

**PROBATION  
WORKS**

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PROB/16/2013

## UPDATE ON THE PROBATION NEGOTIATIONS

22 Nov 2013

### TALKS BREAK DOWN

The National Negotiating Council (NNC), that negotiates your terms and conditions, met on 20 November to try to agree the Staff Transfer and Protections Agreement which will manage the way in which probation staff will be transferred to either the new National Probation Service (NPS) or one of the 21 Community Rehabilitation Companies (CRCs).

Despite the progress made in previous talks, the Ministry of Justice turned up at the meeting to drop a bombshell into the negotiations. Ministers wanted all the gains we had patiently negotiated over the previous weeks withdrawn! It was not possible for the NNC Trade Union Side (UNISON and Napo) to agree the final deal offered to us, even though we recouped some of the losses.

### WHAT HAPPENS NEXT?

Because we failed to agree, a number of things will happen immediately:

**Probation Trusts** will be told by the Ministry of Justice (MoJ) to split their workforces into staff who will transfer to the NPS and those who will go to one of the CRCs. As we have not agreed on how this will happen, it is not yet clear exactly how Probation Trusts will go about the process.

**The NNC Trade Union Side** will:

- Refer the failure to agree to ACAS (the Government's Advisory, Conciliation and Arbitration Service) for conciliation
- Register a dispute at the NNC because the Ministry of Justice is imposing the staffing split on Probation Trusts
- Ask branches/representatives to register local disputes at Trust JNCCs (Joint Negotiating Consultative Committees) in relation to the imposition

**UNISON** will:

- Register a trade dispute because the Ministry of Justice is forcing Probation Trusts to go ahead with the staffing split without collective agreement. Registering a trade dispute is a requirement before we can run any industrial action ballot in relation to the imposition process.
- Prepare to ballot members for industrial action
- Run a campaign in support of industrial action up to Christmas
- Recruit new members to strengthen our action
- Advise members on their individual circumstances
- Continue to protect your interests

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## WHY WE NEED AN AGREEMENT

UNISON has been working hard to try to reach a national collective agreement on staff transfer and protections. We want to achieve this, because although we are still campaigning to oppose the Government's Transforming Rehabilitation plans, we have to plan for the worst, in case the Government goes ahead and puts the scheme into action.

UNISON's Probation Committee met on 19 November and agreed that we had made progress on the draft Staff Transfer and Protections Agreement, but the following matters remain outstanding:

- The Ministry of Justice must protect your continuity of service following transfer to either the NPS or one of the CRCs in April next year.
- There must be a fair appeals process for the staff transfers
- The voluntary redundancy package must be guaranteed to last the duration of the CRC contracts

**CONTINUITY OF  
SERVICE IS A  
REALLY  
IMPORTANT ISSUE  
THAT IS WORTH  
FIGHTING FOR**

Continuity of service is a really important issue that is worth fighting for because in the future, if you want to transfer between the NPS and a CRC or between 2 different CRCs you would lose your continuity of service. This means you would lose all the entitlements your length of service has built up, such as:

- Sick pay
- Annual leave
- Redundancy pay

By referring the failure to agree the Staff Transfer and Protections Agreement to ACAS for conciliation we may have a chance to overcome these obstacles to reaching a deal, but we also need to prepare for industrial action in case the talks continue to fail.

## WHAT DOES IMPOSITION OF THE STAFFING SPLIT MEAN?

The NNC has not been able to agree on staff transfers and protections. Without this agreement, the Ministry of Justice will now impose the split and tell all Probation Trusts to begin the detailed process of allocating staff to either the NPS or one of the CRCs. This leaves us without a national agreement, or details of what is going to be imposed, so at the moment we don't know:

- Exactly what imposition means for you, our members
- What protected terms and conditions will be provided to you and your colleagues
- Which staff will be eligible for the voluntary redundancy scheme

- How we could challenge the removal of any of your important terms and conditions, if they are not protected by a national collective agreement

We are asking for urgent legal advice on the impact of imposition on your contractual terms and conditions, to help us answer these questions.



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CALL FREE ON  
0800 171 2193**

## MOVING TO INDUSTRIAL ACTION

By registering a trade dispute, UNISON is now in a position to move to an industrial action ballot. The details and timetable will be confirmed very shortly.

It is really important that members vote YES when they are balloted on industrial action to show that we are serious about protecting members' terms and conditions.

When we surveyed members in July this year, 85% of those responding said they would be prepared

to take industrial action to defend pay, and terms and conditions. This is the fight that we are in now.

The Ministry of Justice has placed huge obstacles in the way of the NNC reaching a collective agreement on the Staff Transfer and Protections Agreement. A successful industrial action ballot will show that we are serious about defending our members' interests.



## ADVICE TO MEMBERS

Until further advice is given out, members should refer any letter that they receive from their Probation Trust regarding the staffing split to their local UNISON representative before responding.

Further UNISON advice will be available very soon.



# Join UNISON

If you are reading this as a non-union member in the Probation Service, it is not too late to become a member and help keep Probation Services public and local. The more members we have, the stronger we can be on your behalf. Speak to your local UNISON representative for details of how to join, phone us free on 0800 171 2193 or join online at: [www.joinunison.org](http://www.joinunison.org)

## Reasons to join UNISON

EVERY member receives our full range of benefits and services, including



Legal help  
for you at work and  
your family at home



Financial  
assistance  
and debt advice in  
times of need



Helpline  
open until midnight  
on weekdays and  
4pm on Saturday



Accident and injury  
compensation  
for you and your  
family



Exclusive member  
discounts  
including money off  
cars and holidays

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SLEEP OVER  
YOUR JOB  
SECURITY.  
OUR HELPLINE  
STAYS OPEN  
UNTIL MIDNIGHT.**

From  
**£1.30**  
a month

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