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## Hijacking Magna Carta

**Magna Carta, meaning ‘The Great Charter’, is one of the most famous documents in the world. Originally issued by King John as a practical solution to the political crisis he faced in 1215, Magna Carta established for the first time the principle that everybody, including the king, was subject to the law. 2015 sees the 800th anniversary of what is often referred to as the cornerstone of the British constitution.**

It will be of no surprise then that the Lord Chancellor and Secretary of State for Justice, Chris Grayling, is planning on celebrating this event with a Global Law Summit due to be held on 23 – 25 February at The Queen Elizabeth Conference Centre in Westminster. However, he seems to have missed the point somewhat. To start with the anniversary of the signing of Magna Carta is in fact 15 June so holding an event in February would seem strange, if it did not also tie in nicely with a general election campaign and the need for the Conservatives to increase the contents of their war chest! Well we assume that is the reasoning behind it. Why else would he invite a catalogue of oligarchs and investors to an event that is supposed to be celebrating the justice system?

Anyone can register for the event. At £1,750 per head, though branches may

struggle to find the revenue, which is a shame as the website states: ‘Whether you are looking for investment, to invest or wanting to collaborate, networking can be instrumental for your prospects for growth.’ Vital to an impartial justice system!

So is it celebrating justice or simply hijacking what should be a celebration of justice, British Law and access to justice for all? Clearly the latter and that is why Napo along with the Justice Alliance and TUC Speak up for Justice Campaign will be organising our own Alternative Justice Day. The message will be ‘Defend the Magna Carta: Save Access To Justice!’

The event will start on Saturday 21 February in Runnymede (site of the signing of Magna Carta). There will then be a three-day march to the centre of London. Organisations can take part in all or part of the march. We hope to have press coverage throughout the event. The march will end outside the Queen Elizabeth Conference Centre on 23 February 2015 where a rally will take place with guest speakers. Full details of the event will be issued shortly.

In the evening, the Justice Alliance has organised a comedy & music night, Justice Just Got Funny. <http://magnacarta800years.com/2015/01/18/stand-up-for-legal-aid-justice-just-got-funny/>

**Tania Bassett**

# The Pay Ice Age

**The public sector pay freeze, instituted by the last government post the 2008 crash and consolidated by the coalition's austerity dogma, has developed into an Ice Age. Consequently, when a thaw comes the pay landscape will inevitably look very different from the pre-Ice Age environment. This is the first in a planned series of articles to explain why this is the case and explore what this means for Napo members and public sector policy makers. These papers will support a detailed conversation that we're embarking on with members and employers over the coming months as we seek to influence critical planning outcomes.**

## Welcome to the Pay Ice Age

The extent of climate change across the public sector is impossible to deny. Staff at all levels are coping with huge changes with fewer resources, higher expectations, reduced job security and greater scrutiny. Nowhere is this more evident than in the post-TR Probation or post LAPSO Family Court Services.

Against this background sits the pay Ice Age. Long serving experienced staff at the established rate for the job are struggling to remember their last pay increase, never mind an above inflation rise in living standards. Government imposed pension changes mean some have seen their actual pay fall. Marginal tax increases disproportionately hit the same groups. Underneath

this tension is an economic volcano threatening to explode. Traditional pay spines aimed at recognising and rewarding long service have broken down. In probation, for example, progress to the rate for the job was designed to take between five to seven years with a minimum of 3% p.a. in stepped progression and a preferable 5%+ to maintain room for a competitive rate for the job (maxima). Even given the contractually binding nature of this progression, which the current Government oppose, it could now take 27 years to reach the rate for the job! The risk of equal pay challenges through the courts widens and strengthens with each failing pay round, the consequence of millions being diverted from other parts of service budgets with potentially devastating effects on provision rising in parallel.

More of the same is already unsustainable. The cracks are already showing. Staff shortages, especially in more expensive metropolitan areas are reaching critical levels. Turnover rates are also beginning to rise as debt laden graduates can't afford to work in low paid public sector jobs and senior managers lack the flexibility to respond. Paid graduate trainees are also harder to find.

Resentment between staff grows as the system's unfairness bites. Crude efforts to 'mitigate' add to the resentment – performance pay bizarrely both favours younger,

full-time, healthy staff in the roles bosses see as important (thus risking discrimination claims from the majority of other staff) whilst also upsetting the same 'winners' by diverting resource from progression up the main scale. As the pay temperature has fallen further the PRP pot has shrunk to become solely a way of penalising poor performance – thus instilling fear and cynicism in all staff, attitudes known to reduce performance!

## Climate Change Deniers Beware

Such systems failures lead to a huge build up in pressure that eventually becomes impossible to hold back. Public policy makers and unions must recognise that there are no easy and quick fixes. Old assumptions, arguments and tactics are redundant in the emerging landscape.

There are big choices that need to be made. Policy makers can either accept the pay climate has irreversibly changed and work with unions and staff to mitigate and moderate the effect of the changes or they can face the inevitable explosions. We can work together to strategically and constructively find ways around, over or through the obstacles in the new environment, by anticipating and moderating the thaw or we can fight one horrible battle after another in a war against the elements. We can together, identify and address the pressures in an holistic way by engaging staff and looking at what a transparent, sustainable pay environment needs, or we can bury heads in the sand and see services morph into something else, possibly involving extinctions.

None of this is easy or comfortable but climate denial isn't an option. Over the coming period we'll explore these challenges in more detail and begin to assess what the various options may be. Napo will be leading this dialogue because it can't wait. We know members will welcome the chance to join in the conversation. We are all hoping policy makers in the MoJ are prepared to listen and join in as well.

**Dean Rogers**

## Northern Ireland Probation faces massive cuts

**The Probation Board for Northern Ireland has been told it faces a 12% budget cut in 2015. This is in addition to the in-year budget cuts of 2014. As a result jobs are at risk for a board that already has an 18% shortfall in front line staff.**

Napo has responded to the draft consultation on the cuts, telling the Northern Ireland Justice Board that with cuts of this magnitude efficiency savings alone will not be enough. The main heading for expenditure in the probation service is staff. PBNI cannot streamline the organisation further without cutting jobs and as a result the high quality work currently provided by PBNI will suffer.

The Northern Ireland Branch has also told the Board that the proposed budget cut will directly impact on PBNI's capacity to safely supervise offenders in the community and expressed great concern about the likely impact on public protection, pointing out that cuts to probation supervision are certain to lead to an increase in reoffending.

This will put the criminal justice system at risk of being unable to fulfil its statutory duties.

Napo also believes that the cuts will result in unmanageable workloads and that it will see a drift to a more punitive approach in dealing with offenders, if the capacity to offer community sentences is diminished. It is abundantly clear that there is no evidence that the punitive approach acts as a deterrent or will reform or rehabilitate the offender. However, it is likely to lead to an increase in short term prison sentences, therefore putting the Department of Justice expenditure up rather than down.

In a press release Napo said: 'this is a huge budget cut that will leave the Board no option but to cut back on staff. It is short sighted as it will take the focus away from rehabilitation and reducing re-offending in the long term and more money will be spent housing prisoners instead of effective community supervision.'

**A copy of the submission can be found on [www.napo.org.uk](http://www.napo.org.uk)**

## 2015 Family Court Conference

**18 June 2015**

**Theme – Children, Changes and the Law**

The Royal Angus (Thistle) Hotel,  
Birmingham City Centre

**Put this date in your diary now!**

# Family Court FoCuS

**2015 promises to be a busy year for the Family Court Section. Work is ongoing for the FCS professional conference to be held in Birmingham on 18 June. The subject for this is to be *Children, Changes and Family Law Proceedings*.**



We are in the process of inviting and confirming some interesting speakers and workshop facilitators. Topics under consideration are transparency in the Family Court, which is a very sensitive issue with many implications for practitioners and lawyer as well as for children and parties to family proceedings. We are also hoping to have input about the Rotherham enquiry into child sexual abuse, Mediation and the Public Law Outline, among a variety of other topics. Further information is to follow.

## Editor Family Court Journal

We are still without an Editor for the Family Court Journal. This is a great shame as previous editions of the journal were very well received by members and had some very interesting articles which were highly relevant to practitioners. If anybody is interested in taking on this post I would ask that you make contact with Dean Rogers at Napo in the first instance. There is an honorarium payable and the scope of the role is negotiable. As we have an active Family Court Committee, there will be support for the post holder from them as needed.

We will be involved in negotiating the job descriptions for the new Advanced Family Court Adviser posts which have been agreed as part of this year's pay claim. Clarity will be needed with regard to the specific tasks which will remain within the remit of Enhanced Practitioners. The new Advanced FCA post will provide a career progression for practitioners who are not seeking to move into management positions. It is thought that a good many experienced colleagues will be eligible for this.

There now needs to be a dialogue with Cafcass about the Advanced FCA post and the role of EPs. There is a significant lack of consistency even within offices with regard to EPs' roles and expectations. Please share your views about this with Nicki Kenney and Steve Hornby (SEC Co-Chairs)

Some EP colleagues have been adversely affected by the 1% pay rise. This was unforeseen and very unfortunate. It was the result of an increase in pension contributions (backdated to April of last year) affecting them. Anthony Douglas has written to

apologise to all EPs and has said that Cafcass will be seeking ways to avoid this happening in the future. Sadly, this is a classic example of what happens when matters become so complicated and tight as a consequence of the pay 'Ice Age'.

The Family Court Section committees will be continuing to work on the motions passed at AGM and other issues identified

as priorities. These include supervision; litigants in person and keeping a watching brief on child contact centres (whose funding is under threat). There are also concerns about the impact on us of the effects of hot-desking, fragmentation of teams, the isolation of increased working from home, micro-management and the removal of photocopiers and office facilities. The com-

mittees are due to meet towards the end of January.

## Time recording exercise

The outcome of the time recording exercise which has been carried out by Cafcass is still awaited with interest. Watch this space!! We have just learned that as part of the review of the workload measurement tool, staff are to be surveyed with requests for comments on improvements that could be made to the measure.

We are concerned that members should answer this as fully as possible with ideas about how the tool could be improved. We have heard much from members about complexity factors, including the number of children in the case, geographical placements of children who need to be consulted, short filing dates etc. Napo encourages members to complete the survey as fully as possible.

**Jay Barlow**  
**National Vice-Chair**

## Making contact with Prospective Parliamentary Candidates

**As we have entered into the pre election period, an election which I am sure could be make or break for our future, I thought I would tell you about something I have been doing and suggest that members all over the country could do the same.**

A couple of weeks ago I got in contact with the new PPC for Scarborough and Whitby, who is a Labour candidate. The current MP is a conservative who also has a ministerial role, which has the potential to neglect the voice of the local people, there is no Lib-Dem candidate but there is a Green Party candidate. We exchanged a couple of messages over 'Facebook' and I told him what my role was and suggested we might meet. I met with him (Ian McInnes) last week and we talked about how he came to put himself forward for the role and something about how he intends to campaign for votes. As an ex-youth worker he sees the importance of bringing young people on board and had some ideas around how to get them and others out to vote.

We moved on to discuss TR and the current state of play and I was impressed by him having some level of knowledge, despite being new to the role. He was extremely interested and wanted to do all he could to help. He acknowledged his lack of power at present, but did tell me he had the ears of the press and agreed we should look at future meetings as we may be able to help each other. I left him with a num-



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ber of parliamentary briefings so he might understand more about the issues and he promised he would raise them whenever he could.

## Other things you can do

Look out for public meetings in your area. These tend to be called by a particular candidate but have cross party representation there. These are great opportunities to get the message out about our situation and ask questions of potential MPs. You are entitled to attend these meetings as a constituent and can go alone or in numbers if you feel under confident.

If anyone wants to meet up with PPCs or attend meetings and needs information from Napo HQ, you can contact Kath Falcon or Tania Bassett who will be happy to send you briefings or contact your link officer who will be happy to offer advice. Remember the more people that get out and spread the word, the better.

**Yvonne Pattison**  
**National Co-Chair**



## Ian Lawrence writes



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### TR Mobilisation underway – or is it?

We have long maintained that the whole Transforming Rehabilitation exercise was shoved through in haste so that it could be included in an election manifesto somewhere. Had anyone in authority within Government shown the gumption to insist upon TR being piloted somewhere first, then everyone who cares about the future of effective rehabilitation and restorative justice would have been much better informed. History, all too sadly, will record that they did not.

Speaking of history, or actually the air-brushing thereof; Ministers have gone out of their way over these last two years to claim that the traditionally high reoffending rates from the previously unsupervised under 12-month custodial community was somehow the fault of the Probation Service. There can be no doubt that Napo has tried repeatedly to say that actually our members never got to see this group and secondly, we welcome the new supervision requirements. We just have a problem over the ability and capacity of the new providers to do what they said they will, whilst making a profit for themselves.

Unfortunately, someone seems to have believed the propaganda, but I didn't for one minute believe it would have been one of the successful CRC bidders who has openly stated that not only did they believe that the former Probation trusts had assumed responsibility for the under 12-months custodial group, but that they had made no budgetary provision in their operating model for the critical contractual requirement of implementing 'Through the Gate' (TTG) which must be in place by the 1 May.

Scarcely believable one might say, especially given the assurances from Ministers that the CRC bidding process was: 'robust, transparent and highly competitive etc.

etc. and you ought to know, included people who knew what they were doing.' If that was the case why then have I just seen a job description being touted around by one CRC owner inviting someone to identify key rehabilitation and interchange activities which look remarkably similar to those that you might reasonably have expected them to have undertaken to inform them of how to construct their bid in the first place?

You will not be surprised to hear that it gets worse, when I reveal that the introductory meetings with the new CRC owners at National level have been pretty short on detail in terms of their proposed operational models (given that they were supposed to hit the ground running). Moreover, many have said that they are currently in the process of engagement with CRC Chiefs to flesh all this out. We all await more news, but even the most generous interpretation of all this would suggest that this is yet another classic case of awarding contracts first and sorting out the details afterwards. What we have seen between the 18 December and the looming date for the intended share sale on 1 February has been an exercise that I can only describe as a hybrid of unpreparedness, abject panic and self-denial.

### Time to engage locally

Our early discussions with the CRC owners have included us making it clear that we expect them to abide by the agreed NNC negotiating structures and the Staff Transfer Agreement that has been endorsed by Parliament, but it's fair to say we did not get the impression that many of them are especially au fait with this pretty critical aspect of their new mandate. I also hear today that one of them thinks they don't have to engage with the unions (they presumably have not read their service level agreement recently). All this has prompted me to write to Napo Branch Chairs to ask them to send a formal letter to CRC Chiefs (the actual employers) about their future intentions regarding NNC terms and conditions. It would be useful if our local representatives could also suggest meeting with the new CRC owners at the same time (some of you already have) so that we all know where we stand. The engagement process here should also be helped by the CRC Joint

Consultative Constitution that the Joint Secretaries have now signed off and the support of your assigned National Official.

### Election fever

Or it may be something of a damp squib, depending on your own particular standpoint. One thing that our members in the FCS and Probation can be sure of – unless we witness a highly unlikely spike in one or more party's opinion ratings – is that this is going to be the closest run general election for a generation.

We will be canvassing the various parties to try and obtain information about where they stand in terms of policies that matter to you and your families, and we will try to impart that to you as factually as possible whilst recognising the fact that we are a politically unaligned trade union who does not have a political fund.

I cannot therefore urge you to vote for a particular party but I can urge you, even at this early stage, to make sure that you and others are on the electoral register and that you keep that appointment at the ballot box on the 7 May.

### Napo – still here for the long haul and still worth being part of

Finally I wanted to add my endorsement to the comments from the two National Co-Chairs elsewhere in this edition of Napo News, about sticking with Napo in these difficult times. As I have said repeatedly during my time working with and alongside our members, the best defence against attacks on your pay, terms and conditions and the right to organise and present our agenda to the employer is by membership of a trade union and, in our case, a professional association as well.

Unity in Napo – it defines us.

## Napo Equality Courses 2015

**LGB&T Course** – Thursday 26 February, PCS Birmingham

**Disability Course** – Thursday 19 March, PCS Birmingham

**Race Equality Course** – Tuesday 21 April, PCS Birmingham

**Monitors Training** – Thursday 9 July, PCS Leeds

**Public Speaking for Women** – Thursday 17 September, PCS Birmingham

**Please contact Shireena Suleman on [ssuleman@napo.org.uk](mailto:ssuleman@napo.org.uk) or on 0207 223 4887 for further information or to register for any of the courses**

# Using local media effectively – a how to guide

**We had a really successful media masterclass at last year's AGM with great contributions and questions from members looking to improve how they work with local media. As we enter the new world of probation local news is going to be increasingly important as different areas have different providers. We need to ensure that branches feel equipped to highlight their concerns in their local newspapers and to help communities hold their providers to account. Here is a brief 'How to' guide that will boost your chances of getting your story covered.**

## A good story needs to start locally

When Sadiq Khan visited Napo Cymru last year he talked of the importance of writing letters to your local paper. It gets the attention of journalists but also MPs. This is never more true than in the build up to a general election when incumbent MPs want to be seen to represent local issues and Parliamentary Candidates will want to be up to date on local issues that may be raised at hustings.

## Keep it local

Make the story specific to your area with figures and statistics. Of course keep Napo head office in the loop as it could be part of a wider story; but local press want to know how it will affect their patch and community.

## Get to know your local journalists

Who covers what subjects in your local paper and how do they report stories? This will make sure you target your story to the right person and it won't get lost in an inbox. It will also help you to write press releases in a certain style. Some journalists are really good at investigating stories while others prefer you send in the whole thing plus a picture so all they have to do is print.

## 'If it bleeds it leads'

(Ryan Fletcher, freelance journalist) – The more dramatic the story the more likely it is to get coverage. Don't get too technical in your press releases or letters. Most people don't and won't understand the detail of the work you do. Papers want a headline and this usually will be about public safety, crime increases and victims. Does your story have these elements? E.g. Lack of BBR provision will lead to more victims, more domestic violence and that impacts on public safety.

## Two sides of an argument

Turn your reaction into a story. If your paper runs a story on crime or rehabilitation that you don't agree with then send

out a press release to offer the other side of the argument. Papers like to have an ongoing debate if it's a serious local issue. This can be supplemented by letters to bolster your argument and highlight that it is a local concern.

## Good for space filler

All papers have their low news days and fully packaged stories (written for them and with a photo included) will be kept to fill spaces. Even if you don't get coverage the very next day it may still be used further down the line.

## Personal testimonies

Don't just repeat the union line. Papers want the emotional side as well. Ask branch members to write a couple of sentences about how the changes have affected them, are they leaving the service and why? You can include these in your stories and press releases.

## Get your press release right

The first line should be very short but able to summarise the whole the story – it should grab attention and be informative at the same time. E.g. 'Probation Board of Northern Ireland faces huge budget cuts and job losses in the New Year.' Local papers don't pick up national headlines so make it local. Keep press releases to A4 maximum and write it as for an average 14 year old. It needs to be accessible and easy to follow at a cursory glance.

## Building relationships

It takes time to build up trust with journalists. Journalists are bound by 'off the record' so if you're not sure insist on this first. It will also help to protect you if you're an anonymous



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source for information. Meet up for a coffee so that you have time to explain the details of probation work. If they understand the context better they're more likely to buy the story and run it in the future. It helps them to sell it to their editors as well.

## Use hard facts

For example – 58% of members are looking for another job, the number of agency staff in your area.

## Tweek national press release

Add your local information to our national releases so you don't have to re-write the whole thing. Remember though if it says 'Embargoed' (this informs the press when they can release a story) do not change the timescale. Your paper may love having a national exclusive but it can impact on the wider press release.

## If at first you don't succeed – Try, try again

You may not get a breakthrough initially but keep persevering and keep writing the letters. The majority of local media have now covered the TR story to some extent so they know probation is an ongoing concern so keep passing them the stories and information.

**Tania Bassett**



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# Criminal Justice and Courts Bill

**Just when you thought the world of probation couldn't get any worse, well, just pause for a moment and consider the potential implications of this Bill which is currently working its way through Parliament.**



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That it is contentious can be in little doubt and is probably reflected by the fact that it has already spent the best part of a year going through the parliamentary process. Back in February 2014, when it started its journey, the Prison Reform Trust said that it was concerned '...that many of the provisions of the Bill are unnecessary and will increase the size of the prison population, raise public costs and add significantly to the work of criminal justice agencies at a time when resources and budgets are already overstretched. Many of the provisions involve significant transfers of powers to the Secretary of State, limiting the discretion of operational managers and reducing scope for effective Parliamentary scrutiny.' After a year in process, it is still looking that way.

Some of the provisions in the Bill, such as the Secretary of State's plans to restrict access to the judicial review process and Secure Colleges for young people in custody have been reasonably well reported in the press. Others, such as the new offence of police corruption, and challenges to planning act decisions are of limited interest to probation practitioners. There are also a number of provisions specifically relating to young offenders and these will be of relevance to staff in Youth Offending teams. But then there are a significant number of provisions which will impact on probation practitioners and where there will be training implications.

These are:

- Causing death or serious injury by driving when disqualified
- Electronic monitoring
- Ending discretionary release
- Malicious communications Act 1988 (amendment)
- Offence of extreme pornography
- Offenders unlawfully at large after recall or temporary release
- Release after recall
- Revenge porn
- Terrorism offences

There are also others which might not impact on practice as such but which are very definitely 'of interest'. Napo's Professional Committee has been looking at these and some brief highlights follow below.

## Criminal Courts Charge

One of the most invidious provisions in the Bill – this means that people, if convicted, will pay for their use of the criminal courts – i.e. for the cost of running and administering the courts.

This is completely separate from, and in addition to, existing financial impositions such as: fines, compensation to victims,

victim surcharge and prosecution costs, the latter often currently referred to as court costs- these will all continue to be ordered as decided by sentencers. This charge will be imposed in all cases where there is a conviction and regardless of whether a defendant receives a custodial sentence or not. It will always be paid last i.e. when all other financial impositions have been paid. A list of draft charge levels has been compiled as follows:

- in the Magistrates Court the lowest charge will be £150 for a summary offence hearing guilty plea and the highest charge will be £1,000 for an either way trial
- in the Crown Court the lowest charge will be £900 for an indictable only guilty plea charge and an either way or indictable only trial will be charged at £1,200.

In addition there will be interest accruing/charged at the rate of inflation if the Criminal Courts Charge remains unpaid.

The rationale (if you could even call it that) behind these charges is that it is considered to be time that the burden of cost of running the courts was taken away from the taxpayer. It is conceded briefly that even some taxpayers may themselves be defendants! The means test completed at the beginning of court proceedings will determine at what rate the charge is to be paid. Apparently there will be an incentive to keep out of further trouble as if there is no fresh conviction within two years of its imposition then there is the facility for it to be remitted

It is mooted that the charge might in the long term reduce reoffending by providing a disincentive in itself. It is conceded however that increased debt could lead to other destabilising consequences such as family breakdown!!

The analysis and evidence for the introduction of this charge acknowledges that the enforcement of current criminal courts financial impositions is already struggling so it is envisaged that an external provider will be looked for 'to deliver compliance and enforcement activity'.

People can be imprisoned for non-payment. It is estimated that the potential increase in prison occupancy resulting from this sanction could lead to a cost of around £5 million per annum in steady state (although the actual costs are dependent on capacity).

## Drug testing in prisons

This is a fairly simple amendment to enable prison drug testing to include testing for a wider range of substances.

The proposed change is to allow the Mandatory Drug Testing to broaden the testing to include 'non-controlled drugs specified by the Secretary of State in prison rules and young offender institution rules'. This is in recognition of the changing face of drug use and to enable MDTs to test for prescription drugs and new psychoactive substances, many of which are not controlled. We understand this to mean the 'legal highs' such as Spice and Black Mamba.

## Offences of Ill-Treatment or Wilful Neglect of Persons Receiving Health Care or Adult Social Care Services

This section of the bill arises essentially from the public inquiry into the care provided by the Mid Staffordshire NHS Foundation Trust between January 2005 and March 2009. Following the final report of that in February 2013 the National Advisory Group on the Safety of Patients in England was established and that reported in August 2013.

It is positive that 'the National Advisory Group focussed on the importance of achieving a careful balance between culture changes which support openness and transparency and supporting staff and organisations to learn from error and improve their practice; and the need to assure accountability to the patient. Automatically looking for someone to blame following an accident or genuine mistake would not support these cultural changes.'

A gap – 'small but significant' has been identified in existing legislation in terms of the fact that currently 'there are specific statutory offences which address wilful ill-treatment or neglect of children (CYP Act 1933) and ill treatment or wilful neglect of adults who lack capacity (Mental Capacity Act 2005) or those subject to the Mental Health Act 1983. Nothing covering adults with full capacity or children in some circumstances.

Thus new offences of ill-treatment and wilful neglect of recipients of health or social care are being created- one offence for organisations and one for individuals. This will apply to all healthcare provision to children and adults in NHS and private



sector and all formal adult social care provision.

Will adding these new offences help deter those who might commit them in these settings? Also might it be difficult to differentiate between those who are struggling in understaffed or underfunded settings and those who are guilty of ill-treatment which is wilful and deliberate? Might there also be a risk here that the culture change advocated by the National Advisory Group, and the wish to move from a blame culture to a learning culture, might be impeded by the introduction of fresh offences. Might there be a risk that some organisations might seek to blame individuals for situations which could have arisen due to management/organisational policies or budget cuts?

### Cautions

This aspect of the Bill seeks to legislate on recommendations made in the simple cautions review, conducted last year following public concern that these cautions were being misused by the police for serious offences. The proposed changes are two-fold. Firstly, it is proposed that the use of simple cautions be removed for indictable only offences and certain specified 'either way' offences. The caveat here is that a senior officer may over-rule this if exceptional circumstances are met. Secondly, where a similar offence has resulted in conviction or

caution in the past two years, a simple caution may not be used unless under exceptional circumstances.

Whilst abolishing simple cautions for indictable only offences is a welcome amendment (simple cautions were, after all, introduced to deal with 'low level' offences), a list of which 'either way' offences

would no longer be able to be dealt with by way of a simple caution is desirable. The second proposed amendment is also favourable in terms of emerging patterns of offending behaviour resulting in more serious sanctions and a potential for further assessment and intervention through the Courts. An impact assessment in terms of any foreseen increased workloads for the Courts and Probation Service would be welcomed. It is noted that the proposed changes relate to

simple cautions and do not seek to restrict the use of conditional cautions. This may result in a greater use of conditional cautions.

### Tackling unjustified personal injury claims

The background is set in terms of a reported dramatic increase in personal injury claims (those registered with the DWP Compensatory Recovery Unit increased by 50% from 2006/7 to 2013/14) as opposed to a decrease in the number of road traffic accidents reported to the police (down

from 190,000 in 2006 to 145,000 in 2012). It is acknowledged that the precise extent of fraudulent claims is not known but the Association of British Insurers estimates 8% of all claims in 2013, equivalent to £811 million.

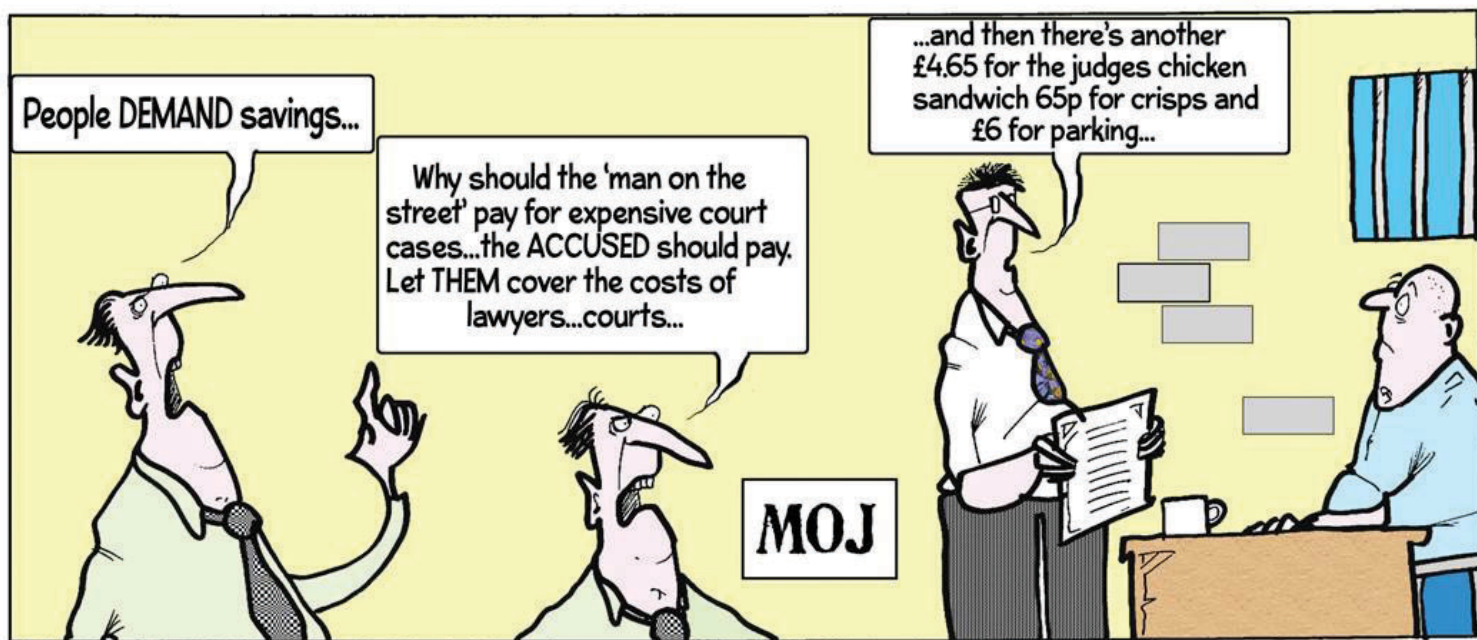
The Court already has the power to 'strike out the entirety of the claim' if it is considered that the claimant has grossly exaggerated the extent of injuries but only in exceptional circumstances. The amendment allows for the striking out of the entire claim, if on the balance of probabilities, the claimant has been 'fundamentally dishonest in relation to the claim'.

Does this amendment go too far and set the threshold too low for striking out the entire claim? If the Court is not satisfied that the full claim is merited, as a genuine claim has been exaggerated, the 'true' claim should perhaps be paid?

There is a further amendment that will ban law firms from inducing potential claimants with rewards such as a free iPad or 'a welcome payment' that come in addition to any award if the claim is successful. The ban already exists for Claims Management Companies so this amendment sees an alignment for law firms with that existing ban.

**Mike McClelland**

**For more details about the various provisions of the Bill, the MoJ has published some useful fact sheets: <https://www.gov.uk/government/publications/criminal-justice-and-courts-bill-fact-sheets>. And some impact assessments: <https://www.gov.uk/government/publications/criminal-justice-and-courts-bill-impact-assessments>**



## From the Co-Chairs

**Following a hectic end to 2014 and a well earned period of life at a slower pace, we have now moved into the new year and are finding the energy to regroup, reflect and plan for the future months.**

Napo members, staff and most definitely the officers group have felt the weight of decisions made at the latter part of the year and continue to share the frustrations of being 'gagged' by a Court ruling. However we have found a way to share our members' concerns with the new CRC owners. Meetings are in progress with those who have responded and we are sharing concerns and suggesting they ask questions of the MoJ about what they have done to put things right. We plan to involve branches and link officers and officials locally as these meetings progress and are looking at finding ways to make the elected officers group more accessible to branches. We hope this is something you will find helpful.

Your national officers and officials continue to meet with senior MoJ officials and consistently raise our concerns about the readiness of the split. Significantly the new Offender Rehabilitation Act is due to be in place on 1 February yet court staff and probation staff are still awaiting comprehensive training. Clearly this is not a satisfactory position and we have suggested the implementation of the act should be delayed...watch this space!

Thus far the devastation of TR has only impacted on members in England and Wales, with members in Northern Ireland escaping the restructure. However, the PBNi is now facing its own battle with the

announcement of severe cuts of 12% across the service. We will, of course, endeavor to support the branch and its members in any way we can and the General Secretary, Ranjit Singh and Yvonne are planning to visit them in early February to see what can be done in terms of negotiations on their behalf. It was good to note that Jim Shannon (DUP) spoke in the debate about Probation reform on 13 January 2015. He noted his concerns about the TR agenda, in particular around public safety and the protection of sensitive information pertaining to victims for example. I'm sure his comments and knowledge on the reforms were

welcomed by his mainland colleagues and we would like to note our gratitude to him.

We would ask members to remember that we do need to 'stick together with Napo', whether in Cafcass, the NPS, a CRC or the PBNi we are the union of choice who has been at the forefront of the challenges to our service and shall continue to represent members rights to the best of our ability. Finally our thanks do go out to you, as without a strong membership who continue to bring evidence to us about the ongoing chaos, we cannot do this.

**Yvonne Pattison and Chris Winters**  
**National Co-Chairs**

### Pete Bowyer

**Members of Napo who knew him will be saddened to hear of the untimely death of Pete Bowyer. Pete was a Research and Information Officer with Napo from 1979 until 2008 when he retired.**

During his time with Napo he became well known to members for his extensive knowledge of pensions and matters relating to this, what some see as a rather intricate and tedious topic.

Pete was well known for his enjoyment of the lighter side of the AGM and the Lake District Branch annual conference, where he was frequently found in the bar with a pint of Guinness and in good voice where we all had great fun trying out new and different songs. He was a lover of hill walking and jazz.

He met his partner Siobhan (Shiv) when she worked at Napo head office and eventually they moved to Oxford from where Pete commuted to Napo and Shiv worked as a midwife. They have two daughters Molly and Annie.

**Jill Cove**  
**Greater London Branch**



Pete at the NOMS rally in 2004.

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## Parliament debates the 'Future of Probation'

**Kate Green MP secured a back bench debate on the future of the Probation Services which took place on 13 January 2015. Napo had provided MPs and the Justice Select Committee with a number of briefings updating them on current state of affairs, many of which were referred to in the debate.**

Kate made a fantastic introduction to the subject highlighting her concerns about the outsourcing of probation, the lack of infrastructure and the staff shortages as well as raising the fact that the existing probation trusts could have taken on the under 12 months cohort without such radical changes to the service.

A number of MPs contributed to the debate including Jim Shannon from the DUP. His contribution highlighted the serious cuts that the Probation Board of

Northern Ireland is facing this year as well as the prospect of outsourcing impacting on the future of their service. He said 'Often when something happens on the UK mainland it becomes a line of thought for Northern Ireland and I would be very concerned if that happened with probation services.'

There were no surprises in the Minister Andrew Selous' response. He quoted the Doncaster and Peterborough pilots, again. And of course how the new system offers 'a diverse range of new rehabilitation providers' and, of course, statutory supervision for short term prisoners. He did say what a 'vital job' probation staff play in keeping communities safe.

A number of MPs however, paid genuine tribute to probation staff. Napo's dear



friend John McDonnell MP said 'I pay tribute to their loyalty, commitment and dedication to the service'.

Jenny Chapman MP said 'I would argue that their staff were some of the most entrepreneurial... go getting, ambitious people to be found anywhere in the public or perhaps even the private sector... Those people lived and breathed their job and many, I am sad to say, are now lost to public service.'

Napo will continue to update MPs on how the service is running and the imminent introduction of Through the Gate between now and the end of March. Please continue to send in information at campaigns@napo.org.uk

You can find the full debate at [www.parliament.uk](http://www.parliament.uk) (click on Hansard).

**Tania Bassett**



# Women in Napo Profiles – Pat Waterman

**This issue of *Napo News* profiles Pat Waterman. Pat has been a member of Napo since 1975 and has held numerous posts in the Greater London Branch. For the past three years she has been Branch Chair.**

## **How long have you been active in Napo and what branch post do you hold?**

I joined the Inner London Probation and After Care Service in 1975 straight from university as an ancillary (from the Latin for maidservant). Given my politics it would have been unthinkable for me not to join a trade union. I was lucky enough to be assigned to an office which had many Napo activists so this union was my natural choice. But in those days only probation officers could be full members and I was an associate member who needed permission to speak.

Once able to be a full member I became ever more active in my union and, after qualifying as a probation officer in 1980, I held various posts in my branch including Press Officer and being a member of the JNCC. I was also a member of the Napo Members' Action Group which in those days was a real force to be reckoned with.

Like many women there have been periods in my life when I have been less able to be as active as I might like due to family commitments. But I was always a Napo member. I always followed Napo policies even when threatened with disciplinary action as a consequence and I have been on every strike this union has called.

About six years ago I became more active again through being a local Health & Safety Representative. In very quick succession I became the Branch Equalities Officer, the Branch Vice Chair and am currently the Branch Chair (a post that I have occupied since 2012).

## **Why do you think it is important to be an active woman in Napo? What do you think are the most important issues for women in Napo?**

Given that the workforce is predominantly female the question is I think one that answers itself. It is more important to ask what stops women becoming active in their trade union.

Over thirty years ago Napo formed an Equal Opportunities Committee. I was one of its founding members. As all the members at that time were women we decided to make our concerns the committee's first priority. This met with criticism which



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left us only more determined to continue. We started by focussing on maternity and other reproductive rights and changing the sexist language of our own constitution. It was this committee that led to the formation of 'Women in Napo' and it gives me great pleasure to see it still continuing.

Sexism is perhaps not so overt as it was in those days. I was ridiculed for suggesting

that the correct form of address was anything but Chairman. But there are remnants of 'lad-dish' culture still at our meetings.

Football is not a universal metaphor.

But while women remain the primary care giver in most situations then issues relating to flexible working and terms and conditions will be of concern. Private companies are likely to be offering working conditions that will initially be seen, particularly by those with other responsibilities, as very attractive and it will be up to the union to ensure that members are protected against what could be hidden pitfalls.

## **What does your branch do to encourage women members to become active in Napo?**

I hope that the presence of strong active

women in most of the main roles in the Branch is itself an encouragement to others. We ensure that our branch meetings take place during the working day in a central location. We actively promote the WIN Conference and seek to ensure that any woman who wants to attend can do so.

## **Have there been any women activists who have helped or inspired you?**

I have been inspired by the story of Clara Lemlich who emigrated to America in 1903, barely speaking English, following a pogrom in her Ukrainian village. She became involved in the International Ladies' Garment Workers' Union and led several strikes. Her speech to rally support for the striking shirtwaist workers in 1909 starts:

'I am a working girl, one of those striking against intolerable conditions. I am tired of listening to speakers who talk in generalities.'

She challenged the male leadership of her union. I suggest that every woman activist should look her up and be inspired.

In Napo I have been inspired by Judy Green from Nottingham who just never gives up.

Finally, although as a younger woman I would never have admitted this, my greatest inspiration has been my mother who died last year aged one hundred. She was a woman of a particular class and generation and, as I said at her funeral, if she had been born into different circumstance and at a different time, there is no telling what she might have become.

I come from a long line of Yiddisher Balabustas. I hope I bring these qualities to my present role in the service of all members of my branch.

**Pat Waterman**

## **WIN Conference 2015**

**Friday 12 June, York (venue tbc)**

Please contact Shireena Suleman on [ssuleman@napo.org.uk](mailto:ssuleman@napo.org.uk) or on 0207 223 4887 for further information.

# Napo Black Network (NBN): Opening Doors; Achieving Potential

**In the Criminal Justice System (CJS), closed doors, both real and metaphorical, are a recurrent theme in the lives of many Black people. Compared to their white counterparts, Black people in the CJS are more likely to find themselves on the wrong side of 'closed doors', as they are more likely to end up in prison. The CJS as a workplace for Black employees does not fare much better. I frequently come across Black staff who have reported that they are confronted with closed doors when looking for jobs, accessing training or seeking a promotion.**

It was the tragic murder of Stephen Lawrence over two decades ago that brought into the open the pernicious and covert nature of institutional racism in our CJS, and which consequently led to the recognition of institutional racism in our public services and society in general. Institutional Racism has meant the potential of many Black people has not been achieved.

The latest report into the experience of Black people in the CJS is a damning indictment of the discrimination still prevalent in the system. This report, produced by Baroness Young, is entitled 'The Young Review: Improving outcomes for young black and/or Muslim men in the Criminal Justice System'. The Young Review shows that the situation in the CJS has hardly improved in 20 years and I believe that the continued disproportionate outcomes for Black people are attributable to institutional racism within the system.

## Stereotyping

Stereotyping is one of the reasons identified in The Young Review for disproportionate outcomes for young Black people. An explanation offered for the prevalence of stereotyping in the CJS is the lack of staff who are able to relate to the 'lived' experiences of young black people caught up in its system. The underrepresentation of Black staff employed in the system is a factor that must be tackled. However, the recent actions from NOMS and the former Probation Trusts do not provide much hope that this issue will be addressed in the manner it should be. Reports from local Branch Officers show that the staff split has resulted in disproportionate outcomes for Black employees, who have subsequently been over allocated into the CRCs. As a consequence this will have a long-term detrimental impact on their career prospects, as training options available to staff in the CRC are limited and thus their potential to achieve will be denied.

More broadly, NOMS has initiated and concluded a review of the Probation Staff Associations (PSAs) over the last 12 months



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which has run concurrently with the changes brought about by the Transforming Rehabilitation agenda. The conclusion of the PSA review is to stop funding and supporting the PSAs as they currently exist. This means that the two Staff Associations that cover race issues in Probation will struggle to survive; a decision to effectively abolish the PSAs at a time of fundamental change, just when they are arguably needed most by their members.

## Support for Members from Members

Isolation and marginalisation in the workplace can be very damaging for confidence and morale. If you are the only Black person in the office, it makes it difficult to put your head above the parapet and challenge discrimination. However, when you have the support of others who are able to relate to your issues and understand your experiences, it gives you the confidence to stand up to and tackle the discrimination faced. This is why we are setting up the Napo Black Network (NBN).

NBN will be a self-organised group and have a similar status as Women in Napo (WiN). It will provide a safe and welcoming place for Black members in Napo to discuss issues that concern them. We understand that the experience of Napo Black members is no different to that of Black people in general. Napo has excellent policies on anti-discrimination practice, and the challenge is to make these a reality and not just allow them to gather dust on a shelf. Getting organised is the key to making this happen!

As a union, Napo is well placed to tackle

race discrimination within the workplace. However, we do need to be more proactive in identifying and addressing the issues that affect black members. We must continue to support members with their individual concerns, and when we have the evidence to support an ET claim, and the criteria is met, we should pursue it. However, dealing with discrimination is not just about supporting a worker who wishes to pursue their grievance through formal procedures, with the possibility of an ET. We must also ensure that all workers are treated fairly within the workplace so, wherever possible, we must strive to make black issues part of the collective bargaining agenda. NBN will be a vehicle to achieve this; it will give direction to Napo's NEC Black Reps; it will comment on Napo Policy documents; it will be a forum that can influence the way Probation and Cafcass deliver services to Black communities; and, finally it will be a peer support group for members from members.

## Get Involved!

To achieve real change we must have an activist base that reflects the membership.

This will ensure that we start to get black issues talked about and addressed.

So, if you are a Black member of Napo and would like to have a say on how Napo can do better to reflect the views of black members, then NBN is for you. If you

think the work of Probation and CAF/CASS should be changed so that it better serves the needs of Black communities, then NBN is the forum for you to share your views.

## Ranjit Singh

**For further information and details about the NBN inaugural meeting please contact me at [rsingh@napo.org.uk](mailto:rsingh@napo.org.uk)**

## UN Anti-Racism Day

The annual UN Anti-Racism Day Demonstration: 'Stand up to racism and fascism' will be taking place on Saturday 21 March 2015. If you would like to show your solidarity by attending this march and rally please get in touch with Ranjit Singh at [rsingh@napo.org.uk](mailto:rsingh@napo.org.uk) who will be leading a Napo contingent on the day.

**Further information about the day can be found at [www.standuptoracism.org.uk](http://www.standuptoracism.org.uk) or #M21**

## Edridge faces difficult 2015 – You can help!

**We have been preparing our figures for 2014, and the provisional results are that we paid out £51,224 in grants to assist colleagues during the year. This is slightly less than last year, but there were also slightly fewer applications. At the same time we have worked out that our average grant paid out last year was higher than previous years.**

It is clear to the Trustees that the coming year is going to be difficult for Edridge. Our annual grant from Napo for 2015 is going to be £6,766 less than last year; and although we started 2014 with good cash balances we started this year with less than £5,000 in cash. Our regular donations during 2014 remained stable, but fund raising and one off donations were less.

The fact is that we continue to have an underlying deficit, and the only things that have

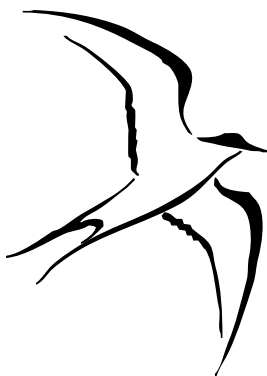
enabled us to continue have been grants of £10,000 from the CSiS Charity Fund in the last two years, and we had large bequests during 2013. We have applied again to CSiS Charity Fund for further help, and the Trustees may have to consider cashing in some of our investments.

### Another plea for regular donations – ‘Two cups of coffee a month’

We are making an urgent plea for more people to make regular monthly donations. If only 200 – 300 colleagues sent us the price of two cups of coffee per month, and it was Gift Aided, we would have enough to cover the best part of our underlying deficit.

Don't delay – act now while you still have it in mind. There are three ways to do it.

Go to our Donations Page



on our website and set up a Direct Debit through Just Giving.com from your current account or Credit/Debit Card

Send us an email to [office@edridgefund.org](mailto:office@edridgefund.org) and we will send you the forms

If you have online banking set up a Standing Order using the details below and send us an email to let us know you have done it.

Bank: Unity Trust Bank  
Sort Code: 08 – 60 – 01  
Account Number: 20090469  
Account Name: Edridge Fund  
Reference: Your name

### Edridge Twitter Account

We now have a Twitter account, and so far have about 100 followers. Please follow us to get up to date news of what we are doing and other useful information.

Follow us on twitter @edridgefund  
**The Trustees & Staff of the Edridge Fund of Napo**

## BBC Question Time: How to apply and what happens

**One way to get coverage of Napo's campaign and raise concerns about the TR agenda or Family Court Service issues is to make use of the platform provided by BBC Question Time. Here, Campaigning Committee member, Su McConnell shares her top tips on getting your voice heard.**

BBC Question Time is recorded and then transmitted almost immediately afterwards. There is little or no editing. After transmission on BBC TV, there is a BBC Radio 5Live phone in which carries on the debates.

### To get a place in the audience

The BBC website has a QT page which flags up the next venues, which are usually announced at the close of each show as well. The website has a box for applying for places. If you can find the contact email or number for the researchers, so much the better, it's worth contacting them direct.

**Top tip No 1:** If you want to get a question asked, go in as big a group as you can muster, and even better, invite allies from other walks of life to apply

In your application for a place, you will be asked to submit two questions.

**Top tip No 2:** Make your questions as brief and pithy as possible, and try to link it to an issue that is current in the media, and/or relevant to at least one of the guest panellists.

Once you have a place in the audience get

prepared. If you want to remember any key phrases or facts, put them on cards in your pocket.

Do some thinking about other likely topics and how you might interject into a discussion to get your points across e.g. NHS, benefits, etc. Have a follow-up point ready to your questions.

On arrival at the venue you will be asked to submit a further (third) question, this is to keep the programme as topical as possible; same rules apply as the other two questions – brief, pithy and current.

There is an introductory chat from David Dimbleby, and eventually you are ushered into the hall/chamber.

**Top tip no 3:** Rumour has it that the best place to sit is in the middle not too near the back. (Mr D will say it is irrelevant where you sit, but...)

There is plenty of warm-up and it is genuinely relaxing. Then there is an announcement of which questions have been selected, and the people asking them are taken to one side for some general advice about how to ask it. Nothing complicated, it's all pretty straightforward.

Then the panel turn up and one submitted question is selected for a practice round – not recorded.

If your question has been selected, hurrah! Now you have to sit feeling a bit sweaty, waiting your turn. You ask the question; then there are answers from the panel and audience responses. Remember that you



Su McConnell.

© Janina Struk

can put up your hand at any point, and in any case, Mr D will return to you at the end of that topic.

**Top tip No 4:** Listen to the responses to your question, but be framing your follow up comment as it goes along

If one of your colleagues question has been selected, hurrah! Bung up your hand a.s.a.p. so you can expand on the points and message, in support.

If none of you have a question selected, bung up your hands as soon as you can see an opening which will let you get a point about probation in (e.g. private contracts in NHS).

**Top tip No 5:** For radio phone-ins: jot down some key phrases, facts, points, and have them in front of you when you phone in. You will be asked what your point is, and if selected, they phone you back, or put you on hold. You listen to the programme on the phone, and then you are on.



# Stand up to racism and fascism

No to scapegoating immigrants • No to Islamophobia  
No to anti-Semitism • Yes to diversity



Photo: Kelvin Williams

**UN Anti-Racism Day Demonstration**  
**Saturday 21 March 2015**

**Assemble 12 noon**

**March followed by rally in Trafalgar Square,  
central London**

**#M21**

Organised by: Stand up to Racism  
[www.standuptoracism.org.uk](http://www.standuptoracism.org.uk)  
[info@standuptoracism.org.uk](mailto:info@standuptoracism.org.uk)  
Twitter: @AntiRacismDay