



HM Prison & Probation Service

Ginnette Gantschuk, NTUS National Chair
Dave Vickers, NTUS Joint Secretary

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Sent by e mail – no hard copy to follow

14 May 2021

Dear Ginnette and Dave,

Stage 2 Recovery Consultation Protocols

I am writing further to Dave's helpful letter of 13 May regarding the above. This is also timely, because in writing at this point, I can confirm that Minister Chalk has now (as of yesterday) given his approval for the opening of the national Stage 2 Gateway.

Firstly, I wanted to take this opportunity to further record HMPPS' appreciation for the continued constructive engagement and contribution of NTUS trade union officials to our response to the pandemic. Stage 2 of the recovery process is a critical next stage and the protocols you have proposed are helpful and sensible.

I thought it important to replicate these in this letter (in italics below), with some additional commentary from me if necessary. I have shared this with Ed Cornmell and Stephen O'Connell, as well as other key colleagues involved in recovery and have taken into account any further points they wished to make.

Correspondence at National Level with progression panel.

- *Chris Huckle to continue to send documentation directly to all five unions as now including a regular update on Mondays*
- *Individual Unions will respond directly to Chris*

This is agreed. I imagine that there will be occasions when another colleague of Chris' may do this (if he is on leave, for example).

Consultation at local level

- *Individual establishments to continue to consult locally and where a local representative is not available or the representative is unable to respond, contact shall be made with the identified unions national SPOCs.*

- *Establishments must give Unions a minimum of Five working days to respond*
- *To help reduce email traffic and avoid prolonged consultation, establishments SPOCs will endeavour to limit the number of delegated staff involved in the consultation process – having just one channel of engagement for communication purposes with TUs*
- *Whenever possible FDA, Unite and GMB on receipt of a request for consultation will respond immediately with a holding email along the lines of **thank you for your email, it is our intention to reply within 5 days, should you not receive a response please assume we are content.***

This is agreed. On the issue of local SPOCs, it will remain at the local discretion of Governors as to who is designated to liaise with trade union colleagues. So, whilst in his letters to Governors regarding the consultation process, Phil Copple has recommended a single local SPOC approach it remains open to Governors to involve other staff as well. If there is a prison which has over complicated its engagement with NTUS, please make Andy Heppell of Employee Relations aware in the first instance and he will liaise with the individual prison concerned to resolve this.

In the event of no response

A reminder must be sent to unions who have not responded, Employee Relations, employeerelations@justice.gov.uk to be copied into this, who will forward on to NTUS

NTUS will check the request against a list of EDMs, LOPs, SOPs provided by the relevant Unions that are of interest/ applicability to their membership.

I wanted to check if this is the approach we have had up to now? Whilst I suspect that many prisons will do this anyway, our preference would be to stick to the principle that if there is no response after 5 working days have elapsed that (as referenced for the FDA, UNITE and GMB engagement) prisons can assume that there are no further points to raise. However, please do come back to me on this point.

Evidence of consultation

Evidence of consultation must be sent to the progression panel by the establishment. This will be in the form of

- *the email inviting to consult,*
- *the email from the responding union*
- *any email reminding unions to respond.*

This is agreed, caveated by my earlier point regarding e mail reminders.

Trevor and colleagues have provided as discussed, some hints and tips on best practice which would help TU consultation enormously at stage two. Trevor provided a sample from HMP/YOI Elmley as a good example which I can forward if required.

This is welcomed. Please do share (with Andy Heppell in the first instance) and we can liaise with recovery colleagues.

It would be really helpful if briefings from Gold re consultation with NTUS could include the checklist along the lines of the following:

1. *Current cases*
2. *Vaccination*
3. *Testing*
4. *RCU transfers*
5. *Staffing levels*
6. *Cleaning compliance*
7. *Training take-up for non-op*
8. *FRSMs and face masks policy going forward*
9. *A digestible precis of changes other than minor ones to EDMs, LOPs and RAs.*
10. *The actual EDMs/LOPs/RAs where there are more substantial changes with changes highlighted.*
e.g., list of EDMs with more than just minor updates due to guidance changes to be listed with the invitation for us to request copies of what we require, thus reduce the amount of EDMs/LOPs/RAs etc. that we don't necessarily need to see (for some health care ones for example).
11. *Mention of the catch up strategy for anything that has been affected but especially staff training, holidays, programmes.*

This was a reasonable and helpful list. Ed Cornmell was content that we will circulate this as best practise regarding stage 2 consultation with NTUS (Andy Heppell will progress this with colleagues accordingly).

Whilst, I note the point about the ideal first contact with the unions being from the particular prison's SPOC, and we will make this point, this will depend on the local engagement arrangements that the Governor has put into place (as referred to earlier).

Additionally:

- *Existing documents are fine where helpful, we don't need something new or bespoke written about facemasks for example just for NTUS.*
- *We would ask that deadlines are respected, by prisons and enforced by ER/Gold process including reasonable time for the email exchange.*
- *Finally, that questions asked are answered rather than evaded, skated over or missed altogether as this just extends the process unnecessarily.*

These are all reasonable and fair points (and useful prompts), which will be included in the (earlier referred to) best practise briefing.

In concluding this written response, Ed Cornmell has asked me to advise colleagues that adherence to these protocols will now be overseen by the respective Executive Directors offices. In this respect, the integrity of the TU consultation will be overseen by Simon Billington, Tony Jones and Dave Daddo, who are copied into this letter.

Stephen O'Connell has also asked me to re-emphasise his assurance that he will be looking very closely at the TU engagement aspect of stage 2 recovery as part of his lead role on the Regime Review Panel.

On a separate, but related point, I am conscious that in the coming days NTUS colleagues will undoubtedly have a significant amount of documents to look through as part of stage 2 consultation. For those representatives who are overtime grades, we would be willing to consider reimbursement of additional hours worked where this is excessive as paid overtime. Please liaise with Andy Heppell in the first instance regarding prior approval and ensure we follow the correct process for this, if this is applicable and helpful.

In conclusion, I am grateful to NTUS colleagues for sharing the protocol proposals in the first place and I hope that this response is helpful.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'F Stuart', enclosed within a light blue rectangular box.

Francis Stuart HMPPS Head of Employee Relations

CC Phil Copple, Ed Cornmell, Stephen O'Connell, Alan Scott, Richard Vince, Sarah Coccia, Employee Relations, David Liddemore, Simon Billington, Tony Jones and Dave Daddo