



HM Prison & Probation Service

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Director General Prisons

HM Prison and Probation Service
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To: Governors
Cc PGDs, Exec Directors, HRBPs, Francis Stuart

02 October 2020

Dear all

Importance of maintaining strong local trade union engagement and consultation arrangements to support medium term recovery progress

At a National and local level, maintaining constructive and positive engagement with our recognised trade unions continues to be immensely important (during the Covid-19 emergency) to our goals of maintaining staff confidence and enabling safe progress. It is essential that we maintain the standards of consultation that we have set in respect of any changes to local provision as a consequence of changes in local Covid restrictions, and during your work on stage 2 readiness where and when that is appropriate.

I remain very grateful that the significant focus on trade union engagement that you led during the early stages of COVID has continued into stage 3 and in this respect (at a National level) all our recognised trade unions have been largely very positive about the quality and extent of this engagement when I have met with them. Thank you again for your efforts to date which continue to result in many excellent examples of joint working. I include in this those trickier situations which have needed more time and energy from you and your teams to work issues through.

The stage 2 process will present an increased challenge compared to stage 3, with a greater range of regime activity where more local staffing resources are engaged. Your local Covid position may not currently be consistent with stage 2, but we should expect trade unions to be particularly wary of the latest position in respect of the pandemic and of any impact on levels of assaults and self-harm. It is essential therefore that you ensure that your union representatives feel well briefed and involved in the local situation and progress. Integral to this will also be the need to remain vigilant in respect of local COVID trends and to ensure that our recognised trade unions are fully briefed and aware of regression plans in respect of the need to re-introduce restrictions if such a situation arises in the coming months.

As you will be aware from the recent stage 2 Guidance and Governance that has been issued, a critical sign off element for approval for progress to stage 2 will be that the necessary trade union consultation and engagement has taken place. Your PGD will need full assurance (specific details of the trade union consultation should be provided) on this before readiness is approved. Please refer to the flow chart at the annex to this letter which further explains the trade union engagement and consultation process.

Colleagues will be aware that our recognised trade unions are being consulted at a national level on all aspects of medium term recovery and have regular meetings with Richard Vince (POA and NTUS) and Alan Scott (PGA). These continue to be constructive and helpful and are a further check where the unions will raise any local engagement concerns that they have. With the stage 2 Guidance and

Governance, you will be able to communicate to your local representatives that this has been through this national consultation and the more localised approach that we are introducing is fully supported by National union colleagues.

To continue to support this important work, and to support delivery, I want local reps to continue to be afforded more local facility time than would normally be the case. The continuing commitment that I have given to the unions remains that Governors will make sufficient time available to facilitate joint working on local stage 2 delivery, local safety risk assessments, safe systems of work and Recovery Regime Management Plans (RRMPs). So, it remains the position that until further notice, you have the discretion to agree additional local facility time for your local trade union reps commensurate with the engagement that you need to have on COVID recovery. You should determine how much is necessary. It is important that you make full use of this to ensure that unions are effectively involved in your planning and implementation.

Whilst due to the emergency situation we are consulting with the unions at national and local level on much shorter timescales than normal (exceptionally precluding the use of Annex As), we are only able to do this on a good will basis with the unions therefore **the provision and use of additional facility time is intended to enable you to consult effectively at pace.**

It remains the position that whilst the POA (covering OSGs, Prison Officer Bands 3 to 5, Operational Managers bands 6 to 8) and some of our recognised trade unions are well represented locally, a lack of local representation does not preclude the requirement to engage and consult with all our relevant recognised union groups. In this respect, NTUS and the PGA have both welcomed the engagement that externally based representatives have been getting with many examples of good practise. Where you do not have local representation, you should now have in place well-rehearsed arrangements to consult through the union group contact listed below (please also see the flowchart below).

If you haven't already put this in place, it is recommended that you nominate a local medium term recovery TU liaison manager who is responsible for leading medium term recovery consultation with these unions, for verbally updating them and for sending details of local plans to these unions, answering questions/ providing feedback on any comments/ providing additional documents (such as risk assessments) if requested. Again this should be to a shortened timescale due to the emergency situation. The national trade union representatives have been given dedicated project time and therefore it is reasonable to ask for any responses swiftly and in accordance with parameters agreed with the national trade unions that this should be within 5 working days (not including weekends).

For those establishments who currently have national TU reps working a combination of paid facility time and project time to support medium term recovery, I have decided that we need to extend this provision for a further period of three months and to review the situation again towards the end of the year. I recognise the impact that this will have on local staff resource and wanted to record my continuing thanks to those Governors who are contributing to the wider employee relations dynamic in this way.

Recognised trade union contacts for medium term recovery and in the event of regression

POA local consultation and engagement must continue to be instigated at the earliest opportunity with local branch representatives and must be completed prior to the readiness assessment being sent to the PGD. At the point that stage 2 readiness assessments are sent to PGDs for sign-off, these must also be shared with the relevant POA NEC regional lead.

PGA covering Operational Manager bands 7 to 11. Local stage 2 readiness assessments must be shared with the PGA by e mail to PGA@justice.gov.uk and James.Bryant01@justice.gov.uk. This must

be at the point that the readiness assessment is sent to the PGD. The PGA will normally not require earlier consultation but may seek further clarification on the details of the assessment at that stage. Any issues where you need a local PGA viewpoint at an earlier juncture should also be referred through this channel.

NTUS (PCS, PROSPECT, FDA, UNITE, GMB) local consultation and engagement on your local plans and level 2 readiness assessments must be completed prior to sending these to the PDG. Where NTUS unions have no local representation, national colleagues listed below will require sight of your local plans and require reasonable time (in line with the 5 working days parameters above) to comment on them before readiness assessments are submitted to the PDG.

- **PCS:** Nigel.Wharrier@justice.gov.uk
- **PROSPECT:** Claire.dent@prospect.org.uk
- **GMB:** Kevin.Brandstatter@gmb.org.uk
- **UNITE :** caren.evans@unitetheunion.org
- **FDA:** niall.mccormick@justice.gov.uk

As a reminder, **NTUS trade unions cover the following grades:**

- **PCS:** covering Prison Instructors (PIs), SPIs and Band 2 Caterers, administrative grades, non-op bands 4 to 11; Op Bands 7-11
- **PROSPECT:** covering Industrial Managers, Catering Managers, Programmes Facilitators and Psychologists and Chaplains, non-op Bands 4-11
- **GMB:** covering civilian caterers, B2 grade in Waste Management
- **UNITE:** covering civilian caterers, catering managers, B2 grade in Waste Management
- **FDA:** covering senior non-operational management grades band 9 and above

If there are any EDM planning issues which may impact on Probation Colleagues working in prisons (arrangements in respect of Offender Management Units is an example of this), HMPPS recognises the following unions:

- **Napo** and **UNISON** covering Probation pay bands 1-6 and **Napo** and **GMB-SCOOP** covering Probation senior roles (probation pay bands A-D). Contact in the first instance, if you have no local representatives on site should be through Kate Stock, senior Employee Relations lead for NPS. kate.stock@justice.gov.uk

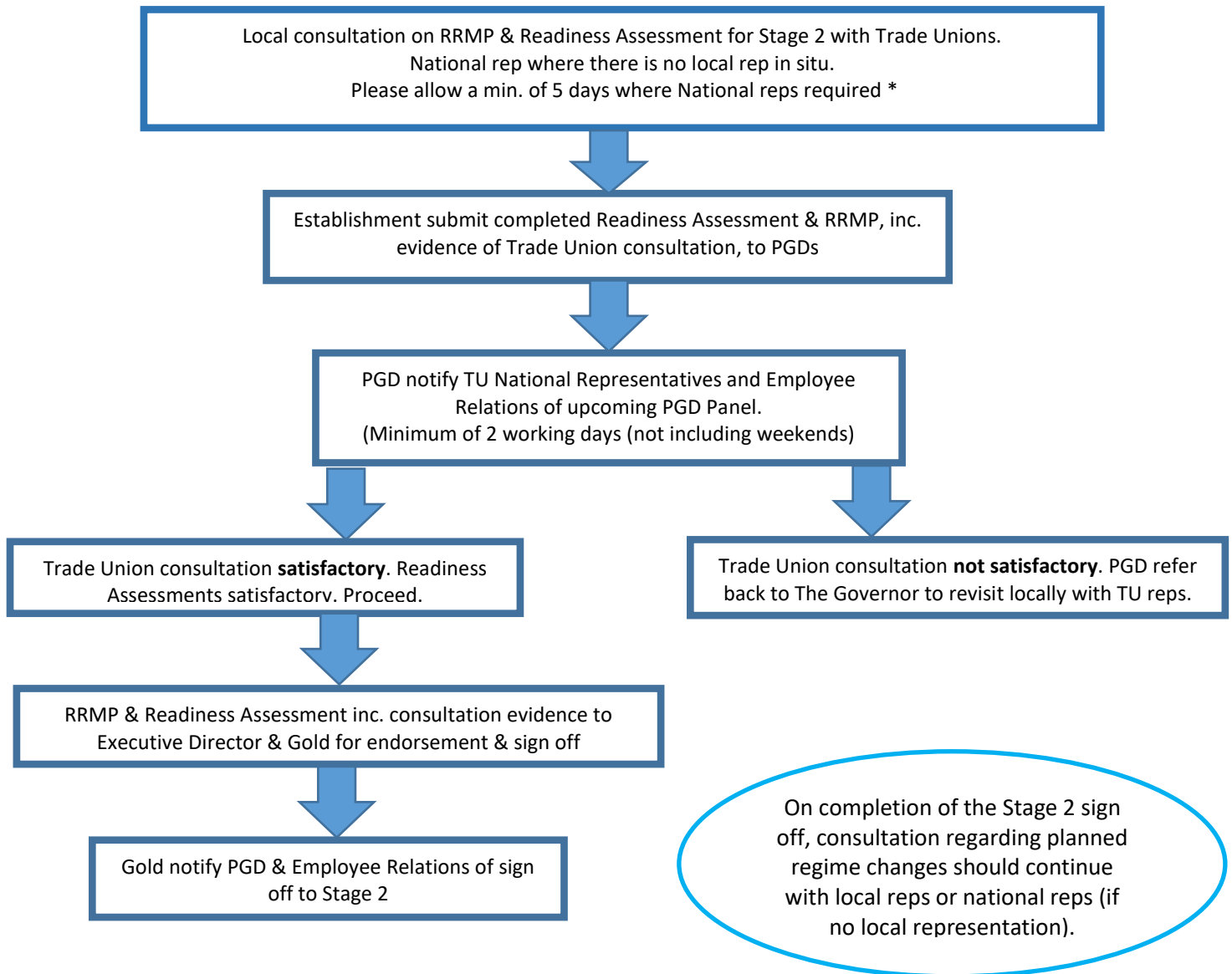
Again, as a reminder it should be noted that the lack of local representation does not preclude the requirement to engage and consult. Further advice and support will be available from the HMPPS Employee Relations team at employeerelations@justice.gov.uk.

Thank you again for our support in this.



Phil Cople
Director General of Prisons

HMPPS Stage 2 Consultation Flow Chart



On completion of the Stage 2 sign off, consultation regarding planned regime changes should continue with local reps or national reps (if no local representation).

Weekly National ER / TU Consultation review meeting;

Review TU of sign off to move to stage 2

Discuss any additional consultation required

Highlight best practise.

ER to feedback on consultation and engagement processes to PGD's and Senior Leaders

Forward look

* Please note:

POA - RRMP & Readiness Assessments & associated documents to go to the Regional NEC rep for comment.

PGA - Readiness Assessments go to the National reps for comment.

NTUS - RRMP & Readiness Assessments & associated documents go to the local rep for comment (or National if no local rep is in situ). For Prospect please **only** send documents for Chaplaincy, Industries and Programmes/Psychology