



Failures to Agree Reactivated

Dispute resolution process regarding C&R retainer and First Class Travel to recommence

By John Attard
PGA National Officer

THE PRISON GOVERNORS' ASSOCIATION submitted two Failures to Agree (FTA) to HMPPS in regards to C&R and First Class Travel on 13 April 2017. Both of these issues relate to our terms and conditions of employment (T&C) and pay, which came from resolutions debated and supported at our 2016 annual conference.

On receipt of the FTAs, HMPPS registered them with ACAS. The timing of the submission of the FTAs was unfortunate in that it was just a week before the dissolution of

Parliament following the calling of a snap general election. HMPPS, the day before conciliation was due to commence, informed us that they would not be attending, which we shared with the membership in the **PGA Newsletter 6th Edition**.

HMPPS confirmed that it was not mandatory for operational managers to do the full C&R training.

In fairness to HMPPS, we acknowledge that they were in a unique position in that they may not have been

authorised to make decisions with financial implications without Ministerial approval. We agreed, therefore, to hold the FTAs in abeyance until the general election, after which we would resurrect them. The FTAs were not removed. In the interim, following a number of

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meetings and letters, delegates from the PGA attended a workshop with delegates from HMPPS facilitated by ACAS. The purpose of this workshop, which had been triggered with the submission of the FTAs, was to see what we could do to improve engagement. The workshop took place on 27 June, 2017, and it was agreed that if there was sufficient progress made, with assurances, we would consider withdrawing the FTAs.

Progress was made, particularly in the morning session, but it was clear that the gap between us in regards to the specific issues the FTAs related to remained too big. To that end we have informed HMPPS that the FTAs will be reactivated.

In regards specifically to the C&R issue, the PGA had successfully argued that it is not mandatory for our members to do the full training. The attempt to change this came about when HMPPS produced a draft PSI in August 2014, which sought to make it mandatory. The

PGA challenged the change and, after a long battle, the PSI was amended removing the offending section. This was then followed by, among other measures, the Director of Public Sector Prisons writing to all prison

It is paramount, therefore, that members fully appreciate that PGA members who continue to participate in full C&R training undermine our negotiation position.

Governors and DDCs informing them of the correct position, HMPPS including C&R training as a negotiation

piece in our prison reform talks, and HMPPS and the PGA making a joint submission to the Prison Service Pay Review Body in regards to our members' deployment and remuneration for such, which was accepted.

Following a further period of resistance from HMPPS to accept the PGA's position, I am pleased to report that at the conclusion of our joint workshop, HMPPS confirmed that it was not mandatory for operational managers to do the full C&R training.

What does this mean? It means that if HMPPS wants our members to be compulsorily required to provide C&R, particularly in the event that uniformed

staff walk out, then it would require a change in our T&Cs.

Like most other contracts, any changes proposed would need to be negotiated and a value placed on those proposed changes. The PGA and HMPPS would need to reach an agreement on the importance HMPPS places on the peace of mind governor grades provide when staff walk out or are unavailable for whatever reason. It is paramount, therefore, that members fully appreciate that PGA members who continue to participate in full C&R training undermine our negotiating position. The decision on whether or not to do full C&R training is for each PGA member to make. It is unlawful for us to take industrial action and the only recourse we have, when we are in dispute with the employer, is through negotiation and, if necessary, conciliation and arbitration through the legally binding Voluntary Agreement. It is difficult to imagine that after seven years of public sector pay restraint, increases in pension contributions, increases in taxes and a significant decline in disposable income, that PGA members will continue to volunteer to give their

unique expertise and skills, which are completely depended upon, for free.

... uniformed staff are earning more than governor grades working the same number of hours...


This is particularly poignant when taking into consideration the incentives uniformed staff have been availed of to increase their pay in the last few years. It has been said to us many times that some uniformed staff are earning more than governor grades working the same number of hours, which seems extraordinary to all of us.

We may have to accept that this may not be within the gift of HMPPS to address the allowance issue directly but it is with HMPPS we have a legally binding contract.

In the event that the PGA case is supported by the arbitrator it is for HMPPS to redress – either by the cessation of the deployment of our members into prisons when uniformed staff walk out or by going to the Ministry and explaining the situation with a request for additional

funds sufficient to persuade governor grades to do their full C&R training.

We must also bear in mind that operational and non-operational managers are paid exactly the same relevant to their bands. RHA is paid for working unsocial hours and is also paid to many non-operational grades. We do

not receive a single additional penny for the operational element of our roles – duty governor, adjudications, C&R, etc. Not only do these duties this result in significant additional responsibilities it results in less time running our functions and this cannot be allowed to continue. 

Commissioning Prison Education

A message from the

PRISONER LEARNING ALLIANCE

Prisoners who are purposefully engaged and hopeful about their futures will be a positive influence on others and the prison culture.

As Prison Governors get greater control over commissioning of prison education, the Prisoner Learning Alliance (PLA) are developing a resource to support Governors with this role. The PLA is an alliance of 23 expert organisations including the PGA. The resource will be launched at the PGA Conference on 10/11 October.

The PLA want to hear Governors' thoughts about commissioning education and what support they would find most useful.

Please email nina@prisonerseducation.org.uk with your thoughts and suggestions.



Public Sector Pay Cap to be lifted

Don't celebrate too early – what about Pay Progression?

By John Attard
PGA National Officer

IT HAS BEEN WIDELY REPORTED across media outlets that the one per cent pay restraint that public sector workers have been subjected to for many years may be lifted.

Michael Gove, the former Justice Secretary, said on the Andrew Marr Show on Sunday that it was the collective view of government to respect the integrity of the public sector pay review bodies, one of which warned that the one per cent cap is putting stress on the NHS.

Excuse my cynicism but that has not always been the case, so why now? Is it because of the result of the recent general election and the realisation that public sector workers have had enough?

On 29 June 2017, the Prison Service Pay Review Body for England and Wales submitted its report to government. The government will now decide whether it

accepts or rejects the recommendations and when the report is to be published. In view of what is being said it would not be unreasonable, therefore, to assume that the government will accept the recommendations, even if they did go beyond HMPPS's recommendations and the government's - which is the same thing. We do not know what those recommendations are but the PGA fought our members' corner hard both in written evidence and oral evidence. (A copy of our written submission is available on the PGA website – link: <http://prison-governors-association.org.uk/wp-content/uploads/2017/07/PSPRB-2017-PGA-Submission.pdf>).

As welcome as this news may be it is crucial for our grades that we understand what this could potentially mean. Unlike unformed staff, we have open pay bands. Our pay progression is based on what percentage is recommended by the Pay Review Body taking into consideration what HMPPS recommends, what the PGA submits and their own considerations taking into account relevant factors. This year HMPPS recommended 1.5 per cent pay progression award with a one per cent

increase on the minima and maxima to the pay bands. If this was adopted it would take our members around 35 years to get from the bottom of the payband to the top. In simple terms you only get 0.5 per cent closer to the top each year, assuming the percentages do not change. If the minima and maxima percentages increase but pay progression remains the same at 1.5 per cent, then you will get **FURTHER** from the top each year. Again, in simple terms, if pay maxima increases by 2 per cent and pay progression remains at 1.5 per cent you will be moving 0.5 per cent **away** from the top of the payband.

If pay maxima was increased by two per cent, pay progression would need to be around 5.7 per cent to get to the top of the pay band within six years. This is the period of time HMPPS recognises it should take to get from bottom to the top. If pay maxima was increased by three percent then pay progression would need to be around 6.8 per cent.

The news that the public sector pay cap may be relaxed is welcomed but means that we must remain even more vigilant and focused.

Governors deployed into prisons when staff walk out

Don't take Health & Safety for granted

DEPLOYMENT OF PGA MEMBERS INTO PRISONS AS A RESULT OF MASS UNIFORM STAFF SHORTAGES

MEMBERS OF THE PGA have contacted the PGA office seeking advice on what they should do to ensure their health and safety when providing support in prisons in the event of mass shortages of uniformed staff due to industrial action, retreating to places of safety or flu pandemic, for example.

Issues regarding health and safety are of significant importance, particularly for our membership as we have a dual responsibility to both manage our own health and safety and those we manage at that time - staff and prisoners.

The application of the rules pertaining to health and safety are important and the consequences of not

adhering to them can be very serious.

The Prison Service Instruction that sets out the management arrangements for health and safety is PSI 06/2015 and we would advise members to refresh themselves of its contents.

Another source of information is the My Services intranet.

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In answer to the question to, 'what should PGA members do to ensure their health and safety' we have produced an aide memoire of what PGA members should be asking when deployed into prisons in the circumstances described above. The guide

is also written to serve as a useful instrument for members who are responsible for health and safety in the prisons that staff have been deployed to.

The aide memoire, which members can print off as a handy guide, is available on the PGA website. (It is also sent as a separate document with this newsletter).

We have also reproduced salient paragraphs from the PSI and My Services website which are below:

Health and Safety Considerations – Excerpts from My Services and PSI 06/2015

Your Occupational Health & Safety (Taken from My Services website)

Her Majesty's Prison and Probation Service (HMPPS) is committed to ensuring the occupational health and safety of all employees. Managers in

HMPPS have a duty to ensure that their teams are given appropriate information, instruction and training and supervision in all health and safety aspects of their work.

Staff in HMPPS have a responsibility to take reasonable care for themselves and others' occupational health and safety, to comply with any occupational health and safety instructions and to report any hazards or accidents they become aware of.

Passages from PSI 06/2015 – The Management of Health and Safety

- HMPPS is required by law to consider the health and safety risks its undertakings present to those affected by its work activities, to assess those risks and, proportionate to the level of risk to eliminate same or to put in place, monitor, maintain and review suitable arrangements to ensure adequate control of those risks.
- To ensure that.... Governing Governors have in place a framework for effectively

managing health and safety, which meets with the requirements of the Health and Safety at Work etc Act 1974 and internal HMPPS policy to ensure the health and safety of staff and others who may be affected by the Service's undertakings.

- All senior managers in NOMS are expected to ensure that all staff they manage have the relevant sections of this Instruction, as identified above, shared with them.
- All staff members at every level have an obligation to look after their own health and safety and that of others affected by what they do or do not do and to co-operate with their employer on matters of health and safety by:
 - a. following agreed procedures and processes
 - b. attending and following relevant instruction and training
 - c. considering risk before acting - in line with training and guidance
 - d. reporting incidents, ill-health and near misses
 - e. contributing positively to discussions about

improving procedures and processes via risk assessment

- f. voicing to their line manager any concerns they have regarding their health and safety.

If you are aware of other health and safety concerns not captured in this article (which was also published as a Bulletin (no. 720)) that you believe should be then please contact the PGA office.

The Suspension of Governor Grades under investigation

Not a punitive measure?

By John Attard
PGA National Officer

TELLING SOMEONE

that suspension from duty is not a punitive measure is as meaningless a statement as 'the cheque is in the post' or Theresa May's 'strong and stable' mantra that lost her party its majority. Ask anyone who has been suspended if it feels like a punishment and then ask their families.

Once suspension begins the member of staff can become persona non grata, a leper, guilty until proven innocent and feeling very much like they are being punished.

This feeling of punishment is particularly acute when the alleged wrongdoing is an act which, if proved, would not result in dismissal and if they have not been given the opportunity to provide even the briefest of response to

the allegation. Once suspension starts support can fade and the longer the suspension lasts the more it tends to wither. There are, of course, many examples of where the support provided has been exemplary but, alas, there are far too many examples of the opposite being true.

Sometimes it is absolutely necessary to

suspend staff and sometimes it isn't. There can be a tendency to suspend first and not ask

questions later - until the PGA intervenes. We have been successful in having suspensions overturned, which has been to the benefit of the organisation and the individual concerned and it can also take the pressure off the investigating officer.

We have been concerned about this issue for a very long time and it was our lobbying that saw the introduction of the pre-suspension check sheet, which the PGA produced. The purpose of its introduction was twofold; to provide a template to support governors having to carry out this task and to make it mandatory to

consider alternatives to suspension in accordance with PSI 06/2010.

The expectation was that

suspension would take place less frequently and appeals against it would reduce due to the correct procedures being followed. That expectation seems not to have been realised and something more needs to happen.

Those suspended almost invariably end up

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returning to work but the damage in some cases is already done and it is not unusual for governors not to return to the prisons they were suspended from.

At the conclusion of the disciplinary process or if an appeal against suspension has been successful and the member of staff is permitted to return to work, the response is usually subdued - there is no celebratory heel kicking or cheering. Those that have gone through this process often come out of it not feeling relieved and vindicated but feeling bitter and like survivors of a traumatic ordeal.

One of the contributing factors for this is the inability to meet, or the complete disregard of, the so called mandatory timescales. Almost without exception, every investigation the PGA is aware of has exceeded the timescales – in some cases by many months. During that time our colleagues remain suspended and become more isolated - both personally and professionally.

It is worth bearing in mind that at this stage the governor grade suspended has not been found guilty of anything.

As is often the case, the requirement for those colleagues who are suspended is to report in once a week to an admin member of staff, often many grades their junior, which is both demeaning and disrespectful. It is worth bearing in mind that at this stage the governor grade suspended has not been found guilty of anything. Suspicion and paranoia can then play its part. It is not unusual for suspended staff to worry about what others are thinking, for example: there's no smoke without fire, governors aren't suspended without good reason, it must be serious and they must be guilty. There will also be others who will derive pleasure from seeing a governor grade suspended, particularly if it is someone who is being managed by them.

Meanwhile, out of sight, out of mind and any sense of urgency to get the investigation completed quickly to help ease the suffering of those suspended wanes like the memories of those yet to be interviewed. The longer a suspension continues the greater the anxiety felt by the individual members of staff and their

families. The questions now being considered are for example: Will mum/dad lose their job? Will we have to sell the house? Do I need to move schools? Or, will our standard of living drop? Furthermore, it is not untypical for the suspended member of staff to be experiencing raised stress levels and anxiety resulting in them being prescribed medication to help them cope.

Continuing to describe suspension as a non-punitive measure is preposterous and serves only to belittle the impact it has on staff, making it seem more acceptable. It provides a false impression that the person suspended is not detrimentally affected when they, and their families, in many cases, most definitely are.

The service has a reasonably good conduct and discipline manual but some seem unable or unwilling to adhere to its requirements. Why is this? There are, we believe, two key contributing factors – resources and training.

The PGA has urged the Prison Service to reintroduce investigations training which will now happen. The service also

needs to consider including in that training, if it has not done so already, wider disciplinary processes including the suspension of staff and the impact it has. That doesn't mean that suspensions should not take place – there are clearly situations where a member of staff remaining at work during some investigations would be untenable.

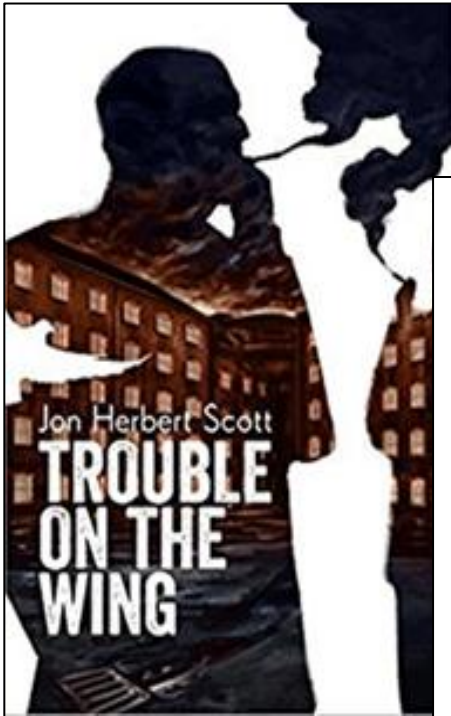
However, the suspending of staff should be a last resort, taking into account the many other alternative options to suspension available. When suspension is necessary, it should also be for the shortest time possible but, unfortunately, mandatory timescales are frequently

breached. One reason for that is because governors, who carry out the lion's share of investigations, are not given enough time as they have to carry out the investigation while they are also doing their day job. There are far fewer of us now than there were five years ago and in the resource-strapped service we are currently working there is little external support provided. We will all be familiar with paragraph 4.1 of the PSI, "The Commissioning Manager must also ensure that adequate resources are allocated to enable the investigation to be conducted in the set time frame". The fact is that there aren't enough

resources and, save in the most serious of investigations, no additional resources are allocated.

Suspending staff is a serious business that should only take place when it is absolutely necessary. The removal of the ridiculous sentence that states suspension is not a punitive measure should be replaced with suspension will have a serious impact on the individual and their families and the decision to suspend should not be taken lightly.

A reminder of the gravity of that decision might be useful for all of us to bear in mind.



Trouble on the Wing is a story set in a large London local. It is written by John Herbert Scott who was a journalist before getting experience as a prison governor. Many governor grades who read this will recognise the routine of the morning meetings, speak of KPTs and MDT targets and the politics at this level. The story is around a small number of interesting key characters, including the Security Governor, Tony McKenzie who has to deal with a sky high number of drugs getting in while trying to keep his own job. Some of the descriptions of the routines and work pressures will resonate while others will seem far-fetched. This is a novel and the writer has used his poetic licence to make it interesting and actually quite enjoyable in many parts. It won't be competing with *The Count of Monte Cristo*, for classic status but is an easy and entertaining read and certainly worth a look. It is available from Amazon at £1.99 where there are a number of other reviews.

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