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PROB/11/2014

PROBATION BULLETIN

19 Nov 2014

UNISON TO ASSIST WITH COSTS OF NAPO JUDICIAL REVIEW APPLICATION

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Following talks over the last month, UNISON is pleased to announce that we will be providing financial assistance to Napo in respect of our sister union’s specific costs in making its application to the courts in relation to judicial review proceedings regarding Transforming Rehabilitation. As you will be aware, Napo has now submitted its grounds for seeking judicial review to the courts.

Dave Prentis, UNISON General Secretary, who was personally involved in the discussions with Napo General Secretary Ian Lawrence, confirmed:

“UNISON is proud to be able to assist our sister union in this way and we wish Napo every success in this vital endeavour. Napo, UNISON and GMB have worked together very well on the campaign against TR and we will continue working together for the joint benefit of our combined membership in probation.’

Details of the judicial review proceedings can be found on the Napo web-site:

<https://www.napo.org.uk/>

NPS CHANGE PROGRAMME



The NPS also announced at the recent Probation Consultative Forum that it was setting up a Change Programme which will seek to establish consistent practice across all NPS functions and Divisions. The change programme will be designed for the remainder of this financial year.

The unions requested full involvement in this programme which obviously has big implications for job roles and pay and grading. NPS has agreed to set out more substantive proposals for the change programme at the next Probation Consultative Forum.

PREFERRED CRC BIDDERS ANNOUNCED

Members will be aware that the Ministry of Justice announced its preferred bidders at the end of October. This means that the organisations named in the announcement have won the bidding competition to run each CRC, but have yet to be actually awarded the contracts.

What is very clear from the announcement of preferred bidders is that most of the successful bids were led by large public sector outsourcing companies, and that these companies have been lined up for contracts that appear to aggregate CRCs into much larger regional operations, as the following list shows:

Sodexo Justice Services – a private company working with Nacro: Northumbria CRC, Cumbria and Lancashire CRC, South Yorkshire CRC, Norfolk and Suffolk CRC, BeNCH CRC and Essex CRC **(6 CONTRACTS)**

Interserve – a private company leading ‘Purple Futures’: Humberside, Lincolnshire and North Yorkshire CRC, West Yorkshire CRC, Cheshire and Greater Manchester CRC, Merseyside CRC and Hampshire and Isle of Wight CRC **(5 CONTRACTS)**

Working Links - a public, private and voluntary company: Wales CRC, Bristol Gloucestershire and Wiltshire CRC and Dorset Devon and Cornwall CRC **(3 CONTRACTS)**

Ingeus – a private company leading the Reducing Reoffending Partnership: Staffordshire & West Midlands and Derbyshire Leicestershire Nottinghamshire & Rutland CRC **(2 CONTRACTS)**

MTC – a private company leading the MTC Novo Joint Venture: Thames Valley CRC and London CRC **(2 CONTRACTS)**

EOS– a private company—Warwickshire & West Mercia CRC **(1 CONTRACT)**

Seetec – a private company: Kent, Surrey and Sussex **(1 CONTRACT)**

ARCC – a consortium of public and charitable bodies **(1 CONTRACT)**

UNISON is aware that some of the preferred bidders have written prematurely to CRC staff prior to contracts being signed. As confirmed above, the preferred bidders have yet to actually be awarded the contracts.

Events over the next month will decide whether the CRC contracts are actually awarded as the Ministry of Justice hopes, or whether matters will take a different turn. Members will be aware that all three probation unions have been in contact with all the bidders in the run up to the preferred bidder announcement to set out our position in relation to Transforming Rehabilitation.



IMPACT OF CRC CONTRACTS ON CRC STAFF TERMS AND CONDITIONS

UNISON is aware that members working for CRCs are likely to have questions regarding the potential impact of the CRC contracts being signed on staff terms and conditions. Some CRCs have issued guidance on this to staff already; not all of which is accurate.

The National Agreement on Staff Transfer and Protections, agreed in January of this year, gives the following protections which are now written into the contracts of employment of all CRC staff:

- No compulsory redundancy for a period of 7 months following share sale
- The current enhanced voluntary redundancy scheme to be offered by each CRC if it offers voluntary redundancy terms.
- No member of staff to be required to undertake any function above or below their professional qualification, established role boundaries and pay banding
- Protection of continuity of employment for staff employed on 31 May 2014 who transfer between CRCs for a period of 7 years post share sale
- Continuing membership of the local government pension scheme for the length of the CRC contract (as long as the employee does not move to another CRC in which case the protection lasts for 12 months from the date of share sale)
- Continuation of trade union recognition (UNISON, Napo and GMB)
- Continuation of national collective bargaining.
- Three years protection of earnings if an employee is redeployed into a lower paid post as a direct result of Transforming Rehabilitation.

The National Agreement also makes the following very important statement regarding the future of staff terms and conditions:

'The Ministry of Justice has confirmed that the sale of shares in the CRC to the new provider does not constitute a TUPE transfer of undertakings as there is no change of employer, merely a change of ownership of the shares in the employer company. Following the share sale the employer will continue to be the CRC and the relationship between the employer, recognised trade unions and employees is unchanged. Existing NNC and SCCOG national agreements on pay and conditions of service will therefore continue to be the terms and conditions for all staff.'

This makes very clear that **CRC staff will continue to be employed by the CRC, not the new owner of the CRC**, should the CRC contracts be let.

**CRC STAFF WILL
CONTINUE TO BE
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FUTURE FOR PROBATION STAFF WORKING IN PRISONS

At the Probation Consultative Forum held on 3 November, the NPS announced that its new custody of offender management model for prisons does not feature any work for probation service officers who were formally seconded to prison and who now work for the NPS. NPS wishes to re-deploy these staff (approximately 240) out of prison and back to NPS Divisions.

The NPS also claimed that from 1 June, all former probation staff seconded to prison are no longer secondees, but have prison as their contractual place of work. It did not appear that NPS had properly considered the contractual implications of this announcement.

The unions questioned both of these announcements and asked for a working party to be set up by the NPS to properly consider the implications for members affected by these proposals. UNISON will be attending the first of these meetings which is taking place on 17 November.

In the meantime, UNISON advises any member who currently works in a prison to refer any contact they get from NPS regarding the above announcements to their local UNISON representative and to not agree to any change to their work location or to any proposals for redeployment, pending further advice from UNISON nationally.

Join UNISON

phone us free on 0800 171 2193 or join online at: www.joinunison.org

ESSENTIAL COVER FOR PROBATION STAFF

Worried about your job under the government's probation reforms? Want to protect your pay and conditions? If you work in probation, and are not in a trade union, now is the time to join UNISON. We have many years experience of defending members in complex staff transfers and privatised workplaces.

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a month

Every member, wherever they work, receives our full range of member benefits which includes:

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- ♦ a helpline that is open until midnight
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- ♦ financial assistance and debt advice in times of need
- ♦ compensation for accidents and injuries at work.

And we offer a range of exclusive member discounts that can save you and your family money when you are shopping, buying insurance or looking for a holiday.

And you get all this from as little as £1.30 a month – depending on how much you earn.

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*See unison.org/tbr-members/legal-services/tbr-eligibility