

RESOLUTIONS 2014

1	<p>This conference instructs the NEC to negotiate with NOMS protection for operational managers under any future TUPE arrangements that arise from NOMS contracting out work currently performed by the public sector.</p>	Wetherby	Wakefield Carried	<p>The National Officers have sought assurance from NOMS that the statement below still applies, and this has been confirmed.</p> <p>Below is a statement by the Director of HR from 2013: -</p> <p><i>It is the expectation of the PGA that TUPE will apply to any and all Public Sector work carried out by our members that is contracted out to the private sector. This is certainly the case with regard to Maintenance contracts. The PGA will continue to represent those transferring into the private sector if they choose to remain members of the Association and will ensure that TUPE is applied fairly to them.</i></p> <p><i>“TUPE is a legal requirement that places very specific and significant obligations on employers. Failure to meet these obligations can result in</i></p>
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				<p><i>legal challenges.</i></p> <p><i>NOMS takes its responsibilities under the TUPE regulations seriously and fully supports the Governments view that TUPE is an important aspect of employment rights legislation, with the potential to promote a co-operative, partnership approach towards business restructuring and change in the public sector.</i></p> <p><i>A successful applied and managed transfer not only protects both employees and the employers involved, but also results in the best outcomes for the delivery of public services and for public expenditure”</i></p> <p><i>Carol Carpenter - 21st March 2013</i></p>
2	This conference instructs the NEC to renegotiate the JES process and weighting for operational posts to reflect the complexity of establishments and provide clarity on job specifications and descriptions	Wetherby	Humber Carried	The PGA as a result of a recent Failure To Agree has had the opportunity to review the JES process. We have used a consultant and attended 2 meetings with NOMS. The National Officers have also

				<p>started dialogue with the JES team over how jobs and establishment complexity is linked.</p> <p>The National Officers in February met with our legal team to establish our legal position.</p> <p>In April 2015, the National Officers agreed to write formally to NOMS outlining remaining issues of concern with both the JES process and the complexity of establishments. Once submitted further discussions based on this document will occur.</p>
3	<p>This conference instructs the NEC to negotiate with NOMS a redeployment policy to safeguard those managers who have to go through the matching process. This policy should ensure that those affected are subject to the same set of procedures and that these procedures are fair and transparent and comply with all equality and employment legislation.</p>	Wetherby	Holme House Carried	<p>Three meetings with NOMS. NOMS have identified 198 Operational Managers that are affected by this current situation, and we have another meeting to take this further on 3 March. Also Resolution 18.</p> <p>The National Officers are now satisfied that there are safeguards in place to ensure redeployment is managed by NOMS in accordance with our agreements.</p>
4	<p>This conference instructs the NEC to ascertain from NOMS using a FOI application the average</p>	Cardiff	Bristol Remitted by	<p>PGA have written an Annex B Disclosure of Information in an</p>

	age of operational bands 2 to 5 and for bands 6 to 11. The NEC should then use the outcome of that FOI request to challenge NOMS on its policy of applying different rates of unsocial hours and RHA to the two groups and whether it is discriminatory under the Equality Act. (Table inserted after the slide).		PGA – seconded by Peterborough Carried	attempt to obtain this information. This has now been received and there is nothing of evidential value in the data (as confirmed with our legal advisors).
5	This conference instructs the NEC to challenge NOMS over their decision that the SOM accreditation expires after a fixed period of time if the individual fails to obtain a permanent position at Band 9. It is the view of this conference that once an individual is accredited that accreditation cannot be removed simply because of the time between accreditation and obtaining a post	Cardiff	Bristol Carried	PGA has a interim agreement whereby a Band 8 Deputy with SOM will now mean that the SOM accreditation will not expire. We are still working towards a more substantive agreement. There is a further meeting scheduled in May to take this matter forward.
6	This conference instructs the NEC to survey its members view of their own establishment complexity banding and then where appropriate challenge NOMS over the various bandings applied and the stated bandings for the new Wrexham Prison.	Cardiff	Bristol PGA – remit Seconded – Morton Hall Carried	Met with the Service who stated that branches, via their DDC, can apply to NOMS for a re-evaluation of their complexity banding.
7	This conference instructs the NEC to challenge NOMS over the new Incentive and Earned Privileges policy. Specifically that an unconvicted prisoner who has demonstrated progression against their offender journey should not be removed automatically to ‘entry’ level at the point of conviction.	Cardiff	Bristol Carried	Met with the Prisons Minister, Andrew Selous MP, which was generally positive. This issue will be addressed with the new Minister after the General Election.
8	This conference instructs the NEC to seek	New Hall	Wakefield	We propose to formally write to

	agreement with NOMS to refresh and clarify the contents of Bulletin 8 to establish the elements that are current, relevant and extant. This process will re-establish Bulletin 8 as a valid document and protect establishments from restrictive practice other than those agreed through local agreement.		Carried	NOMS to advise on this resolution and gauge willingness to agreeing to carrying out this piece of work or raise on the agenda of the next PGA / NOMS Management Board Meeting in March. A meeting with a senior NOMS official is scheduled for early June.
9	This conference instructs the NEC to carry out an anonymous survey of members to establish the impact of current NOMS policy on the mental health and wellbeing of members. The NEC should communicate the outcome of the survey to NOMS and seek their commitment to reducing the levels of stress affecting the working lives of members.	Bristol	Cardiff Carried	The National Officers are negotiating with a professor at a university and a set of questions are currently being formulated. See also resolution 19.
10	This conference considers that the current performance metrics used by NOMS are no longer achievable and are putting unnecessary pressure on governors. Conference instructs the NEC to negotiate with NOMS a root and branch review of performance metrics and agree upon ones that are realistic, achievable and relevant to prisons since the benchmarking resource restrictions.	Bristol	Cardiff Defeated	Resolution defeated.
11	This conference instructs the NEC to seek a definitive answer from NOMS on their expectations of the average working weekly	Wakefield	New Hall Carried	The Chief Executive of NOMS, during a NEMC meeting, informed us that NOMS expect operational

	hours of an operational manager.			managers to work 37 hours a week
12	This conference instructs the NEC to clarify with NOMS the meaning of the words 'all hours worked.'	Wakefield	New Hall Carried	The PGA has reached an agreement with Pay Section that 'all hours worked' does not mean 'work all hours' – also Resolution 13.
13	This conference instruct the NEC to seek a clear statement from NOMS that receipt of RHA does not mean operational managers should work regularly in excess of their contracted working week to ensure operational effectiveness within establishments.	Wakefield	New Hall Carried	See above.
14	This conference instructs the NEC to seek formal written recognition from NOMS That recognises that operational managers routinely work in excess of their contracted working week in order to ensure operational effectiveness within establishments.	Wakefield	New Hall Carried	Contained within NOMS submission to the PSPRB published in April 2015, they acknowledged that operational managers routinely work in excess of their contracted hours. The PGA will now use this evidence to underpin all our discussions with the employer.
15	This conference instructs the NEC to enter into discussions with NOMS to allow operational managers on a voluntary basis to assist in covering non-profiled operational tasks such as bedwatches. Such tasks would take place on scheduled rest days except where an operational emergency is in force and be remunerated at the appropriate rate as agreed	Wakefield	New Hall Defeated	Resolution defeated.

	between the NEC and NOMS.			
16	This conference instructs the NEC to provide updates to members on the progress of conference resolutions every three months starting on 31 January 2015.	Wakefield	New Hall Carried	The PGA will send out a regular three-month update. This being the second.
17	This conference instruct the NEC to negotiate with NOMS a new approach to training which reduces the reliance on IT based training. This approach needs to create real development opportunities for staff and managers to ensure that NOMS is able to prepare and retain staff capable of meeting today's significant challenges.	Brixton	Onley Carried	This is yet to be commenced, as we are led to believe that a top to bottom review of the training systems is being conducted by NOMS. We want to see the outcome of this first. Initial meeting with Learning and Development Group occurred in April. Work in progress.
18	This conference instructs the NEC to negotiate with NOMS a policy for filling vacancies by transparent, fair and open competition and ensuring that managed moves are kept to the absolute minimum.	Brixton	North Sea Camp Remit – PGA Werrington Carried	See Resolution 3 – both have been linked together by National Officers.
19	The excessive hours being worked by PGA members are having a serious impact upon the health of members. This conference instructs the NEC to negotiate with NOMS a strategy to reduce the excessive hours worked by PGA members that requires NOMS to provide a safe working environment and protects the health of PGA members.	Brixton	Onley Carried	Linked to resolution 9 by the National Officers.
20	This conference instructs the NEC to seek clarification from NOMS on how the conditions of employment for PGA members will change if	Brixton	Liverpool Remit – PGA North Sea Camp	This has been covered in the first edition of the newsletter but for a formal response to this motion

	they opt into the new pay structure.		Carried	the NEC can clarify that there will be no change to the T &C's of employment. The changes for members are to their pay when opting in and this has been confirmed by the Head of Pay and Rewards.
21	This conference believes that the under resourcing in Security and Equality departments is dangerous and instruct the NEC to seek assurances from NOMS that they will address this as a matter of urgency.	Brixton	Wandsworth	The National Officers will write to NOMS in March when the outcome of a business case submitted at one of our prisons for extra resources in security is known. This will help with our case. At the April PGA / BDG Working Group meeting, the Head of BDG agreed to discuss our concerns with the Director of Public Sector Prisons.
22	This conference instructs the NEC to challenge NOMS To justify the different weightings between operational manager posts at Band 7 and 8. In a complex prison the Head of OMU post and the Head of Operations post are set at Band 7 level. Both are functional head posts. Both are an integral part of the senior management team with all the responsibilities that entails.	Humber	Hull Carried	This is being worked through by the National Officers and a JES consultant. We have had the JD for the Head of Reducing Reoffending scored and need to review the outcomes from this. See Resolution 2.
23	This conference instructs the NEC to confirm its	Northern	Wetherby	The PGA (NI) understands that

	position on the privatisation of public sector prisons both current and any future proposals that may be made by the government of the day.	Ireland	Carried	there are no plans for the privatisation of public sector prisons and it will be consulted should future proposals emerge.
24	This conference instructs the NEC to confirm with NIPS that all Governor and operational manager posts have an agreed job description and have been evaluated as per agreements.	Northern Ireland	Humber Carried	The PGA (NI) confirms that Governor grades have agreed job descriptions and is currently in discussion reference the development of a Job Evaluation Scheme.
25	<p>This conference agrees to amend Rule 8 of the Constitution of the PGA to read as follows:-</p> <p>The NEC shall be elected and consist of ten elected members and seven officers who hold full membership. These shall be:</p> <p>President Vice President (2) National Officer (3) Finance Officer 8 representatives elected from the whole membership of England and Wales 1 representative from Northern Ireland 1 representative from Scotland</p> <p>The Northern Ireland and Scotland Representatives must be Northern Ireland and Scottish Governor grades or above and must be proposed and seconded by Northern Ireland or</p>	NEC	W Mids AO Carried	The PGA Membership Secretary, has updated the new Rules and Constitution with this amendment. These will be published in due course.

	<p>Scottish members as appropriate. Only members of their own branch may vote for them.” All the subsequent text in Rule 8 remains unaltered.</p> <p>(Note this resolution requires a 2/3rds majority)</p>			
26	<p>This conference instructs the NEC to meet with the shadow justice secretary to discuss this conference’s concerns with the proposals for executive boards that involve external community agencies in the management of the prison.</p>	NEC	Onley Carried	<p>A meeting will be held on 10 February, 2015 to discuss this issue.</p> <p>At this meeting, the Shadow Justice Secretary was told of the membership’s concerns.</p>
27	<p>This conference notes NOMS proposals contained within draft PSI NSF 21. Control and Order Function Amendments to the Use of Force policy and Conference endorses the arrangements.</p>	NEC	Withdrawn – substitute debate (J Attard) Wed 0955 hrs.	Resolution withdrawn.
28	<p>This conference notes with concern the additional pressures placed upon operational managers in those establishments where excess staff are being recruited to facilitate detached duty elsewhere in the country. Conference instructs the NEC to raise the issue with the NOMS Board to ensure that the management structures are reviewed such that there are sufficient resources to cope with the additional demands created by this arrangement.</p> <p>New – this conference expresses its concern</p>	NEC	NOMS HQ (TD) WMAO – amendment produced by S Gormley. Seconded by Wandsworth	<p>The NEC raised this formally with NOMS in December and we await an update. The next NEMC meeting is schedule to take place in March and this issue is on the agenda.</p> <p>NOMS intended to recruit 1,700 prison officers in 2014-15, but actually recruited over 1,800, to allow for a 21% loss of staff in the same period.</p>

	<p>over the impact on the management of establishments involved in the policy of excess recruitment to cover shortages in parts of the country by detached duty. Conference accepts that in some circumstances there is merit in this policy provided that at recruitment candidates are aware and agree to such detached duty arrangements. The NEC is instructed to discuss with NOMS how the necessary safeguards can be put in place to protect establishments and individuals to allow this policy to operate successfully.</p>			<p>They intend to recruit 1,700 in 2015-16 and this is to allow for current staffing projections.</p> <p>The PGA is working closely with HR to ameliorate the pressures managers face with this issue.</p>
29	<p>This conference instructs the NEC to make available to NOMS its own data and the impact of RHA in establishments of different complexities and to ask NOMS to increase the amount of RHA paid or reduce the amount of RHA work each member is required to work to 5. All this information and the proposals should be shared with the Pay Review Body.</p>	Cardiff - withdrawn		Resolution withdrawn.
30	<p>This conference recognises the work carried out by PGA members in Scottish Prisons as fundamentally the same as that which is carried out by PGA members in prisons in England, Wales and Northern Ireland.</p>	Scotland	Adopted NI WMAO Carried	The PGA agreed at Conference that the work carried out in Scotland is the same.
31	<p>This conference supports the Scottish Branch by imploring the Scottish Prison Service Management side to address the unacceptable inequality in pay that exists between PGA(S) members in Scotland and those of the same grade and who carry out what are fundamentally the same roles, in other UK jurisdictions.</p>	Scotland	Adopted NI Morton Hall Carried	The PGA agreed that the inequality of pay between Scotland and England and Wales is unacceptable and the Scotland branch will attempt to rectify this.

	<p>Motion of Urgency</p> <p>This conference instructs the NEC to resist any further reductions to SMT's in establishments by engaging with NOMS on any future changes such as those with Health and Safety, Finance and proposed changes to the HoCS role.</p>	Bure	Highpoint Carried	<p>We have already had our first meeting about this and intend to talk about it every 3 months at NEMC.</p> <p>This has been added to NEMC agenda for the next meeting (June).</p>
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