

Notice of Proposed Motions and Constitutional Amendments

Motions and Constitutional Amendments

Notice of the following motions and constitutional amendments for the AGM has been received in accordance with the provisions of the constitution. They are followed by the names of the branches, committees or PSO Forum proposing them or the names of individual proposers and seconders. Motions have been broadly grouped under the committees to which their subject matter relates and the order in which the committees are taken is rotated on an alphabetical basis each year.

Ballot

Included is a ballot form for the purpose of deciding the order in which motions will be discussed.

The order of business will be based on ensuring that the highest voted motion under each committee heading will be debated following the committee order as set out in this motions booklet.

There are 5 committee headings under which no motions have been received:

- Family Court Committee
- Negotiating Committee – Cafcass
- Negotiating Committee – Cafcass/Probation
- Trade Union Organisation Committee
- Training Committee

Consequently, these headings are not included in the ballot form.

There is 1 committee heading under which there is only one motion:

- Equal Rights Committee

This motion will therefore automatically be debated.

Motions being automatically debated and constitutional amendments (if any) are **not** included in the ballot or your number of votes cast.

Members can vote for up to 6 of the remaining motions.

Please note that the closing date for receipt of all ballot forms at Napo office is: **12 NOON ON MONDAY 12 SEPTEMBER 2016.**

Amendments to Motions and Constitutional Amendments

Amendments to motions can be proposed by the NEC, any of its committees, a branch or two full or professional associate members. Amendments to constitutional amendments can only be proposed by the NEC or by a branch. Notice of any proposed amendments must be given in writing and must reach the General Secretary by **12 noon on THURSDAY 15 SEPTEMBER 2016.**

Further advice on amendments and on the process of compositing has been issued to branches in ST4/2016.

Emergency Motions

Members are reminded that if they wish to submit an emergency motion they need to ensure that it meets all the necessary criteria.

The criteria for emergency motions is set out in Napo's General Meeting Standing Order 7, which states:

“7. Emergency Motions

- (a) Emergency motions shall be debated only in exceptional circumstances and must be submitted in writing to the General Secretary or Chair of the Steering Committee acting on behalf of the General Secretary. They must relate to urgent issues:
 - i. which have arisen since the closing date for motions
 - ii. which cannot be dealt with in any other way, and
 - iii. which are of such gravity as to justify rearrangement of business.
- (b)
 - i. If the emergency nature of the motion is accepted by the Steering Committee and approved by the meeting the motion shall be placed on the agenda
 - ii. If the emergency nature of the motion is not accepted by the Steering Committee, the proposer of the motion shall have the right to challenge the Steering Committee's ruling by explaining in not more than two minutes the emergency nature of the motion. The ruling shall then be put to the meeting for decision without debate.
 - iii. It shall not be possible to amend emergency motions.”

Ian Lawrence
General Secretary

Health & Safety Committee

1. Women's Health Matters

Both men and women can face various health challenges as they get older. An estimated 3 ½ million women over the age of 50 are currently in employment. This number will rise as the retirement age in occupational pension schemes for women increase. However, women have a particular health issue which is largely ignored in the workplace - the menopause.

Over the past few decades, the issue of pregnancy is now a feature of HR thinking, with support networks, advice and understanding. However, there is little support for women going through the menopause.

If performance were affected by symptoms that could be attributed to a different medical condition, there would be far more acceptance and allowances made.

Conference understands that high workplace temperatures, poor ventilation, toilets, which are not always easily accessible, or lack of access to drinking water at work can exacerbate the symptoms.

Conference urges Napo to:

- highlight the issues of the menopause for women in the workplace;
- promote sickness absence procedures which can take account of menopause related sickness absence;
- encourage openness and discussion amongst women members;
- promote training/awareness raising about menopause within probation and Cafcass.

Proposer: West Yorkshire Branch

2. Stop TTIP (Transatlantic Trade and Investment Partnership) free trade treaty

This AGM agrees to campaign against TTIP and calls on Officers and Officials to alert our members as to the dangers of the treaty.

TTIP is being negotiated between the European Union and the United States - talks have been very secretive. The treaty will give transnational companies rights to sue governments if they enact legislation believed to adversely affect profits. This means that safety legislation, employment rights and food safety laws will be assessed as 'barriers' to profits of transnational corporations.

The TUC state that the two main points of concern on health and safety and TTIP are the reduction in standards and the possible provisions to allow companies to sue governments in secretive courts - the ISDS (Investor State Dispute Settlement) clause. These courts will allow any investor to sue a government if they think they are being blocked from making profit in cases where they feel they have not had 'fair and equitable' treatment, including health and safety standards. Disputes would be settled in closed, international and "independent courts" led by business experts.

There is a European wide campaign to stop TTIP – we must join this to strengthen workers' rights, and stop TTIP being used to reduce standards.

Proposer: Health and Safety Committee

3. Lone Working

As budgets are cut and working practices change there are many professions where lone working in the community has become the norm. The introduction of mobile technology, reduced offices across the whole of probation and Cafcass, hot-desking and fewer staff on the front line, are likely to cause lone working to be pushed into the limelight. In the last 12 months within one CRC area, staff were moved out of their shared office with the NPS before the next office had opened. Many of the staff were expected to continue to carry out their work without having a base from which to practice, something already experienced by colleagues in Cafcass. Whilst the risks faced by lone workers are similar to other workers in probation and Cafcass, the hazards are greater due to the fact that they are on their own.

This AGM calls upon the Health and Safety Committee to undertake a survey of members to see how prevalent lone working practices are becoming and what processes are in place to protect staff in these environments. We then call upon Napo to develop guidance for members advising on their rights and responsibilities if/when lone working.

Proposer: Campaigning Committee

National Executive Committee

4. Edridge Funding

This AGM is aware that the annual contribution Napo makes to the Edridge Fund was reduced in 2015 from £25,000 to £20,000. At the NEC meeting on 22/03/2016 it was reduced to £10,000, a sum which will not even cover its operating costs. Funding for Edridge was formerly based on a percentage of Napo membership according to policy and current funding is far less than it would be under this criteria.

This AGM believes that the Edridge Fund exists to support Probation and Cafcass staff in financial need and the need for this support has never been greater given the changes our services have faced and are still facing. We believe it is wrong to cut Edridge funding at this time and budget savings should be made elsewhere. We also believe the budget decision countermands Napo policy.

This AGM resolves that Napo should immediately reinstate Edridge funding at the rate stated in the policy and hold a review into whether the percentage should increase given that we have fewer members.

Proposer: London Branch

5. Sodexo Booths

This AGM wishes to reiterate the fact that Sodexo's booths are not fit for any kind of professional or probation working practice. The lack of confidentiality and constant breaches of data protection place both staff and service users at risk.

Given Sodexo's planned 'retrofitting', abject refusal to remove the booths from the workplace and to provide confidential interviewing facilities, this AGM therefore calls upon Napo nationally to register a formal dispute with the owners of the Sodexo CRCs, with a view to campaigning professionally, politically and industrially to have the booths consigned to the dustbin of probation history.

Proposer: South Yorkshire Branch

6. Pay Claim

AGM is concerned that probation staff's pay has been decreasing for years and more rapidly since incremental progression was slashed. The pay claim for 2016-17 is supposed to include this as part of the negotiations, but concerns remain that equal pay claims will not be pursued legally as part of this, if the employers refuse to make the changes we feel we deserve.

There is case law supportive of this on the basis of age and gender discrimination. Thousands of staff, mostly PO grades and mostly female, are paid in the region of £6000 less than someone at the top of the scale for doing exactly the same job. To reach the top of the scale now takes over 20 years.

Consequently, we want assurances from the national Officers that equal pay claims will be pursued through legal routes if the employer refuses to address these issues as part of the pay negotiations.

Proposer: South Yorkshire Branch

Negotiating Committee - Probation

7. Time off for trade union duties and facility time

Effective and constructive operation of trade unions at a local level are vital for positive employment relations and are conducive to professional operations and the rights of workers. To operate effectively, statutory law and local, formal recognition agreements provide for time off with pay for carrying out trade union duties and 'facility time'.

Napo is concerned that, whilst some employers operate provisions reasonably, there has been a growing trend towards unreasonable restriction by management in some areas. This has been heightened by the ideologically driven split between CRCs and the NPS.

For the concept of paid time off to be properly applied, then provision has to be made for necessary workload relief which should be factored in to workforce planning calculations. Failure to do so effectively has resulted in undue work pressure on Napo branch officials and other workers within their teams who are pressed to take on additional work in the absence of adequate staffing provision.

This AGM instructs the Officers and Officials to secure national agreement with the employers on a fair and uniform method of applying obligations for time off for trade union duties and 'facility time' across all areas in the cause of positive employment relations.

Proposer: Napo Cymru

8. Unfair termination process by the Probation Qualifications Advisory Board (PQAB)

Napo notes with dismay that members have been dismissed from their employment with the NPS and CRCs in direct consequence of decisions by a sub-committee of the Probation Qualifications Advisory Board (PQAB) to terminate their continued participation on the qualification programme. Such decisions have left the relevant employers without reasonable alternative but to terminate contracts of employment for which continued participation was an essential term.

The decisions of the sub-committee in question were taken summarily on the basis of reports from local NPS personnel without any provision for due process such as the right of response or representation to the PQAB. Furthermore, no opportunity was provided for appeal against the decision to terminate participation notwithstanding the consequence of loss of employment.

This AGM instructs the Officers and Officials of Napo to correct any such unjust process through its discussions with the PQAB and to ensure that any future arrangements for probation qualifying training conform fully to the principles of natural justice.

Proposer: Napo Cymru

9. The Effectiveness, Efficiency and Excellence (E3) Programme and YOTs

Napo is deeply concerned by the threat E3 poses to the welfare principals and aims of the Youth Justice System.

Probation staff have always been seconded to YOTs in line with evidence-based research, which demonstrated that multi-agency team working is the best way to reduce youth offending. The dominant ethos of the YOT ensures that long term, often complex, welfare needs of young people are addressed quickly. Thus, seconded POs work within the Youth Justice Board framework, not within that of the NPS. Until E3 this was always accepted by probation areas.

Proposed E3 reforms to the PO role within YOTs are both unrealistic, in terms of expectations of workload, and divisive due to the differing function being carved out for them. The changes appear to be based solely upon cynical cost cutting, not upon hard evidence that they would achieve the effectiveness, efficiency and excellence which the document describes.

This motion proposes that Napo:

- insists that the underlying tenets of Youth Justice remain with the Youth Justice Board, not with NOMS;
- resists the changes put forward through E3;

- argues for overall management of probation staff in YOTs being implemented via local structures.

Proposer: Professional Committee

10. NNC reform - collective bargaining arrangements in probation

This AGM recognises the complexities around the provision of probation services since the TR split. All employers have stated that they want independent negotiating arrangements with the unions.

AGM agrees that Napo must offer a proactive and consistent approach to future negotiations with employers to protect and promote the professional and industrial concerns of members.

This AGM endorses the proposed new national collective arrangements, transitioning local single table bargaining, on condition of the following:

- all employers provide adequate facility time, rights for local representatives, sufficient time for training, and opportunities for access to members and potential members;
- an updated NNC Handbook, which will be recognised as a 'national benchmark' for pay, terms and conditions;
- proposed local agreements must be referred to Napo's Probation Negotiating Committee for guidance, to ensure accountability, consistency and coherent strategic direction;
- the retention of the NNC Joint Secretaries for the referral of 'legacy' issues and the availability of local dispute and arbitration machinery which includes the involvement of ACAS;
- all employers to support a Probation Professional Practice Forum (3PF);
- The Probation Negotiating Committee are to provide regular reports to members on the effectiveness of the new arrangements.

Proposer: Probation Negotiating Committee

11. Defend national collective bargaining

The National Agreement On Staff Transfer and Protections signed 28th January 2014 gives a specific undertaking to protect national collective bargaining. This is summarised in paragraph 21 where it states:

"It is agreed that the existing national collective bargaining arrangements will continue in the CRCs and NPS on 1 June 2014 by means of the Staff Transfer Scheme. The NNC and SCCOG machinery will also continue to apply to new staff."

Post share sale a number of CRC owners are threatening to replace national collective bargaining with completely local arrangements. While a few staff may benefit from locally competitive local pay and conditions, in all likelihood this will result in a 'race to the bottom' in most areas. More importantly, it will torpedo Napo's stated aim of achieving a nationally agreed, fair and equitable pay structure.

Officers and Officials are instructed to oppose any attempt to break up national collective bargaining and to launch a campaign amongst members in any CRC that threatens to withdraw from current NNC/SCCOG arrangements.

Proposer: Chas Berry
Seconder: Alec Price

Professional Committee

12. Cheap services cost lives

As predicted, since TR, there has been a rapid deterioration in gathering, assessing and sharing information essential to risk management and safeguarding. From the point of Court appearance, the drive for speedy and cheap justice means that a large number of defendants are sentenced without a report or on the basis of a short format report. Neither of these situations allow for necessary safeguarding checks.

Predicted difficulties of communication between the NPS and CRC have been exacerbated by the physical separation of operations. This has resulted in failures to share crucial information essential to manage risk. Inconsistency of practice means that in many areas the benefits of multiagency working such as attendance at MARAC and liaison with MASH has been lost.

Serious case reviews/SFO investigations have consistently cited the central role of a failure of communication, particularly between agencies. The risk of vital information getting lost or miscommunicated has been dramatically increased by the TR split. Sensitive information potentially now passes between several individuals, IT systems and agencies.

This AGM, therefore, calls upon Napo to gather examples and widely publicise this scandalous and dangerous state of affairs.

Proposer: Campaigning Committee

13. One Probation One Profession

This AGM welcomes the 'One Probation One Profession' initiative which aims to pull together a coherent campaigning strategy on professional issues, covering all employees in probation regardless of their grade or by whom they are employed.

AGM welcomes that all members have been consulted directly and have had an opportunity to comment on the draft strategy. This consultation informed the production of the 'One Probation One Profession' – Napo's professional strategy for probation document – circulated to all members ahead of the AGM.

Accordingly, this AGM:

- 1 recommends adoption of this document and urges all Napo Officers, Officials and representatives to press for the implementation of its recommendations;
- 2 calls for a Napo Professional Network to be set up, to facilitate ongoing debate, discussion and information-sharing between members on professional issues. This Network should be supported by Professional Committee;

3 calls for all members to be informed of progress periodically during the year.

Proposer: Probation Negotiating Committee

14. Written out or written off?

With TR the drive for 'speedy justice' moved on apace increasing demand for more 'short form' reports based on minimal information. Also more defendants sentenced without reports.

The pre-sentence report was intended to provide offence analysis, thorough risk assessment, a proposal for sentence to reduce risk and reoffending and was used as a starting point for future work with service users. Probation workers have specialist knowledge. Now workers in CRCs cannot directly inform the court or write PSRs. This skill will soon also be squandered in NPS case management teams. So little time afforded to the preparation of PSRs means corners are cut and the value of the PSR diminished. Adequate safeguarding checks, central to risk assessment and public protection, are not always made. Ultimately this risks increasing prison populations and serious further offences.

The demise of the PSR erodes professional probation practice. It is vital that Napo reasserts the importance of high quality pre-sentence assessment as critical to sentencing and the safe allocation of cases. This issue needs to be addressed by Napo as a matter of urgency, particularly when role boundaries and upholding the professional role of probation workers are being discussed.

Proposer: Professional Committee

Campaigning Committee

15. TR: IT ISN'T WORKING

This AGM builds upon the resolution overwhelmingly passed at last year's Conference which exposed the shocking consequences of privatisation.

Transforming Rehabilitation is not working. It is disastrous for staff and for service users and exposes the public to unnecessary risk.

This AGM will co-ordinate a campaign for late in 2016 when all members will seek a surgery meeting, over a 2 week period, with their MP and will blitz their local media to present a litany of the reality of the current meltdown in the NPS and CRCs.

Nationally Napo will provide a comprehensive briefing paper for those meetings to include "horror stories". Branches will call upon recently retired members, alongside branch post holders, to present the evidence in order not to compromise those staff now muzzled by civil service rules.

Proposer: East Midlands Branch

16. TR: IT ISN'T WORKING!

This AGM builds on the resolution overwhelmingly passed at last year's conference which exposed the shocking consequences of privatisation. Transforming Rehabilitation is not working. It is disastrous for staff and for service users and exposes the public to unnecessary risk. This AGM will co-ordinate a campaign for late in 2016 when all members will seek a surgery meeting, over a 2 week period, with their MP and will blitz their local media to present a litany of the reality of the current meltdown in the NPS and CRCs. Napo will provide a comprehensive briefing paper for the meetings to include "horror stories". Branches will call upon retired members, alongside branch post holders, to present the evidence in order not to compromise those staff now muzzled by civil service rules.

Proposer: South Yorkshire Branch

17. Workload Campaign

This AGM remains concerned for the second year in a row that, despite a motion on workloads being passed at the 2014 AGM, and concerns being raised that no progress had been made at the 2015 AGM, nothing effective has been done to pursue this by Napo nationally.

Workloads continue to be unacceptably high, both in the CRC and the NPS and this is not sustainable. It creates unacceptable levels of stress, leads to staff illness and to resignations from staff unable to cope anymore

AGM wants confirmation that a workload campaign will be organised and fought, accurate workload timings will be pursued and there will be a workload measurement tool that accurately reflects the work we do.

Proposer: South Yorkshire Branch

18. Jeremy Corbyn and TR reversal

This AGM is aware that the introduction of TR (Transforming Rehabilitation) by the

Conservatives and Liberal Democrats has been catastrophic. Napo believes that

Jeremy Corbyn is the only party leader with the ability and commitment to re-form an effective national Probation Service, based on the necessary professional and ethical values, and run in the public interest, not for private profit.

This Union will therefore support the Labour Party, led by Jeremy Corbyn, in any campaign which includes the re-instatement of such a national, amalgamated public service.

Proposer: Cyril Cleary

Seconder: Jeremy Cameron

Equal Rights Committee

19. Hidden Disabilities

Conference believes disabilities, including mental health, that have no outward physical sign are too often ignored or unsupported in the workplace. In many cases people with hidden disabilities are often subjected to bullying and harassment. As a result workers could be prone to hiding their disability, suffering in silence with fear, which discourages workers from disclosing their condition.

There are around 11.9 million disabled people in the UK; this is roughly 19% of the population. By 2020 it is estimated that nearly 60% of people over 50 will have a long-term health condition.

Conference believes we need better access to information and assistance to help reps and employers understand that individuals affected by hidden disabilities need support that is specific and tailored to that individual.

Conference calls upon Napo, to develop a campaign around hidden disabilities. This will include:

- what constitutes a 'Hidden Disability';
- developing a fact sheet to advise members who may have a hidden disability of their rights at work;
- holding training and awareness raising seminars on Hidden Disabilities for union reps and full time officials;
- lobbying to encourage probation and Cafcass employers to adopt a standalone disability policy.

Proposer: West Yorkshire Branch

CA1. Constitutional Amendment to permit agency staff to be full members of Napo

Napo The Four Shires (TFS) asks:

This Annual General Meeting (AGM) to amend the constitution by inserting a new subsection 4 (a) (vii) Membership Eligibility, which will read as follows:

“Those employed by agencies though working in an organisation delivering probation or family court services.”

Proposer: The Four Shires Branch

CA2. Amending Quoracy for General Meetings

In Clause 13c General Meetings

Delete: “5% of” (both instances in clause)

And replace with: “150” (in both instances)

Proposer: Napo Cymru

Abbreviations used in motions

3PF – Professional Practice Forum
ACAS – Advisory, Conciliation and Arbitration Service
AGM – Annual General Meeting
CA – Constitutional Amendment
Cafcass – Children & Family Court Advisory and Support Service
CJS – Criminal Justice System
CRC – Community Rehabilitation Company
E3 – Effectiveness, Efficiency, Excellence Programme
FCS – Family Court Section
HMIP – Her Majesty’s Inspectorate of Probation
HR – Human Resources
i.e. (id est) – that is
ISDS – Investor State Dispute Settlement
IT – Information Technology
MARAC – Multi-agency Risk Assessment Conference
MASH – Multi-Agency Safeguarding Hub
MoJ – Ministry of Justice
MP – Member of Parliament
NEC – National Executive Committee
NOMS – National Offender Management Service
NNC – National Negotiating Council
NPS – National Probation Service
PO – Probation Officer
PQAB – Probation Qualifications Advisory Board
PSO – Probation Service Officer
PSR – Pre-Sentence Report
SCCOG – Standing Committee for Chief Officer Grades
SFO – Serious Further Offence
T4S – The Four Shires (Napo branch)
TTIP – Transatlantic Trade and Investment Partnership
TR – Transforming Rehabilitation
TUC – Trade Union Congress
YOT – Youth Offending Team