|  |  |
| --- | --- |
| Our Reference: **PROB/14/2013**  When telephoning, please ask for:  Ben Priestley 0207 551 1272  [**b.priestley@unison.co.uk**](mailto:b.priestley@unison.co.uk)  Dave Bryant 0207 551 1326  [**d.bryant@unison.co.uk**](mailto:d.bryant@unison.co.uk) | Police & Justice Service Group  UNISON Centre  130 Euston Road  London NW1 2AY  Telephone: 0845 355 0845  [**www.unison.org.uk/policeandjustice**](http://www.unison.org.uk/policeandjustice) |

To: Secretaries of Branches with Probation Members

Probation Contacts

cc: Police & Justice SGE Members

National Probation Sector Committee

UNISON Regional Staff (Probation)

13 November 2013

Dear Colleague,

**NNC STAFF TRANSFER AND PROTECTIONS AGREEMENT: UPDATE ON NEGOTIATIONS**

This circular:

* **updates branches on developments at the NNC in relation to the Staff Transfer and Protections Agreement.**
* **advises on developments today in respect of MOJ instructions to Trusts on a staff assignment process**
* **advises on local joint trade union action if Trusts act on these MOJ instructions in advance of the next NNC meeting on 20 November.**

**NNC Negotiations**

The NNC met on Monday 11 November in an attempt to finalise the negotiations on the Staff Transfer and Protections Agreement. It was not possible to reach agreement on 11 November, because the following issues remained outstanding at the end of the talks:

* Protection for continuity of service
* Protection for corporate services staff
* Position of staff seconded to prisons and youth offending teams
* Period of the voluntary redundancy scheme

At the end of Monday’s talks, the unions were forced to issue a joint statement (see appendix A of this circular) in relation to outcomes, should the Ministry of Justice proceed in the absence of an NNC agreement over staff transfers and protection.

Since Monday, the NNC trade unions have continued to be in talks with the Probation Association and Ministry of Justice to arrive at an acceptable solution to the above outstanding issues. Some further progress on these matters has been achieved today. In light of this, it has been agreed to hold a further NNC on 20 November next week. This is confirmed in the NNC circular set out at appendix B of this circular.

UNISON’s Probation Committee will now meet on 19 November to consider the final position and to agree whether UNISON can sign up to the final version of the staff transfer and protections agreement, or not.

**Ministry of Justice Instructions to Trusts**

Meanwhile, we understand that Chairs and Chiefs will this afternoon be in receipt of documentation outlining the Secretary of State’s desire to see the commencement of a staffing assignment process. The NNC trade unions have emphasised to the MOJ that we do not expect to see any action towards implementation in advance of the outcome of next week’s NNC meeting.

However, in the event that your Trust begins to commence a staff assignment process (‘the split’) between the proposed National Probation Service (NPS) and Community Rehabilitation Companies (CRC’s), then UNISON branches/activists are advised to:

* immediately liaise with their Napo counterparts
* register a JNC Trade Union Side dispute with their Trust,
* disengage from local consultations.

Napo is advising its branches similarly.

**Basis of a JNC dispute**

In such a situation the dispute will be based on the fact that the proposed staff assignment process has not been subject to agreement by the National Negotiating Council (NNC) and that the employer has not undertaken a recognised Equality Impact Assessment.

Additionally, the Trust should also be advised that the imposition of the assignment process in the absence of a nationally agreed Risk Allocation Tool represents an unacceptable risk to public safety.

**Working with Napo**

Senior UNISON and Napo officials have met this morning to discuss our joint approach to the ongoing campaign against Transforming Rehabilitation, which we will continue to develop irrespective of the outcome of the above negotiations.

Please let me have any questions, otherwise, I will contact you again following the NNC on 20 November.

Yours sincerely



Ben Priestley

National Officer

UNISON Police and Justice

**APPENDIX A**



**NAPO, UNISON, GMB STATEMENT**

**NNC/SCCOG STAFF TRANSFER AND PROTECTIONS AGREEMENT**

Napo, UNISON and GMB make the following joint statement at the close of NNC/SCCOG negotiations on the Staff Transfer and Protections Agreement on 11 November 2013:

* We have worked hard today to reach agreement on the draft Staff Transfer and Protections Agreement, and made progress on significant issues which were outstanding
* However, despite this progress, it has not been possible to reach agreement today on the following issues:
  + Continuity of Service
  + Corporate Services Staff
  + Prison Secondees / YOTS
  + Voluntary Redundancy Scheme
* These issues impact significantly on the draft agreement we have been discussing
* We request in writing the NOMS/MOJ position on all four issues
* We are disappointed to learn that, in light of no agreement being achievable today, NOMS/MOJ may now unilaterally instruct Trusts tomorrow to undertake a series of actions intended to put matters within scope of the draft Staff Transfer and Protections Agreement into effect without the agreement of the negotiating machineries
* We put the NNC/SCCOG on notice, that if any Probation Trust acts on any such instruction from NOMS/MOJ, we will be in dispute and intend to refer the matters at dispute to ACAS, as we entitled to do under the NNC/SCCOG constitutions
* We will also be taking up with the relevant authorities the breach which any actions by NOMS/MOJ cause to COSOP and the guarantees contained within it in relation to the protection of contractual terms and conditions, including continuity of employment.
* To avert these actions, we request that NOMS/MOJ does not instruct Trusts unilaterally, and that the negotiations on the draft Staff Transfer and Protections Agreement are deferred to 20 November.

**APPENDIX B**

**National Negotiating Council for the Probation Service  
Standing Committee for Chief Officer Grades**

**Employers’ Side Secretary: Mark Ormerod CB Trade Union Side Secretary: Ian Lawrence**

**29 Great Peter Street 4 Chivalry Road**

**London SW1P 3LW London SW11 1HTTelephone: 020 7340 0970**

[**association@probationassociation.co.uk**](mailto:association@probationassociation.co.uk) **Telephone: 020 7223 4887 Fax: 020 7223 3503**

[**www.probationassociation.co.uk**](http://www.probationassociation.co.uk)

**Trade Union Side Secretary: David Walton**

**C/o GMB 22/24 Worple Road**

**London SW19 4DD**

12 November 2013

**To: The Chair of the Probation Trust**

**The Chief Executive of the Probation Trust**

**Head of Human Resources**

**The Secretary to the Probation Trust**

**Members of the NNC  
Members of SCCOG**

**NNC CIRCULAR No. 10/2013  
SCCOG CIRCULAR No. 9/2013**

**TRANSFORMING REHABILITATION – ER/HR ISSUES**

**NATIONAL AGREEMENT ON STAFF TRANSFER AND PROTECTIONS**

Further to the NNC and SCCOG Circulars 9 and 8 respectively and the joint meeting of the NNC and SCCOG held on 11 November 2013, we are writing with a statement on the position in respect of the national negotiations.

Although significant progress was made towards securing final agreement, there remain four areas on which agreement was unable to be reached. These centre on:

* the treatment of Corporate Support functions in the transfer process
* future continuity of service provisions for Trust employees.
* the assignment to transfer of HMPS and YOT secondees and
* the timeline for the Voluntary Redudancy Scheme.

None of these are capable of being resolved within the exclusive remit of the NNC and SCCOG and further clarification has been sought from MoJ/NOMS. We still believe that it is possible to reach an Agreement but this is dependent on movement on all sides and more time in which to do this.

It is proposed that there should be a further meeting of the joint bodies on 20 November 2013.

In the meantime, Trusts are advised not to proceed independently without reference to further national advice as it emerges.

The Joint Secretaries remain available to assist.

Mark Ormerod  
Ian Lawrence

David Walton

Joint Secretaries, NNC and SCCOG