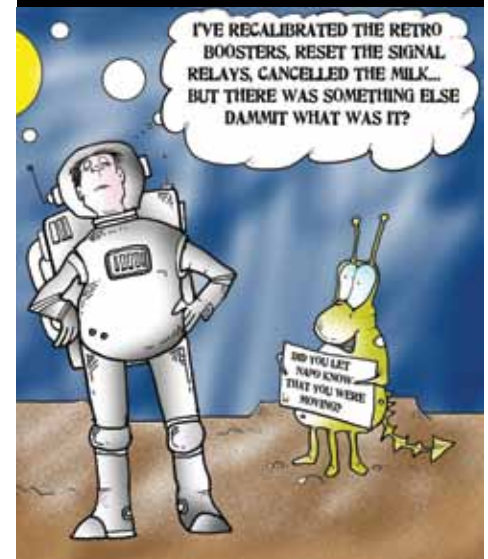
I was contacted one day last week to ask if I knew that Chris Grayling was at SSPT HQ in Brighton. I did not and as I was in my office in Guildford I couldn't get there. I called around some colleagues to try and find out what was happening. A couple of people who prefer to remain unnamed told me that the previous late afternoon, staff from Brighton IOM (selected staff) were contacted and asked to come to HQ the next morning to meet with Grayling along with a police officer to talk about IOM. I can't verify this version of events but I trust the source. I was told that those staff were told by senior management not to disclose that Grayling was coming to visit and they were briefed before they met him. I have no idea why this had to be

kept secret, most Government Ministers look for publicity, maybe they thought if it was public Napo might have turned up, then they were right we would have. Its probably a coincidence but the previous week I met with Conservative Backbencher Henry Smith and after talking to him at length about our overall concerns on TR, I then took him to meet with IOM Staff so he could hear first hand our concerns about risks to public safety. He said he would take these back to Grayling. I don't know if he did but just maybe we hit a nerve. I understand Grayling was on a planned visit to HMP Lewes and made a short notice visit to Probation en route.

**Mike Rayfield**

**Chair, Surrey & Sussex Napo**

**Have you moved home or office?  
Are you taking a career break?  
Have you retired?**



We need to know if we are to make sure you are getting information from Napo and that you don't unintentionally lapse or pay too much in subs. So please, please, please let us know of any changes...

Contact membership: 020 7223 4887

Email membership@napo.org.uk

Notify us via www.napo.org.uk

Write to Napo

4 Chivalry Road, London SW11 1HT



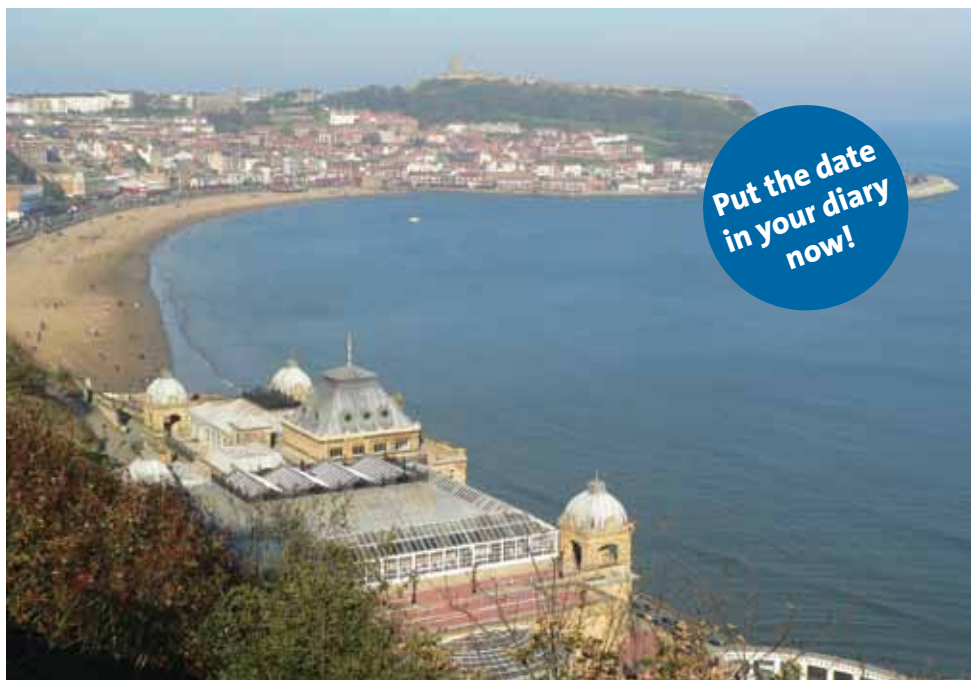
## AGM 2014 | 9–11 October, Scarborough

**Napo's 2014 Annual General Meeting will be held on 9, 10 and 11 October 2014 at the Spa Complex Scarborough.**

All members of Napo may attend the AGM and registration will open in June 2014.

Motions to be considered by the AGM may be submitted by the NEC, a national committee, a Probation branch, the Family Court Section, the PSO Forum or any two full or professional associate members of Napo. Constitutional amendments may be submitted only by the NEC. Motions and constitutional amendments must reach the General Secretary no later than 12 noon on Thursday 14 August.

Amendments to motions and amendments to constitutional amendments must reach the General Secretary by 12 noon on Thursday 25 September. Details of motions and constitutional amendments received will be circulated to members at the end of August.



## Edridge announces another record year for grants made to colleagues in need.

**The Trustees made grants totalling nearly £53,000 during 2013, and there was a slight increase in the number of applications. This is about £3,500 more than we paid in 2012, but is the same as 2011. The reasons for colleagues needing help have remained much the same as in previous years, but as before there was a significant minority that had got into difficulties with Pay Day Loans.**

It is often the case that the amount Edridge can give to help cannot completely solve the problem. We have often used our local Representatives to assist applicants in finding other sources of help, but we are also sending out a Debt Advice leaflet with all letters to applicants, giving the contact details of various organizations that can help.

### Record Year for Donations

There is no simple way of putting it, but Edridge has had a fantastic year for large single donations. We have reported before on the £10,000 we received from the CSiS Charity Fund, but in addition we received two bequests totalling £30,000, both from the Estates of deceased colleagues who had been Napo members. We shall be reporting about these bequests in a future *Napo News*.

We still need to analyse our figures, but it seems that general donations have gone down a bit, but there are significant single donations, which are very worthy of comment. Five members, who had been unable to take part in the Industrial Action, sent

us a day's pay; in another case a Manager had given money to a picket line for their refreshments during the strike, but they sent it to Edridge instead. The sponsored swim at Llandudno AGM raised nearly £200 in cash on the day, but this year we received much more than that in online donations via JustGiving. Another member retiring gave us the money from his retirement party collection. These are just a few of the ways that people have helped us.

### We still need 'Two Cups of Coffee' every month!

The fact is that if we were to take out the big donations we have had this year, we would be operating at a deficit. In the past couple of years we have been lucky with our investments, but that may not last. There are also tremendous uncertainties in the immediate future, which are likely to affect our ability to keep helping people.

All we need is enough people to donate the cost of two cups of coffee per month, and the future of the Edridge Fund would be assured. If you have seen this idea before, it is because we keep saying it, but very few people respond.

So do something different this year, go to [JustGiving.com](http://JustGiving.com) and set up a direct debit for Edridge – you will find the link on our website [www.edridgefund.org](http://www.edridgefund.org).

***The Trustees and Staff of the Edridge Fund of Napo***

**DID YOU KNOW?**

#### As a Napo Member you receive:

- Free legal advice and representation on:
  - Personal injury at & away from work (including assaults)
  - Road traffic & holiday accident injury
  - Industrial disease or illness
- 30 minutes free legal advice for:
  - Any non-work issues such as landlord disputes, neighbourhood disputes, matrimonial and consumer issues
- Criminal law advice
- Free will making service

For employment law & stress cases please speak to your Napo branch representative

#### For Napo members and their families we offer:

- Free legal advice and representation on:
  - Personal injury away from work
  - Road traffic & holiday accident injury
- Special terms for clinical negligence cases
- Reduced rates for conveyancing & family member wills

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**0800 587 7521**

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