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Napo Quarterly

March 2016

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**Guest writer:
Jo Stevens
Shadow
Justice
Minister for
Prisons and
Probation**

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In this issue we celebrate Women’s History Month. We hear from Jo Stevens MP, Shadow Justice Minister, as our guest writer. Jo won her seat for Cardiff Central in 2015 and has since been promoted to her new position under Jeremy Corbyn’s leadership. Jo has been a long standing supporter of Napo and our campaigns both in her current role and as a practising employment lawyer for Thompsons Solicitors.

On 23 February Napo hosted a launch of Professor Gill Kirton’s report into working conditions in the Probation Service with a special focus on gender and unions. The report was covered by Tamsin Rutter in *The Guardian* and a full article on the launch is included here.

As part of Women’s history month, Taytula Burke, Napo Administrator, takes a look at women in the Trade Union movement in her article The Women Who Helped Shape the Union Movement. Ian Lawrence, General Secretary gives his view on the overall landscape and issues facing members and Napo across all sections of the union. Mike Guilfoyle gives us an insight into life as a Magistrate in a View from the Bench. David Masterson, Vice Chair London Branch gives us a round up of the Trade Union Bill rally he attended last month.

As this is the last edition of NQ before the European Referendum, Tania Bassett, National Official, takes a look at both the IN and the OUT argument in what is shaping up to be the vote of a generation. We also have our latest analysis on what’s going on in Probation and Family Courts, with detailed analysis of E3, health and safety issues and much much more.

Where next for Napo?

Ian Lawrence writes

Cafcass, PbNI, NPS and 21 CRC's equals 24 employers. It also equates to a huge amount of work for your elected Officers and employed staff as we try to promote and protect the interests of our members wherever they work.

Despite the massive strain this has placed on our financial resources, Napo is still here and your leadership is determined to help us rebuild and move forward. In the face of adversity it's a strong and positive message, rather than one of despair, that we are offering to our members at the workplace meetings which are now underway as part of our engagement strategy.

A new bargaining landscape

When the Transforming Rehabilitation contracts were signed over to the owners of the 21 Community Rehabilitation Companies in December 2014, it heralded the start of a series of varied challenges to the union (and a real threat to its very existence) that Napo's existing bargaining structures were simply not designed for.

The industrial landscape that we have moved into since the demise of the former Probation Trusts, has seen us move from a negotiating structure which was essentially composed of 3 employing bodies: namely the 35 Trusts under the collective agreements of the National Negotiating Council (NNC), Cafcass and PbNI to those that are in front of us now.

Add to this the cynical attempt to financially destabilise us and our sister unions operating within NOMS by the removal of 'Check Off' (union subs direct from pay), and it adds up to an unparalleled trauma of a magnitude that Napo has ever had to face in our long and proud history. Under the circumstances it would have been easy for us to run for cover and seek a desperate merger with another union, with all of the attendant uncertainties that this would have brought to our loyal members.

Instead, and building on the endorsement that we received at last year's AGM to maintain our status as an independent trade union and professional association, and the directive to implement our recovery plan, we have taken a long hard look at ourselves and started to make the changes to our internal structures to help us face these new demands. That we have done so by reducing our staffing costs and by better utilising the varied skills of the Chivalry Road team, whilst at the same time having to design the Direct Debit (DD) campaign from scratch



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and introduce cheaper subscriptions for our members signing over to DD, is testimony to your employees commitment to the cause.

Externally, Napo has before it a massive agenda. This ranges from the obvious need to secure something tangible in terms of an annual pay increase against this Government's inherent disdain for public servants and their refusal to authorise real negotiations, through to the imperative to arrive at a modern pay model which is fit for purpose and includes shorter pay bands and a realistic timescale for individuals to reach their pay maximum. Additionally there are a number of critical vocational issues affecting members within their particular employer, for example:

- The emerging CRC operating models, and the subsequent job cuts, on which Napo Officials are working extremely hard, alongside our local reps, to engage with some often unscrupulous employers
- The Board Management Review in Probation Northern Ireland which poses serious threats to the operational capacity of the service to help build on the relative peace and community cohesion that has been achieved since the formal end of 'the troubles'.
- Budget reductions in CAF/CASS, against a substantial increase in care applications which brings even more pressure for practitioners and those families seeking resolution in an already overloaded Family Law system

'we have taken a long hard look at ourselves and started to make the changes to our internal structures to help us face these new demands'

- The soon to commence negotiations on The E3 operational model in the NPS, which has significant implications for staff in terms of job evaluation, future roles and delivery structures

So, what's different to before?

A question that is best answered by reminding ourselves that the privatisation under TR has further complicated (and indeed threatens) our traditional approach to collective bargaining. For there is pressure on the existing NNC machinery itself to properly fulfil the role that it was set up for, with NOMS showing impatience at the lack of tangible outcomes and the private probation contractors sending strong signals that they want to sit down with Napo to explore what they can do in the future on key issues such as pay and reward for their employees within the CRC's that they own. Napo and our sister unions have offered some 'without prejudice' proposals for potential reform and will soon be engaging in discussions with both sets of employers about the future status and role of the NNC.

All this is on top of the highly vexatious issue of the harmonisation of legacy probation terms and conditions for NPS staff against the existing Civil Service policies in areas such as family and mobility policies, which due to a number of complications not of Napo's making are simply taking too long to resolve.

The road to recovery

Without a doubt, all of this presents a major test for Napo's capacity and ability to represent members and to continue our Parliamentary and Campaign work where we try to successfully exploit those opportunities that come our way such as exposing the systemic failures of the TR programme, such as the real risk to the safety of staff and communities because of the hubris of politicians in the last Government, and the mis-sold CRC contracts which have led to hundreds of job losses. At the same time and like it or not, we need to strike a balance between the need to be on the front foot whilst trying to establish a workable and direct dialogue with Ministers.

There is no easy fix for what we are facing, and those days have gone (if ever they really existed) where the mere threat of industrial action would itself be sufficient to halt the employer in their tracks.

What will carry Napo and its members through is collectivism;

and a belief that no matter how tough it is for our members at the front face, life would be even worse were it not for the efforts of Napo at national and local level and the professional expertise that we bring to the bargaining table.

Yes, there may be times when industrial action is inevitable; and in that respect we will always follow the direction and will of our members but when we do, we must mean business and deploy strategies that bring serious reputational and operational damage to the employer concerned if push comes to shove.

For that (as well as any negotiations we take part in) to succeed, our hand is always stronger when we have strength in numbers within all of the employers where we represent our members. We also need to encourage a new generation of local and national Napo representatives to emerge, and this is why we have recently launched a new training programme.

On top of the cheaper subscriptions that we now offer, we will soon be launching a new initiative to enhance the provision of additional services to members by way of a new and specially branded Napo benefits package, which should cover the cost of individual Napo membership by way of the available savings on offer.

Moving on together

Much of the content and the direction of travel in our recovery planning has been predicated on direct feedback from our members (including the excellent Gill Kirton report which features elsewhere in this edition of NQ).

I see the future relationship between the elected leadership of Napo and its members as not being in need of fundamental change, and which must build on the existing principles of honesty and transparency. As I said when I came to this great union and professional association eight years ago, our democratic structures and the (open to all) Annual General Meeting (which is advertised in this NQ) are precious jewels in the crown. Members can use these to hold the leadership to account and make an individual contribution to the professional aims and governance of Napo, and help the process of renewal. My experiences so far during the workplace meetings which I have been privileged to attend, indicates that the vast majority of you agree with those aims.

Napo is still here; and it's here to stay for as long as our members say so.

**'Napo is still here; and its
here to stay for as long as
our members say so'**

A view from the Bench

Having stood at the rostrum at National Napo AGM's moving campaigning motions over many years, it was particularly gratifying that the 2015 motion brought by myself and Chris Hignett on the Abolition of the Criminal Courts Charge passed by Conference was swiftly followed by its being scrapped by the recently appointed Justice Secretary Michael Gove.

Whilst it would be premature to claim that the Ministry of Justice threw in the towel on the iniquitous charge on hearing of Conference's decision, it does illustrate how informed and concerted campaigning to one of the more toxic legacies of Chris Grayling's tenure in office was successfully overturned. Having recently completed my first year appraisal as a magistrate in SE London, I would like to share one or two brief impressions on my experiences which have a particular bearing on how Probation is viewed from the bench.

One of the mandatory training requirements for newly appointed magistrates is an introduction to the work of the Probation Service and it was with wry amusement that I completed the training day induction ably presented by two of my former colleagues just at the point when the service was experiencing the TR carve up. The trainers were constrained by what can only be dubbed as the NPS civil service 'omerta' from answering a number of pointed questions on how the service could possibly offer the level of service delivery that magistrates' had grown accustomed to, but there was a wellspring of empathy for what many saw as politically motivated organisational change. A point uttered to me at a more recent local magistrates training event on the respective roles of CRC's/NPS when a bold vision of 'innovative change' from the new providers was being outlined from the presenters. 'It sounds like the chaos visited on the NHS,' was one of the comments.

Whilst the seismic historic changes afoot in Probation are for those of my magistrate colleagues who are aware of my professional background a distant echo of wider changes that currently beset the magistracy. With 91 pending court closures; drastic reductions in numbers of magistrates; e-technology in the form of iPads being offered to magistrates to help in court; ill-considered legislative changes and morale sapping



attacks on the value of public service; issues relating to the diversity of the bench; allocation of work and professional training needs, as well as the alarming increase in the numbers of unrepresented defendants appearing before the court.

The abiding contribution that Probation continues to make at the local level to the fair and effective running of the criminal justice system is undimmed. I was on a sentencing bench dealing specifically with Domestic Violence cases and the valued contribution of well-argued pre-sentence reports (albeit the familiar quips on jargon, undue

length and grammatical solecisms have been around for many a day) enabled all the proposals to be followed. However, there will need to be, I believe, a much greater level of accountability for the content of Rehabilitation Activities Requirements (2015 Conference motion) from new providers and I would like to see the powers contained in Section 173 (CJA 2003) for magistrates to attach a review requirement to a community order extended to test effectiveness, but also so that the much touted "innovative change" from the new providers has greater judicial scrutiny (a point made by the Magistrates' Association in its recent written submission to the Justice Select Committee inquiry into the future of the magistracy).

I have been able to offer professional insight when as part of the bench magistrates retire to deliberate on sentence and believe that my contribution has been positively received. It has also been a salutary experience to sit when custody has been imposed (according to sentencing guidelines but at the margins discretion still obtains) and there is still it seems a foggy appreciation of the broader impact of the provisions of ORA 2014 in terms of supervisory input. So maybe a forthcoming comment piece from Napo in the *Magistrate Magazine* might highlight some of the unions expressed TR concerns? Interestingly enough The Magistrates Association 2016 AGM is being held at York Racecourse (where in 1998 I moved my first motion on renationalising private prisons and former General Secretary Judy McKnight alerted me to the fact that the motion was on the BBC's Ceefax!)

MIKE GUILFOYLE

PROFESSIONAL ASSOCIATE MEMBER/MAGISTRATE SE LONDON

News round-up

Formal Notice of Annual General Meeting

Notice is hereby given that the 104th Annual General Meeting of Napo is to be held on 29, 30 September and 1 October 2016, commencing at 2.00pm at St. David's Hall, Cardiff.

All members of Napo may attend the Annual General Meeting and registration forms will be distributed during June. A detailed programme and agenda, together with relevant documents, will be sent to all members who return the completed registration form.

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 by the NEC, a Probation branch or the Family Court Section.

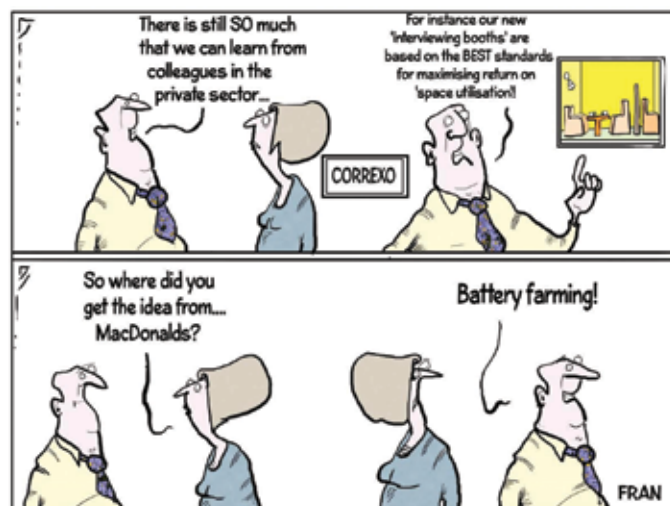
Motions and constitutional amendments should be submitted on the form provided which is available from Annoesjka Valent at the Napo office at (avalent@napo.org.uk). Motions and constitutional amendments must reach the General Secretary no later than 12 noon on Thursday 4 August.

Amendments to motions and amendments to constitutional amendments must reach the General Secretary by 12 noon on Thursday 15 September. Details of motions and constitutional amendments received will be circulated to members at the end of August.

The Annual General Meeting is Napo's supreme policy-making body and all members are urged to attend.

IAN LAWRENCE

GENERAL SECRETARY



Trade Union Bill Rally

On 11 February 2016 as part of *I Heart Unions* week, members of Napo attended the Trade Union Rally at Hamilton House. Listening to a mixture of MPs – mainly Labour and SNP – Trade Union General Secretaries and activists thrashed it out against the Trade Union Bill, or as I like to call it “the Anti-Trade Union Bill.”

There was a major sense of collectivism with an activist from Right2Strike stating she didn't think she would ever be in agreement with Dave Prentis (Unison General Secretary). However, all in attendance at the packed hall agreed that if the Tory Government did give concessions these would not be enough. The overall sentiment being: “We do not want this Bill, not one drop of it.”

Dave Ward of the CWU stated that it is not enough to defeat the Bill but to repeal all anti-Trade Union laws. The consensus was if Labour did get into power again, Trade Unions would not allow what occurred before: Blair acting passive on this front and for the Tory Party to be re-elected and finish us off. We want all anti-Trade Union laws repealed.

A Trade Union Activist from Spain attended and spoke about the Airbus Eight. She informed us all of how Franco's laws were being used to imprison Spanish Trade Union Activists for striking. Apparently 300 Trade Unionists are under police investigation and facing sentences as high as 8 years. She also reported police brutality towards strikers; surely this would never happen here right? Battle of Orgreave anyone? No of course the British Establishment wouldn't do that to us? Would they?

Angela Eagle MP and Shadow Secretary of State for Business said the Trade Union Bill was, “Vindictive, petty and based on a hook or by crook mentality”. She even reported that Nick Clegg former Deputy Prime Minister is totally against this draconian Bill. Ms Eagle then reported there are many Labour Lords in the House of Lords so we still have the capacity to destroy this Bill. It's time we start writing to them.

The ethos of the Rally was that the Bill is being used to destroy the Trade Unions, weaken workers and weaken any opposition to the Government. So we need to fight fight fight. Watch this space.

DAVID MASTERSON LONDON BRANCH

NAPO VICE CHAIR LONDON CRC



Misconduct in Public Office

Not a matter that we come across very often in Probation. In theory at least members could find themselves supervising individuals convicted of this offence. But perhaps of greater concern is the potential for probation staff themselves to be charged with this common law offence. It has happened and the ramifications are huge. The maximum sentence is life imprisonment.

The Law Commission is currently reviewing the offence and Napo has been asked to contribute to the review. It is not a simple matter. Prosecutions for this offence are more often found amongst the ranks of the police and the Prison Service. There is evidence that it has become more prevalent in recent years. One example is the series of prosecutions of suspects arrested as part of the Metropolitan Police investigation, Operation Elveden through 2014/15.

The law has been developed piecemeal but a recent Court of Appeal judgement described the elements as follows: (1) a public officer acting as such; (2) wilfully neglects to perform his duty and/or wilfully misconducts himself; (3) to such a degree as to amount to an abuse of the public's trust in the office holder; (4) without reasonable excuse of justification.

It's easy to see from this how someone working in Probation could fall foul of the law. It is equally easy to discern all the potential difficulties inherent in this offence – not least, who is a public officer in the world of privatised public services. There is then overlap with other forms of accountability such as disciplinary policies and the question has to be asked: does the action need to be criminalised? There is also the uncomfortable position here of whistleblowers – on the one hand protected by the law, but equally at risk from this offence.

There are many areas of uncertainty surrounding this offence. This review is seeking to explore and untangle the complexities. A summary of *Misconduct in Public Office: Issues Paper 1 – The current law* is available on the Law Commission website: <http://www.lawcom.gov.uk/project/misconduct-in-public-office/>

NAPSAC Diary Dates for 2016

Spring Meet

Mon 30 May – Sat 4th June
Troutbeck YHA, Lake District
From £170pp
5 nights full-board

Autumn Meet

Thurs 6 – Sun 9 October
Hawes YHA, Yorkshire Dales

Get booking forms NOW from

Caroline Coggin
Tel: 01695 720248
(Skelmersdale Probation Office) / 01772 601188 / 07712 573600
Email: caroline.coggin@yahoo.co.uk or caroline.bewley@probation.gsi.gov.uk

NPS presence in prisons

Two years ago this month (March), the Directors of Probation and Public Sector Prisons wrote to all Probation Trusts (as they were then) about the role of probation staff in public sector prisons. The intention was to improve offender management in custody. One element of this plan was to move all PSOs working in custodial settings back into the community. They were told that these new arrangements would be implemented within two years. Indeed the whole new model was to be rolled out within two years. Subsequently we were informed that PSOs would be moved out as prison governors were ready to make changes to their staffing arrangements. This was to be done on an establishment by establishment basis and indeed this has been happening but is by no means completed. More recently, in some NPS Divisions at least, the suggestion has been floated that this process will now be accelerated on a divisional basis – but we have had no clarification of this apparent change.

Last summer, Michael Spurr wrote to the unions indicating that changes were to be implemented to offender management in custody, with cases being 'managed' by prison based offender managers rather than community based staff – this largely on the basis that perhaps four fifths of OM caseloads were in custody at any one time. Both before and since this letter was written (in September) the unions have been faced with a rather large wall of silence as regards any planning and consultation over these changes. We have repeatedly asked what is happening but nobody seems to know or be prepared to tell us. This continuing uncertainty has an impact on workforce planning since it might well involve many more probation officers being located in prisons. This in turn bears upon the numbers of new probation officers that will need to be recruited in future. It also has a knock-on impact on planning under the E3 project – the two are inextricably linked.

Recent pronouncements over the future direction of prisons (the Prime Minister and Michael Gove) may be at the heart of this continuing uncertainty. Some might say that a more enlightened approach to incarceration is being floated and that may be true. If it is, then many would welcome it. This 'bigger picture' step change may well have pushed changes to offender management in custody into the long grass as a consequential detail which cannot be allowed to drive the concept change for prisons. If so, then this would be understandable, but the continued silence is both frustrating and unacceptable. If this is the rationale underlying the unexplained delay in effecting changes to offender management in custody, then why not just say so? At least this would be understandable. In the meantime probation staff, and workforce planners, are left in limbo not knowing what is happening.

The 2016 European referendum – the ‘in’ or ‘out’ debate

The date's set – on 23 June 2016 UK citizens vote to stay in or leave the European Union. Napo's not mandated either way on the EU but this article is designed to pull out some of the key issues to help our members make an informed decision.

What is the EU?

The EU has evolved into an economic, trading and political partnership of 28 countries. Decisions are taken by a Council of Ministers, monitored by the European Parliament and informed by the European Commission and social partners.

Its roots rest in the ashes of WW2 and a view that closer co-operation rather than competition would build greater understanding and make peace more sustainable; Europe also being able to act as a block to counter-balance emergent super-powers. Over time the EU grew in size and influence, the single market and free movement of goods and people spreading East after the collapse of the Communism. Some countries are more pro-co-operation than others, in part depending upon their traditions – the UK traditionally rejects interference or regulation whilst Germany and the Nordic countries have social partnership in their constitutions. Political perspectives are also influenced by national economic and social priorities and countries look to get different things from EU membership. This means all countries have varying relationships with the EU. It also means generally the EU has to do things by agreement, which can isolate some countries if their priorities are significantly out of step with other partners. The UK has never been a leading European enthusiast and gets concessions on the budget, regulations and the currency. Cameron's 'deal' is an extension of these concessions. The EU does not include the European Court of Human Rights which sits in the European Council.

What does Cameron's Deal deliver?

Cameron's deal includes:

- *Child benefit* payments for children living overseas being recalculated to reflect the cost of living in their home countries.
- The UK can *limit in-work benefits for EU migrants* during their first four years in the UK. This "emergency brake" can be applied in "exceptional" levels of migration, for a maximum of 7 years.
- Any British money spent on *Eurozone bail-outs* will be *reimbursed*. As now Britain can keep the pound and trade without discrimination with the bloc.
- There will be *greater protection for the UK financial services industry* from EU regulations.
- A *specific exemption from any commitment to "ever closer union" for the UK in any existing or future EU Treaty*.
- Adjustments making it *easier for EU legislation to be blocked or over turned by national parliaments* – if 55% of national

EU parliaments object to a piece of EU legislation it will be rethought.

- Calls on all EU institutions and states to "make all efforts to fully implement and strengthen the internal market" and to take "concrete steps towards better regulation", including by cutting red tape, although this sits in contrast to limits on free movement – denying free movement to those outside of the EU who marry EU nationals, alongside powers to exclude people thought to be a security risk and efforts to limit migration between EU nations.

Why have a referendum?

Shortly after joining the EU the UK held a referendum and voted to stay in. The Conservative Party strongly supported EU membership whilst many on the left opposed. Since then, as the EU has evolved and grown, and the global and UK economies have shifted, this balance has largely changed, with many on the right resenting EU regulations on business in particular. Since the early 2000's, the Conservatives have been deeply split on the EU. The global economic crisis heightened a sense that national parliaments had lost power and control. Cameron has resisted a referendum and his insistence on seeking to re-negotiate Britain's membership terms allowed for the vote to be held off until after the 2015 General Election.

What do the political parties say?

Over 100 Tory MPs and several Cabinet Ministers have openly declared for the OUT camp, against the Government position. Boris Johnson and to a lesser extent Michael Gove have been criticised for choosing OUT in a perceived effort to align themselves with Tory members ahead of a leadership election, with Cameron having declared he will leave office before the next General Election.

Labour's more united behind its official stance to campaign for IN but **Jeremy Corbyn's** well known for being a long time EU sceptic and is expected to play a lower profile in the campaign than may otherwise have been expected given Tory divisions. **Corbyn and Labour have criticised Cameron's deal** for failing to focus upon the big issues facing Europe such as climate change, the refugee crisis, job security, holding global corporations to account and the threat of TTIP. Labour's promoting a more cohesive, proactive and progressive EU.

The SNP, Greens and Plaid Cymru are all voicing similar support for a progressive EU. The Nationalist parties are especially tied to independence within the EU. The DUP meanwhile have announced that they will be supporting the OUT campaign.

The arguments

Sovereignty

The primary philosophical argument put forward by OUT campaigners is the UK is best left to make its own decisions for itself without interference or the need to compromise from outsiders with different priorities and interests. As an island Britain is separate and has different interests. This point is generally followed by explanations of how large, unaccountable and undemocratic the EU is.

The strongest supporters of the EU are quick to counter this as unrealistic and a defeatist, isolationist position at odds with the

UK's tradition for seeking to be a positive influence on a global stage. They argue you can have no real influence shouting from the sidelines and that we should try harder, using the strength of our global brand, to have more influence on shaping and improving how the EU works.

Few go as far as defending the EU's institutions or saying it couldn't work much better but many point out that our own institutions aren't perfect, with lower election turnouts and our electoral system giving total power on around 24% of the total popular vote. A drift towards a United States of Europe worries many but the IN campaigners argue Cameron's Deal protects the UK if our Parliament didn't want to further integrate.

Business and the Economy

The EU started as an economic union and IN campaigners would generally see the business case for staying IN as their strongest argument. Many prominent OUT campaigners admit that the impact of opting-out is unknown and uncertain. IN supporters argue the EU is our largest trading partner and 3 million jobs directly rely on EU trade. Many parts of the UK have used EU grants and funding for re-generation after the demise of manufacturing and heavy industry. The majority of business leaders and 55% of CBI members support staying in.

OUT campaigners argue the UK could and would still access the single market without being bound by regulations and membership costs as Norway and Switzerland currently do. They also argue they could get a better deal by re-negotiating trade agreements free from EU regulation and constraints.

However, IN campaigners point out that Norway and Switzerland still pay for access to the single market without a say; still have to follow some regulations to be allowed to play with the EU; and the regulations are not why the UK has the lowest productivity in the G8 – what one businessman sees as anti-competitive a worker can see as a protection, such as rules around working time limits, holiday pay and rights for flexible workers. It's also true that the UK has opt-outs or breaks on many business regulations, including around the single currency.

Workers' Rights and the TTIP

When the UK joined the EU many on the left argued an economic union would prioritise capital over people and that workers' security would be undermined. They particularly argued the relative weakness of the European Parliament limited workers' capacity to challenge the powerful vested interests of big business. This argument's been echoed by some small business owners saying the EU is directed by lobbying from big corporate interests.

This is an argument that has some resonance globally, for example opposition to Wall Street and big business in both sides of the current US election debates. The proposed Transatlantic Trade and Investment Partnership (TTIP) debate encapsulates these tensions and arguments. Those opposed to the TTIP say it would give a green light to mass privatisation across Europe, negatively impacting on workers' rights, jobs, collective bargaining and standards of living with little or no room for EU nations to challenge it, even when they go wrong.

IN campaigners are split over TTIP – as in the States, politicians on the right tend to support it saying it's a natural extension of free trade in a service based economy; those on the left saying almost all trade agreements include similar clauses allowing companies to sue countries now, as we've seen in Germany around environmental standards. It follows, they argue, that

this calls for greater international regulation not less and this can best be secured and challenged collectively rather than the UK seeking to negotiate trade agreements without TTIP. It is hugely doubtful that a right wing UK government negotiating regulation light trade agreements wouldn't embrace TTIP principles in separate trade agreements, indeed some Tories are arguing the risk of the EU stopping TTIP by voting IN.

On balance, the referendum has drawn into the open a debate about how international trade works and is policed but it is debateable whether voting IN or OUT would resolve the debate one way or the other.

Immigration

This is one of the most talked about and contentious issues with regards to the EU referendum. Arguably, the EU is used as a vehicle for voicing insecurities arising from how the UK has changed and continues to change as a result of globalisation and increased freedom of movement since the 1970's, coinciding with the UK joining the EU although we've always had, and continue to have more migrants arriving from outside the EU. In short, a sovereign state should have control of its own borders and membership of the EU means we are limited in preventing some outsiders coming here.

Few on either side argue they want to stop all immigration – citing the need for high skilled professionals to fill UK skills gaps, including increasingly in the public services like health and education. Many do however, challenge low skilled workers coming from developing Eastern European economies taking low skilled jobs in areas of high unemployment, often coinciding with areas of relatively low migration from the Old Empire heightening the emotional challenges around integration. This tension is heightened by austerity and limits on a local authority's capacity to meet increased housing and welfare needs – migration of low paid workers adding to, if not causing, the challenge.

The facts are hard to establish because of the hype and hysteria around the subject. The ONS say around 395,000 EU migrants are currently claiming benefits in the UK, including in work benefits, far less than the number of UK citizens living and working in Europe – e.g. a fraction of the number of 'ex-Pats' living in Spain. Various academic studies produce inconclusive arguments about the economic benefits or costs of EU and/or general migration, usually depending upon who paid for the research. Most migrants into the UK are not from Europe but places like Australia and India and increasingly the Far-East, particularly students. Further, IN campaigners argue you can't have free movement of goods and services without free movement of people and we benefit from this freedom, also arguing migrants contribute more to our economy than we pay out in benefits – although citing potential retaliatory action post any UK opt-out and Spain returning our ex-pats could be argued as showing the hype and hysteria isn't one sided in the debate.

How the EU deals with the on-going refugee crisis is a relevant and urgent backdrop to the debate. Most in the OUT campaign argue the crisis shows the only way we can control our borders is opting out of the EU whilst the strongest supporters of IN argue this would be a retreat, signifying the UK was no longer willing to play a part, let alone lead in an international crisis, instead aligning with neutral states like Switzerland. Some on both sides will recognise that IN or OUT will make little difference to those seeking refuge in the UK – by 24 June this will be more urgent and complex than ever either way.

Operating Models in the new world of Community Rehabilitation Companies

Sodexo were the first of the new CRC owners to publish their new operating model (Service Delivery Solution) about a year ago. In May 2015, Napo's Professional Committee published a critical analysis of the model (P19-15), to which we have yet to receive any response from the company. More recently, the Probation Institute have published a paper entitled 'Principles of office arrangements' which comments primarily on the concept of open-plan working which is at the heart of this and other operating models.

Incrementally over the intervening months, most CRC owners have now presented their plans for new ways of working. There are common themes running through them all. Not least of these is a dramatic reduction in staffing numbers. By the end of 2016, we estimate that we will be well on the way to losing around 2000 posts across all the CRCs. This, of itself, will herald or rather force into existence, new ways of working that rely far, far less on face to face meetings with service users, certainly at lower levels of assessed risk. Some of the proposed staffing losses are of such magnitude that one has to question how the CRCs affected will be able to function at all.

Then, in addition to a significant shift towards open plan offices for staff and service users alike, there are a number of other emerging common themes. New IT systems, case management systems and new risk assessment tools are almost universally proposed. So too are centralised back-office functions and administrative/operational hubs to service each CRC. Not only will these hubs manage the 'administrative' tasks such as case allocation and the collation of breach papers, they will also operate, for want of a better term, as 'call-centres' notably for 'low-risk' service users. Together with the use of what is sometimes called remote media, (text messaging, biometric reporting etc) they will be the main point of contact for many service users who will in many cases be quite geographically distant from these offices.

An inevitable conclusion to draw is that face-to-face contact with service users and indeed building a relationship (long thought to be the keystone of probation work) is becoming an expensive luxury in these austere times, where time is very definitely money. Even first appointments will often be styled as group inductions.

Is there anything positive to be said about these new ways of working? There is a welcome focus on desistance theory as well as staff getting out more into the community. Sometimes styled 'agile working' this may become something of a necessity as the number of offices, desks and chairs reduces dramatically. A greater reliance on partner agencies might also reap benefits.

Rather than continuing to look individually at each new operating model as it emerges, Napo's Professional Committee in conjunction with the Probation Institute is in the process of trying to develop some 'best practice' principles which should be observed as these new ways of working come on stream. We are considering consistency of practice. Innovation

is all well and good, but the danger is that experiences will diverge from one area to another and of course it is important that records and assessments are readily transferable not just from a CRC to the NPS and vice versa but also between CRCs. Contact with probation services should be meaningful, positive and constructive. This is true for service users but also the courts. We are concerned that the attenuation of service delivery will ultimately call into question the very purpose of placing offenders under community supervision – with the associated risk of a greater use of custody. In this context, we are particularly vexed by what is in our view the virtually incomprehensible Rehabilitation Activity Requirement.

So there is a challenge inherent in seeking to make any sense of community supervision in the new CRC environment. Modern technologies and methods of communicating may indeed need to be assimilated but hopefully not at the expense of the fundamental relationship between supervisor and supervisee. This is a challenge which we believe must be met as a basis for ensuring that service users get a good deal with a consequent positive impact on public safety. It is also important if we are to retain both the sanity and indeed the services of probation staff working in CRCs. As with service users, they should be empowered within their roles and provided with job satisfaction.



E3 Implementation



For NPS staff this programme (Effectiveness, Efficiency and Excellence) aimed at standardising practice across a unified service is moving slowly towards reality, with a target implementation date for staff selection associated with the new NPS Operating Model sometime this summer. At the end of January, Napo submitted its formal response to the E3 Blueprint and UNISON has done likewise. To date we have had no substantive response from the NPS. Our comments covered all of the various workstreams.

As already reported, NPS has been developing a number of standard job descriptions which have been job evaluated. These have now been supplemented by a selection of more specialised job descriptions and discussions around these continue. These discussions are held within the regular fortnightly meetings which have finally got under way between NPS and the unions. Formal consultation with the unions is then scheduled to start on April 11th (We're not entirely sure what the difference is between what we are doing now and formal consultation).

Once the job descriptions and evaluations have been completed and agreed, a selection process will commence to move staff into roles in the new NPS Operating Model. The NPS is committed to avoiding redundancies and one would imagine that most staff will move seamlessly into new roles as most will reflect what they are currently doing. The selection process, insofar as it is required, will involve job matching, ringfenced selection, closed competition and open advertisement of posts as appropriate. The details of this process have yet to be agreed.

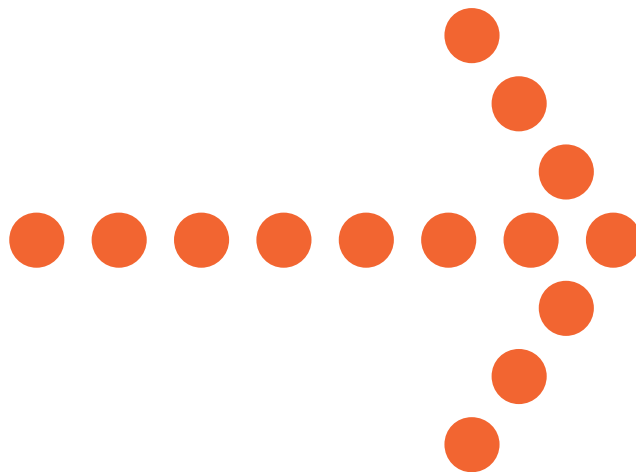
Redeployment will be considered across divisional boundaries and this may suit some staff and cause problems for others. What is undoubtedly a problem is that as yet there is no standardised mobility policy across the NPS and to date, trust legacy policies still apply. NPS are seeking to achieve a standardised policy which will be issued in due course as a part of a Probation Instruction entitled 'Staff Resourcing'. This is currently under discussion with the unions as indeed is the issue of pay protection (flowing from the job evaluation and standardisation of job descriptions across the NPS).

Where staff are moved into new roles, training will be given as a minimum requirement and this will affect implementation dates in some areas. An example of this would be where PSOs are moved into court roles (report writing etc) that have not traditionally existed at that grade in their area.

One significant area for concern is that of workload measurement. In the recent past, the unions have always played an integral role in the development of workload timings. The ongoing redevelopment of timings associated with E3 was subsumed into the programme in the middle of last year, since when, we have effectively been shut out of this work. Prior to that, this work had long existed as a stand-alone project culminating in the work of the Specifications, Benchmarking and Costings (SBC) project. The proposed plans to introduce a new tiering model as an element of E3 are a good example of where these concerns might be founded. A refined tiering model will inevitably impact on the timings associated with each type (tier) of case. This in turn will dictate what is a reasonable caseload. This is of even more concern since the intention is to extend the scope for PSOs to manage cases up the risk ladder.

This then links to another area of concern that so far has been the subject of insufficient consultation – role boundaries. At the heart of E3 would appear to be an intention to produce a significant shift of work from Probation Officers to Probation Services Officers. Case management and report writing are good examples. No doubt such a shift is attractive because if implemented, it makes the service cheaper to run. Together with workload measurement, this is an area covered in Napo's response to the E3 Blueprint.

Most of the work associated with the E3 programme is consultative where the unions are concerned (rather than negotiable) but we will seek to have our collective voices heard on behalf of our members. Any such fundamental re-organisation of work is likely to progress more smoothly to a successful conclusion if staff members and their representatives are listened to and their views heeded.



Health & Safety

Wellbeing

Napo Family Court members have had experience of wellbeing projects promoted by their employer, Cafcass, for several years now, and on the whole it would be fair to say this is popular with our members. The Cafcass health wellbeing benefits are provided through Medicash which gives staff access to a range of treatments, including dental and optical care, annual health screenings, therapies such as sports massage, osteopathy and physiotherapy, a range of retail discounts and more. The plan includes cover for children and can also be upgraded to include cover for partners. Cafcass also have an Employee Assistance Programme, Planning for Retirement, Debt management, Mindfulness, Wellbeing seminars. Cafcass have been invited by the Napo Family Court Section to promote their wellbeing programme at the Napo Family Court Conference – as they did last year.

Cafcass won Employee Benefits Awards 2014 for their wellbeing programme, and received favourable national media coverage. So Napo promote the wellbeing programme, it is popular with Napo members and has won awards – what is the problem?

In late 2015 Nicki Kenny, Napo Family Court section co-chair and Napo health and safety representative wrote:

The Health and Wellbeing strategy was developed to reduce sickness absence to “around 6 days” per year for social work grades and reduce stress related absence to 2000 days. I am not sure whether the 2000 days has been achieved but at HSSG in July 2015, we saw data that showed social worker absence is 6.5 days, the lowest ever.

In my view it is not due to the benefit of the Health and Wellbeing Strategy (although I have no doubt this has perhaps assisted staff to stay in work longer before they go off sick) but is due to the aggressive way in which staff are pushed through the absence management procedure. We have had 2 cases recently that went to stage 3 and the staff were not dismissed but returned to work and should have been allowed the time to get well rather than have the stress of being pressured to return before they were well.

Napo is also concerned that:

- The Health & Wellbeing Strategy was taken out of the health and safety consultation remit and instead developed by Human Resources.
- In 2015 Cafcass used two experts, trained sports physiotherapists, to advise staff on muscular skeletal problems – using group sessions and one to one sessions in offices, despite the fact that many Family Court Section members work from home. These specialists will also cover home conditions but Napo TU reps are concerned that with increasing working from home or in cars between appointments, staff will not benefit.
- Amongst members in the Family Court Section, stress anxiety and depression continues to be by far the biggest reason for sickness absence despite the health and wellbeing

plan. Attention in Cafcass is turning now to measuring and strengthening resilience. Members in the Family Court Section (FCS) report feeling pressured to declare whether their stress is work or non-work related to fit new recording categories of mental health work related and mental health non-work related. Currently two thirds of absences for mental health are recorded as non work-related. Members do not feel supported to report work related stress direct to their line manager although the introduction of one day stress interventions with brief assessments conducted by telephone have brought positive outcomes for some. In many areas work is allocated without any discussion. It immediately becomes the responsibility of the member who is responsible for assessing safeguarding factors and meeting various deadlines under the recording policy. Members have reported being allocated new work as they go on leave and whilst on leave.

NOMS/NPS

NOMS Wellbeing Strategy 2015–2020 was originally rolled out in Prisons and more recently work has begun in the NPS. Sarah Friday, National Official has recently been invited to attend the NOMS Attendance Project Meetings on behalf of Napo. NOMS strategy is twofold:

Sickness

NOMS want to reduce staff absence, they say they don't want to be punitive, but instead are looking at number of workday's lost and what works well to bring down levels of sickness/absence.

Wellbeing

The NOMS planning and analysis group promotes organisation of wellbeing days – these are organised by prison or NPS clusters. The last edition of NQ1 reported that NPS SE&E had organised a healthy working/healthy living event. The event was welcomed and the fact that trade unions were given the opportunity to talk to staff about the benefits of TU membership. But it was a disappointment that there was little focus on how work can impact negatively on health – and instead the focus was on how employees can improve their health to become more resilient.

NOMS are also promoting the establishment of wellbeing committees, and welcome union safety reps on these committees. However, with cuts to facility time surely it would be a better option if this work was done through the safety committees. This would save time and mean that reps could exercise their consultative legal rights through the safety reps and safety committee regulations.

Employers wellbeing strategy policies

The Cafcass wellbeing strategy 2014–2016 mission states:

Our mission is to foster an organisation culture of physical *and*



emotional health, supporting our staff to achieve high attendance
The vision for their wellbeing strategy is that their staff:

Will lead physically and emotionally happy and healthy lives. By providing resources which support our staff to look after their own health, taking account of their individual circumstances...

NOMS Wellbeing Strategy 2015–2020

In the foreword it stated that:

we all experience pressure, and this can be shaped by many factors – things such as lifestyle choices, work and family. We want to create an organisation that talks about the health and wellbeing of the workforce and does not shy away from difficult conversations about fitness, diet and relaxation

The focus is on individual health and improving this to benefit the employer. Rather than looking at work organisation and how addressing issues around this will improve service provision.

The TUC recently published 'Work and well-being, a trade union resource' <https://www.tuc.org.uk/workplace-issues/work-and-well-being-trade-union-resource>. The workplace can, like any other environment, be a useful place to encourage people to make healthy choices, but it must be done in a non-judgemental way 'and that unions should resist attempts by employers to introduce moral elements to health by criticising employee health lifestyles'.

The wellbeing strategies of Cafcass and NOMS make very little mention of trade union involvement (indeed just one mention in each doc). This is the advantage for the employer of taking wellbeing programmes away from the health and safety trade union consultation structure – where safety reps have legal rights. Employers get round this by saying that the law applies to health and safety and that wellbeing is a different issue because it is not about protecting workers' health and or safety, it is about promoting health and wellbeing.

Resilience

Recently the Cafcass focus has been around resilience. Defined by the CIPD (the professional body for HR and people development) as a

sense of adaption, recovery and the ability to 'bounce back' despite adversity or change.

The TUC explain that an industry is developing to promote this and write that the trade union focus must be on how you change the workplace to remove unreasonable stress and demand.

It would seem that there is still a long way to go to achieve this. A recent Napo stress survey of our members working for Sodexo has shown that excessive workloads are causing work related stress. 85% of respondents indicated that their workload had increased since September 2015, nearly 95% of respondents indicated workload was causing them stress, and just over 80% of respondents indicated they would leave if they could, or are actively looking to leave the CRC.

There needs to be far more of a focus on the relationship between work and health.

The development of these strategies and the blocking of TU involvement hasn't happened by chance. There is a whole range of theoretical research on the subject. As mentioned in the previous article, it is about cutting corners, putting responsibility on the employee to be resilient rather than the employer changing their working practices to make the work environment better for staff.

Trade unions need to claim the wellbeing agenda.

Hugh Robertson made a very powerful point when he said that the rate of pay is the main determinate of health – so if employers really want to improve health they should improve pay!

SARAH FRIDAY

NAPO NATIONAL OFFICIAL (HEALTH AND SAFETY)

Wellbeing: Let's all just have a nice massage?

At a recent ULR (Union Learning Representative) network event organised by the TUC and led by Hugh Robertston, TUC H&S Lead, Hugh said: "Wellbeing is the state of being comfortable, healthy, or happy. The government now measure it, saying: 'The aim is to provide a fuller picture of how society is doing by supplementing existing economic, social and environmental measures.'" The NHS website lets you measure your own: http://www.nhs.uk/tools/documents/self_assessments_js/assessment.html?XMLpath=/tools/documents/self_assessments_js/packages/&ASid=43&syndicate=undefined



You wouldn't perhaps associate jaffa-cake-style biscuits with wellbeing, but Hugh's presentation showed us images of these and many other surprising items marketed with a 'wellbeing' tag. Wellbeing seems to be a US-inspired word, as much about selling as it is about anything else.

Wellbeing is growing in popularity amongst employers in the UK. Sometimes it comes up via general programmes around health checks, stopping smoking, and exercise, but most often related to stress and stress management.

Stress management is probably familiar as a workplace concept and many people involved with unions know the HSE (Health & Safety Executive) have a set of Stress Management Standards which employers and unions can use to work together on stress reduction in the workplace. <http://www.hse.gov.uk/stress/standards/>

It promotes the standard HSE approach of consultation and worker involvement, to come up with stress reduction plans and policies that should make a difference in the workplace – if they are implemented, followed, and reviewed when things change. It's not the most exciting part of the HSE website but it's

useful. HSE requirements are often mandatory (backed up by legislation that can be relied on in courts or tribunals).

Hugh's workshop pointed out that what is tending to happen more and more is that the topic of wellbeing is being taken up by employers. In the US, companies spend \$6 billion a year on wellness/wellbeing programmes.

To some extent this is a good thing, if the changes that come about are meaningful in improving the quality of life in the workplace. If you've not experienced a workplace where this sort of thing is on offer, it can seem quite caring and beneficial, and to some extent, it is. It can be popular with staff, although there are downsides, such as making staff feel worried or pressurised.

Lose weight, exercising more: we know we should, but sometimes this can be difficult when juggling long hours/long work journeys, domestic and caring responsibilities, external studies ... If it starts to seem that a job or promotion is on the line unless there is participation in the wellbeing activities, it can be just another pressure.

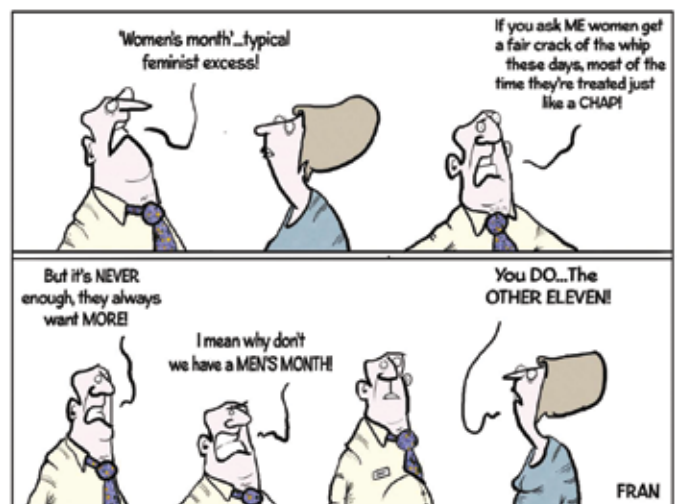
From a union perspective, the concern is that wellbeing carries none of the consultative requirement implicit in the legal arrangements for health & safety, which are about prevention. The best way of improving wellbeing in the workplace is by changing how work is organised: proper staffing, adequate pay, well-maintained workplaces; good training and so on.

Wellbeing is an add-on, and whilst a workplace massage may be welcome, the concept can be used as a way of cutting out unions, sometimes under the auspices of doing away with all those tiresome regulations, red tape, meetings, emails and assessment forms.

Hugh's workshop ended by suggesting that unions "can run their own well-being campaigns, but should ensure they are linking them with prevention, and also recruitment."

MARGARET PEARCE,

NAPO ADMINISTRATOR (HEALTH AND SAFETY)





Frances O'Grady – Sarah Turton



Gertrude Tuckwell – National Portrait Gallery



Jayaben Desai – Graham Wood/ Getty Images

The Women who helped to shape Britain's Union Movement

According to an old saying: behind every strong man is a strong woman. In the trade union movement, we would like to believe that strength comes from men and women standing shoulder to shoulder fighting for worker's rights regardless of gender. While this is largely true, it hasn't always been the case.

Since the mid-1800s, women have been battling on two fronts to receive the recognition they deserve in the workplace. On one side they struggled with employers for equal pay and working conditions. On the other, they grappled with their unionised male counterparts who saw the unskilled labour that women provided as a threat to the union agreements they already had in place.

Pushing the boundaries which seemed immovable was a daunting task that some of the most formidable characters in the women's trade union movement did and still do relish. Once marginalised and voiceless in the workplace, women now account for almost 55% of overall union membership. In Napo, this figure stands at 70%.

The fact that in 2013 Frances O'Grady became General Secretary of the TUC – the first woman to ever hold this post – proves that women activists continue to push on with the work set out by those who came years before them.

Clementina Black who became honorary secretary of the Women's Trade Union Association in 1886 spent the subsequent years travelling the country recruiting female trade unionists. She was instrumental in the Consumers' League, an organisation which encouraged customers to put pressure on employers who paid low wages to women. One successful campaign led to the boycott of Bryant & May matches which eventually led to the match-girl strike in 1888.

Napo itself can lay claim to women who have made illustrious names for themselves in the movement. Gertrude Tuckwell became the first woman magistrate in London in 1919 and founded the Magistrates' Association. Tuckwell became chair of Napo in 1933 and was a staunch advocate for the training of magistrates, the appointment of specialists to juvenile courts and favoured probation over corporal punishment.

Many years later, Yasmin Ishaq moved a motion at the TUC Women's Conference that would change the way it operated forever. "While we believe that we should work together with men for the betterment of women's lives, it should be women who decide what needs to be changed," Ishaq told delegates. The motion was carried making 1992 the last conference with male delegates in attendance.

Unions have at times been criticised for not recognising issues faced by all sections of their membership – a perception which was challenged in 1976 with the Grunwick dispute.

Jayaben Desai led a mainly Asian female workforce in a dispute against working conditions, pay inequality and institutionalised racism at the mail-order film-processing firm in London. She famously said: "What you are running here is not a factory it is a zoo. But in a zoo there are many types of animals. Some are monkeys who dance on your fingertips; others are lions who can bite your head off. We are the lions, Mr Manager." After months of picketing the Grunwick strikers eventually received wider union support in the form of marches, blockades and postal workers voting to boycott postal services to and from the firm.

Although it ended in defeat, Grunwick is remembered for the way thousands of workers regardless of race or gender came together to defend the rights of migrant women workers – a legacy which holds great importance today.

Great strides have been made to ensure the movement is more inclusive but it would be foolish to become complacent. Not enough work has been done collectively to close the gender pay gap or stamp out other types of discrimination faced by women in the workplace. It's true women now hold significant positions in unions, but it should be said that those from a BME background are still underrepresented – even though union density is highest within this group. The anti-trade union agenda being pushed by the government, attacks on pensions and the threat of job cuts mean now more than ever women need to stand on the giant shoulders of those who came before them and continue the fight.

Research Launch 23 February

Almost a year after the start of another research partnership with Professor Gill Kirton saw the launch of the research report on “Employment Relations and Working Conditions in Probation after Transforming Rehabilitation”

The day got off to a great start when *The Guardian* covered the launch of the report highlighting the impact on staff *Probation Service Split: ‘staff are staring into the abyss’* <http://www.theguardian.com/public-leaders-network/2016/feb/23/privatisation-probation-service-stressed-job-cuts>. Napo members gathered with officers and officials to hear Professor Kirton and Cecille Guillaume present their findings, we also heard Sharon Sukhram speak about the wider TUC speak up for justice campaign. This first part of the session could have left the listener with a sense of despondency, hearing about the awful impact of TR on staff from a third party seems so make it more real. One of the members who participated in the research said that it was their only chance to sit and consider the impact of TR and having this reflection time is both difficult and helpful. Hearing about the wider struggles within the Justice System only compounds our own experience of hurt, knowing that other parts of our treasured system are in similar disarray could make us fear even more for our future.

Sarah Friday writes of Professor Gill Kirton and Cecile Guillaume report and presentation on “Employment Relations and Working Conditions in Probation after Transforming Rehabilitation”

Gill Kirton opened her contribution to the launch event by saying that probation staff are not regarded by the public like the junior doctors; they are not commonly seen as heroes. She said probation work “doesn’t have that feeling of working for the public good in the same way” instead probation members have slipped under the radar because the work is not glamorous and most of the public have little contact with it.

Gill Kirton’s report is the first to look at the impact of TR on working conditions, on Napo and on the impact of outsourcing on professional grades. The surprise for Gill and Cecile in the research results was in that they were contrary to what other research into public sector outsourcing and impact on staff has found, in that the whole restructuring exercise has had negative effects for Napo members – not only those that were outsourced:

NPS

On some measures, things seem worse in NPS, workloads, particularly around staff numbers, excessive working hours, stress.

CRC

The biggest issues were targets, insecurity, workplace relocation and low morale.

Of particular interest to Napo were:

- Long working hours in order to meet unrealistic targets and caseload
- In CRC’s many branch officers were concerned that progressive policies, such as equality, capacity, or flexi-time policies, will disappear.
- Within CRC’s, it is women who often feel more vulnerable due to the new ways of working.
- Overcrowded offender training programmes and insufficient risk assessment of (male) participants vis a vis (female) trainers

The theme for the second part of the session was more hopeful however, as Sharon spoke about the collective struggle of the Speak up for Justice Campaign and the many supporters seeking to limit the worst excesses of the Government's drive to reduce the state and reserve justice only for those who can afford to pay for it. Knowing that we are not alone in our fight should give us strength to continue.

Napo National Official Ranjit Singh



spoke about the lessons learned from the experience of those branches working for Sodexo. The branches were the first to face large scale redundancies as a result of TR (although Greater London Branch faced a similar situation with Serco as a result of the Unpaid Work sell off prior to TR). Ranjit spoke of the difficulties that the branches faced and also of the difficulties of a national structure set up to deal with three employers that now faces many more employers with additional layers of complexity due to the ownership arrangements and negotiating and bargaining structures. The theme that Ranjit brought out was that of resilience. The research highlights this as a defining feature of Probation staff even before TR. Ranjit explained how the resilience of staff in these branches saw them through the huge challenge of redundancies and restructuring and how their resilience continues to fuel their attempts to maintain safe working conditions despite Sodexo's attempts to impose changes that leave staff and clients vulnerable. Ranjit spoke of the importance of sharing these experiences to ensure that CRCs can retain their



resilience through similar struggles with their owners. A strong and united trade union is the best way to achieve this.

Our final speaker was Ian Lawrence, General Secretary who spoke of the need for our union to be more responsive to members, to pull together and share our strength to continue the fight to protect our service and our union. We heard that TR and the actions of some of the CRC owners were designed not just to break up Probation but also to target the trade unions who are perceived to have too much power. Ian spoke about the need to adapt the way our union works to the changes in our workplaces, we cannot reverse the impact of TR but we can preserve our collective power to challenge the employers.

KATIE LOMAS
VICE CHAIR

The impact on Napo:

- A consequence of centralising NPS decision making is that there is now less room for manoeuvre for branches at local level, placing more expectations on National Napo. A branch rep at the launch event said "If you do take the decision to become a Napo activist you know you are taking a risk by sticking your head above the parapet and you think: is this worth it? Can I actually make a difference?"
- Women (particularly in NPS) say that time and location of branch/ workplace meetings is important. The growing number of young female recruits with childcare responsibilities (but also older members with eldercare responsibilities) accentuates time and location issues for the organisation of branch meetings.
- 50% of members who hold a branch position belong to the 46-55 age group

and 25% to the 56-65 age group, only 25% are less than 45 years old.

- New members are both predominantly female and are more likely to be located within CRCs. 25% of the members who joined less than five years ago are in CRCs compared to 17% within NPS.
- PSO members fear that Napo will become the voice of PO's only.

Gill and Cecile's thoughts on the future:

- We will see increased feminisation of the probation service – particularly as it becomes more reliant on PSO's for delivery.
- TR's chipping away at "good" public sector employment will in 10 years have resulted in a dip in pay and increase in casualisation.

Members prioritised Napo's role as a trade union in the survey findings. However key to successful future survival is going to be the ability to find

sufficient resources to cover trade union and professional association side of our work. This will be particularly important if we are able to continue to claim that Napo "is the voice of probation". As will be learning from all aspects of the report findings if we are to survive as a strong, independent and successful trade union and professional association into the future.

SARAH FRIDAY
NAPO NATIONAL OFFICIAL



Guest writer: Jo Stevens

Little did I know when I spoke at a rally against probation privatisation outside Westminster alongside Napo General Secretary Ian Lawrence in April 2014, that two years later I would be writing this article for you as Labour's Shadow Justice Minister for Prisons and Probation.

My working life has changed a bit in those two years and so too have the working lives of Napo members across England and Wales.

The Tory and Lib Dems' "Transforming Rehabilitation" project has certainly transformed probation. Transformed it into a system that has put private profit before public safety, creating a fractured workforce that is feeling the strain of job insecurity, increased workload, less autonomy and less opportunity for training and career progression.

In a Parliamentary debate on prisons and probation last month – my first speech from the Despatch Box as Shadow Minister – I described probation privatisation as misguided and reckless. This drew gasps, groans and much shaking of heads from the Government



benches opposite, but they know that TR has been a dog's dinner. And it's not as if they weren't warned in advance.

500 of the 600 responses to NOMS' consultation on TR in 2013 were negative about the impact it could have on service delivery and risk management. But the Tories are well versed in issuing consultations and then completely ignoring expert responses. What they did on TR they have matched and raised on the Trade Union Bill.

In the words of Professor Paul Senior of Sheffield Hallam University:

"TR has transformed a high performing, well managed service, with committed caring practitioners dedicated to public service into a fragmented system, untried, untested and lacking in an evidence base which threatens public safety, destabilises an invaluable service and destroys staff morale."

Artificially splitting responsibility for offenders between two separate organisations, based on different levels of risk, taking no account of how risk levels fluctuate, was always going to produce, rather than prevent, problems.

Handing over the work to deliver this crucial service to global private corporations, with no oversight or control, to enable them to profit from the criminal justice system? When payment by results and maximising profit are the drivers of a service we all know where the axe falls first.

Huge numbers of redundancies across CRCs, in my region (Wales and South West) redundancies of more than 40% of the entire staff.

IT systems not fit for purpose. Cases falling through the cracks. And the service in South Yorkshire, which the Government saw fit to give to French catering company Sodexo to run, rumoured to be under threat of renationalisation because of the risks to public safety through offenders not being properly monitored and where job cuts as high as 30% are expected.

As Professor Gill Kirton of Queen Mary University and author of a recent study commissioned by Napo on "Employment Relations and Working Conditions in Probation after Transforming Rehabilitation" reported:

"The introduction of the profit motive is something that most find deeply offensive as public sector professionals."

Decisions on the supervision of dangerous offenders should be determined by public safety, not by profit margins.



In the last Parliament, the Labour Party opposed probation privatisation. Former Shadow Justice Secretary and London Mayoral candidate Sadiq Khan MP, made clear our opposition to the policy.

Like Napo, we warned of the risks in artificially fragmenting a service when we know that what works best are agencies working together locally and joined up supervision, focused on what will help rehabilitate the offender. And like Napo, we were appalled at the arrogance of a Government determined to sign 10 year contracts, guaranteeing lost profits to the companies involved, just to tie the hands of any future governments.

Grayling covered his eyes and ears and ploughed on regardless.

It's almost tempting to feel sorry for Michael Gove. Nearly one year into his tenure as Justice Secretary, he's spent most of his time trying to clear up the mess left behind by Grayling rather than implementing any of his own ideas or policies for his so called "rehabilitation revolution". I imagine his Monday morning meetings with advisors aren't the zealous, reforming, upbeat sessions he'd like, but rather a tired conversation about which of Grayling's disasters he'll have to publicly reverse that week, taking yet another one for the Tory team.

Gove might like to put the disaster that is privatised probation at the top of that list next week.

JO STEVENS IS LABOUR MP FOR CARDIFF CENTRAL, SHADOW JUSTICE MINISTER (PRISONS AND PROBATION) AND SOLICITOR GENERAL

Family Court Section

Hello to all Family Court Section members (and to all other colleagues who may read this article). Today is the second day of Spring and it is snowing hard as I am writing this. Never mind!

Planning and preparation for the Napo Family Court Professional conference are now very nearly complete and this is shaping up into a really good event. You should have received flyers through email but in case you did not I will summarise the information below.

The title of the conference is “Working with Vulnerable Young People” and the date is 26 May 2016. The conference will be held in Birmingham. Leicestershire Crime Directorate Complex Investigation Team are going to address the issues of “Forced Marriage and Modern Day Slavery”.

Jasvinder Sanghera, who is the founder of Karma Nirvana and a former victim of forced marriage, will also address the conference. She is a campaigner and advocate for the rights of those experiencing forced marriage and “honour based” abuse.

Sarah Champion, MP for Rotherham, has been invited to speak at the event but we are not sure of her availability as yet. Further to the child sexual abuse investigations and findings in Rotherham, she is campaigning about issues of child sexual exploitation, including via the internet. She addressed the Women in Napo conference last year and was a very inspiring speaker.

There will be a variety of workshops addressing a range of topics. These will include fatalities of children subject to private law proceedings (Sian Hawkins – Women’s Aid); working with young people with eating disorders (Emma Aldwinckle – NQFCA); International mediation and protecting the rights of children abroad) and forced marriage, causes and interventions (Ayndrilla Singharay – ASHA)

The Family Court Journal was distributed to members towards the end of last year. This was well received and two further editions are planned for Spring and Autumn of this year. Many thanks to the Editors John Mallinson and Brian Kirby and the Editorial Board. If you have ideas for articles you may wish to submit for publication please contact them at jmallinson.familycourtjournal@outlook.com or brian.fcj@gmail.com and they will be pleased to look at these with you.

BASWA invited Napo to send two delegates to their recent conference on “The Future of Social Work”. Ian Lawrence and I attended this event

which was well attended by Social Workers, Managers, Service Users, Academics, Journalists, Chief Social Worker for England (adults), Chief Social Worker for England (children), an MP and others.

Some of the emerging themes: The threat of privatisation by Government, the need to stand together and lobby with a strong collective voice, the need to improve public trust in Social Workers, maintain high standards in Social Work education, the challenges to good practice.

Some of the key messages were:

- Privatisation is further along than people realise.
- We need to value what we have before we dismantle it.
- The need for organisations, trade unions and professional associations to put aside our differences and form a strong voice and digital platform for us all and to include service users in that.
- To develop a standing conference across the UK to formally bring together the various groups.
- Such alliances need to reflect the diversity of the Social Work profession.
- The public need to be better informed about what we do.
- Continue to value open ethical positive social work.
- Adult and Children’s services to work more closely.

There was a recurring theme throughout the conference that we need to work together to improve trust and good practice, but most importantly to resist privatisation.

Apologies if you have seen this before as I provided it to Ian for his blog but it is worth a further mention here for those who missed it.

Don’t forget that you will receive a discount on your Napo subscriptions if you sign up to pay by direct debit.

Concern about high workloads continues and we have just learned that there are to be swathing cuts in the Business

Support complement, which will exacerbate the situation. The workloads sub group of partnership has been put back (due to ill health).

Recruitment and retention are important to Napo (as to all Trade Unions and Professional Associations) so do contact Napo to join if you have not yet done so and encourage your colleagues to do likewise. Membership offers many benefits as well as security through support, advice and representation.

JAY BARLOW

NATIONAL VICE CHAIR – CAFCASS



Determining Pre-Sentence Reports – Probation Instruction 4/2016

This was finally issued in January. It has been a long time in gestation, having originally been sent to the unions for consultation a year ago. Napo's Professional Committee submitted a detailed response last April (P16/15).

For the sake of clarification regarding Napo's position over the preparation of court reports, here are extracts from our response:

Complexities of process have been heaped on what was once a relatively straightforward matter. In addition, certain targets have gained ascendancy and these have increasingly masked important aspects of Pre-Sentence Reports.

Whilst there is undoubtedly a place both for FDRs (Fast Delivery Reports) and oral reports to court, in Napo's view, these report forms have become far too prevalent at the expense of SDRs (Standard Delivery Reports). What suffers as a consequence? Thoroughness, checks (Safeguarding, Domestic Violence etc), proper argument in sentencing proposals aimed at achieving the most appropriate sentence commensurate with the seriousness of the offending, the prison population – as a consequence of PSR authors not being able to present and argue credible non-custodial alternatives and the 'felt fair' factor for offenders – compliance rates are likely to be higher where offenders are properly engaged in the process and where they accept the 'justness' of sentencing, which partly revolves around having the process and the options properly explained to them.

PSRs used to focus attention on each individual case to explore the best way forward to reduce risk of harm and risk of reoffending. The new speed driven PSR process moves us further from looking at the individual and fast forward toward a tick box/form filling mentality where the defendant is simply a commodity to be processed. Professional integrity is compromised and the role of the PSR in facilitating post-sentence work, endorsed by the court through their sentencing, is lost in the midst of ever more opaque assessment forms that are barely understood by probation practitioners let alone service users or courts.

The PI makes no reference to the Workload Management Tool. ... Napo would like to see more reference to realistic timings and consequential resourcing implications in the document. ... The PI fails to take sufficient account of the Specifications, Benchmarking & Costings (Project) work. This, for example, in the Operating Model, gives an estimated 30% as the number of reports that would be written as full SDRs on 15 day adjournments. Napo would question whether even this figure was an appropriate assessment of the number of reports that should be compiled in this way. But the PI moves much further from this figure through use of language such as only in 'exceptional' circumstances. For some years, the court system in England and Wales has sought to become more efficient so as to dispense justice more quickly – generally speaking a laudable intention, though one which has increasingly come into conflict with the principle of thorough forensic assessment, particularly in the sphere of risk – and thus

ultimately with public protection. These conflicting principles have been magnified considerably by the new assessment and case allocation systems introduced into Probation for use at and immediately after sentence.

Throughout the PI, there is evidence of confusion regarding what assessment should be done pre and post sentence. In Napo's view, it is to the advantage both of defendants as well as providers of probation services, and importantly the courts themselves, for proper assessment to be done pre-sentence – hence the original purpose of Pre-Sentence Reports. At the point of sentence, the court was able to pass the appropriate sentence in full possession of both facts and advice. The court was thus in control of the process as quite rightly it should be. The defendant knew from the outset what was expected of him or her and, where engagement with Probation was to be the outcome, the 'contract' between supervisor and supervisee had been considered carefully before it became binding by sentence.

A number of Napo's concerns, as expressed in our response to the draft PI had also been voiced by HMIP in their report on Transforming Rehabilitation. It seems unlikely that any of our concerns were heeded since little change has been made to the document beyond a re-ordering of paragraphs. Indeed it is probable that our response wasn't even read as even highlighted typos remain.

Who does the work?

There are linked implications within this Instruction for the court delivery workstream within the E3 programme.

The Instruction makes the following statements:

- 1.19 NPS managers must ensure that the delivery of PSRs is undertaken by staff with suitable qualifications and/or levels of competence ...

&

- 1.24 A number of NPS Divisions have reconfigured their staffing profile to mixed grade teams to ensure more cases are dealt with on the day and avoid unnecessary delays in sentencing. Reports should be completed by staff that are appropriately trained, with varying levels of training required, in particular more specific training provision for offences where additional assessments are required such as for cases of domestic violence or sexual offending.

The E3 Blueprint says "PSOs will form the majority of staff within the court teams, with PSRs reserved to POs only in certain specified circumstances".

The debate as to what 'specified circumstances' are has yet to be had, certainly with the unions. This applies equally to the meaning of suitable qualifications, levels of competence and appropriate training. The backdrop to the issue of appropriate training is that the NPS has provided very little continuous professional development (CPD) since its inception, beyond ARMS (Active Risk Management System), having been preoccupied with providing training for new PQF learners. On behalf of its members, Napo will seek to resist any further pressure to undertake additional and more complex and challenging tasks without appropriate qualifications, competencies and training.

SWITCHING TO DIRECT DEBIT

You may already be aware that from 1 January 2016, the MoJ removed the option for Napo members working in the NPS to pay their subscription by salary deduction. If you haven't already done so, you will need to sign up to Direct Debit to ensure continuation of membership.

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- 1. Visit our website www.napo.org.uk from a smart phone or your personal computer and click the switch to Direct Debit button**
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The Civil Service Pensioners' Alliance (CSPA) is recognised by the Cabinet Office and other Government Departments and Agencies as the body that represents all retired civil servants. The Alliance also lobbies on behalf of all pensioners through such affiliations as the Public Service Pensioners' Council and the National Pensioners' Convention with regard to the value of the State Retirement Pension, Universal Pensioner Benefits, and also on such issues as care and health service provision.

Through a joint exercise being conducted with the cooperation of the Napo National Executive Committee, Napo retired members are being encouraged to consider joining the CSPA not only to participate in a wide range of member benefits that CSPA membership to participate in the Alliance campaign and lobbying work.

Further information can be obtained from the CSPA as follows:

Mike Duggan, General Secretary, CSPA Head Office, Grosvenor House, 125 High Street, CROYDON, CR0 9XP

Tel: 020 8688 8418 Email: enquiries@cspa.co.uk www.cspa.co.uk

NB: CSPA membership costs £24.00 per annum for single membership or £33.60 for joint membership. However for the first 12 months Napo Retired members are being offered a 50% reduction and Napo are offering to pay the remaining 50% subscription cost.

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Katie Lomas
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Dean Rogers
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(Trade Union
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