

JTU10/2023

30 March 2023

WHY WE OPPOSE ‘ONE HMPPS’

Attached to this bulletin you will find the full text of a letter which the three unions have sent this week to HMPPS setting out why we are so opposed to ‘One HMPPS’. In summary we are against the proposals because:

- Probation does not need another change initiative
- Probation’s identity and independence is weaker now in HMPPS than at any time post TR, and both will decline further if the One HMPPS proposals are implemented.
- The creation of 6 HMPPS Mega Regions in England will damage Probation relationships with local statutory partners, take probation further away from service users and ride roughshod over devolution of services to local democratic control.
- The proposal to create an Area Executive Director role for each Mega Region will create an expensive and unnecessary layer of civil service bureaucracy at a time when the front line is screaming for more resources.
- The priority for Probation, its service users, our members and communities is the future of Probation, not the future of HMPPS.

WHAT WE ARE CALLING FOR INSTEAD

Instead of bringing the Probation Service into scope of One HMPPS, we are asking HMPPS to:

- Decouple the review of the cost and function of HMPPS as a non-delivery, non-frontline agency from the future of the Probation Service.
- Reinvest the savings at HMPPS HQ in the Probation front line
- Retain and strengthen a standalone Probation function within HMPPS
- Reinstate the Director General Probation role
- Reinstate line management of Regional Probation Directors by the Chief Probation Officer

- Retain the current Probation Service Regional Structure
- Undertake a detailed demand management review of the work of probation to align function with available staffing capacity, including a review of the relevant legislation
- Guarantee the job security of all current Probation Service staff
- Review whether the existing Probation Service pay and conditions package is fit for purpose in light of the continued staffing crisis and failure to close the recruitment gap

UNIONS LODGE DISPUTE OVER UNSOCIAL HOURS PAYMENTS

The unions have lodged a dispute with the Probation Service on the following grounds:

- The current system for claiming unsocial hours for periods of annual leave is overly onerous on staff and the required management oversight and sign off does not subject the claims to any checks or safeguards.
- There is no basis for the employer re-claiming the annualised Un-Social Hours payment from UPW staff for the period of April 2022 to October 2022, as consequence of implementing the recent three year pay award. We had reached agreement with the employer that guaranteed that affected members would not suffer such deductions, which the employer has reneged upon.

We want a system which is easy for members to claim their unsocial hours. We will update members on the progress of the dispute.

UNIONS LODGE GEOGRAPHICAL SUPPLEMENT CLAIM

The unions have lodged a claim for geographical supplements to replace the market forces payments which were withdrawn by the Probation Service as part of the three-year pay award.

The claim is for the following:

- **The highest Geographical Supplement rate 1 - £4,045 per annum** in 2023, to be applied to all staff working in the counties which border Greater London. These are Berkshire, Buckinghamshire (including Milton Keynes), Essex, Hertfordshire, Kent and Surrey.
- **Geographical Supplement rate 2 - £1,910 per annum** in 2023, to be applied to all staff working in Bedfordshire, Cambridgeshire, Oxfordshire, Suffolk and Sussex.

- **Geographical Supplement rate 3 - £ 955 per annum** in 2023, to be applied to all staff working in Norfolk.

Geographical supplements apply to all staff in the geographical areas concerned, not just certain staff as was the case with the market forces payments.

JTU09 -2023

Jim Barton
Executive Director
HMPPS Change SRO

(By e-mail)

29 March 2023

Dear Jim

One HMPPS

Thank you for your letter of 15 March concerning the above. The joint unions respond as follows. We do so in on the basis of the information given to us to date, and in the absence yet of any published business case for the One HMPPS proposals.

We are implacably opposed to the One HMPPS proposals for the following main reasons:

1. **Probation does not need another change initiative.** In 2014 the government embarked on the totally disastrous TR programme which, despite our warnings, was pursued to the point of near destruction of probation. Reunification in 2021 has not yet bedded in, and HMIP reports since that time have consistently told HMPPS leaders that the service is still on its knees. Probation needs a period of stability to put right the damage of TR, to resolve its workloads crisis and to get on with the day job.
2. **Probation's identity and independence is weaker now in HMPPS than at any time post TR, and both will decline further if the One HMPPS proposals are implemented.** TR began this process - successfully destroying the independent professional leadership of Probation by abolishing the role of Chief Probation Officer. This was followed by a creeping mission in NPS over recent years to remove key

probation functions from probation line management. First Approved Premises and now Interventions have been taken out of the regional probation management line and redesignated as HQ Directorates.

More recently, the senior line management of Probation has been effectively dismantled in the last few months, presumably to lay the ground for One HMPPS. We can see this in the following developments and proposals:

- a. The abolition of the separate DG Probation and DG Prison roles
- b. The removal of the line management responsibility of the Chief Probation Officer for the Regional Probation Directors
- c. The unilateral attempt at removal of the Chief Probation Officer as chair of the Joint Negotiating Committee
- d. The demotion of Regional Probation Directors, as Regional leaders, under the proposed role of Area Executive Director

We objected to the abolition of the DG Probation, but to no avail. If One HMPPS goes ahead, there will in effect be no separate probation line management left at all. How would probation be able to assert its strategic and operational priorities under the One HMPPS model with no direct probation line management chain?

We also object to the proposed removal of the Chief Probation Officer as chair of the JNC. This action is not within the gift of HMPPS, as we set out below. We ask that you rescind this proposal immediately.

In the absence of any line management responsibilities for probation, or responsibility for leading for HMPPS at the JNC, it is unclear what impact or influence the diminished role of Chief Probation Officer will have within the proposed One HMPPS structure. We would be grateful if you could let us see the job description for the Chief Probation Officer going forward, as well as the original JD for the role when it was first established.

- 3. The creation of 6 HMPPS Mega Regions will damage Probation relationships with local statutory partners, take probation further away from service users and ride roughshod over devolution of services to local democratic control.** The proposal to compress the existing 11 Probation Regions and Wales, which are coherent in geographical and administrative terms, into 6 new HMPPS Mega Regions and Wales flies in the face of all logic. We can only assume that this is about saving money for HMPPS by cutting regional administrative and managerial roles and their costs from the probation budget. These roles are essential. As HMIP has pointed out, administrative and managerial staff are as much part of the front line as any other staff working in the Regions.

Probation is a local service which depends on close working relationships with statutory partners: local government, YOTS, police forces, courts and the health service. TR began the dismantling of local partnership working and local accountability, and it looks like One HMPPS aims to complete the mission. This will be a disaster for probation, its service users and the communities which rely on probation to keep them safe.

We will defer to Police and Crime Commissioners and elected Mayors in respect of their views of the Mega Region proposal, but how such huge regions facilitate the ability of local democratic leaders to influence the service is beyond us.

4. **The proposal to create an Area Executive Director role for each Mega Region will create an expensive and unnecessary layer of civil service bureaucracy at a time when the front line is screaming for more resources.** What makes HMPPS think that these roles, which failed in previous reform attempts when they were called Regional Offender Managers (ROMS) and then later Directors of Offender Management (DOMS), are going to work this time? All the historical evidence tells you that this is a failed concept. If you have evidence to the contrary, we would be grateful if you could let us see it. We make the additional point that inserting another senior civil service managerial level will make it harder, rather than easier, to forge links with much more locally based statutory partners.

5. **The priority for Probation, its service users, our members and communities is the future of Probation, not the future of HMPPS.** We recognise that HMPPS is under pressure to justify its existence and must reinvent itself to save the MOJ money. As a non-delivery, non-frontline agency we understand that you are under pressure. However, we do not believe that the removal of an independent probation function is a price worth paying to keep some form of HMPPS afloat.

At a time when HMIP is regularly reporting the crisis in probation staffing and its impact on service delivery, the introspective work on One HMPPS is at best a distraction and at worst fiddling while Rome burns.

Here is just one recent example of what His Majesty's Chief Inspector for Probation said about the service in the recently published 'Offender Management in Custody – Post Release (**March 2023**):

Probation services face several challenges, including a significant shortage of staff. On average, probation regions have 30 per cent fewer practitioners than they require to carry out resettlement work with prison leavers. This situation is compounded by shortages of probation services officers and administrative staff. As a result, there is insufficient capacity to build relationships with prisoners before they are released, or to complete timely referrals for housing support.

In February 2023, following an inspection of the East Midlands Region, HM Chief Inspector wrote to the Regional Probation Director in the following terms:

There is acknowledgement that staffing levels (18 per cent vacancies, according to SOP data, although, as noted previously, the region disputes this figure) are not able to deliver a service to required expectations consistently. There is also an acknowledgement that this brings risks to the outcomes from regional service delivery.'

'The unease around the relationship between staffing levels and practice was shared by regional staff. Of those who responded to our survey, almost two thirds of them felt that the workload was unmanageable and only 12 per cent thought that staffing was sufficient.'

'Particular gaps in staffing, such as within the quality team (78 per cent vacancy rate) and unpaid work team (45 per cent vacancy rate), also had a negative impact on corresponding activity during our PDU inspections.'

We could go on, with many more HMIP examples, but if these warnings are being heard in high places, One HMPPS is not the right response.

Instead of putting time, energy and resources into the future of HMPPS, the government should be seeking to better address demand management and resourcing for the Probation Service. Our members are at breaking point over unsustainable workloads. We need action to address this to protect our both our members and community safety. The money which is being spent to deliver One HMPPS would be better spent on the probation front line.

6. Joint Negotiating Committee (JNC)

In your letter you claim that One HMPPS: *'...will not change the existing JNC Framework and the collective bargaining agreements that are in place.'*

However, HMPPS has already decided to unilaterally change the JNC chairing arrangements without the agreement of the unions. The JNC constitution is very clear that the committee will be chaired by the HMPPS Executive Director of the Probation Service; the role which subsequently became the Chief Probation Officer.

Clause 14 of the JNC constitution sets out:

This constitution will be kept under review by both sides. Any changes can only be made by mutual agreement at JNC level.

We therefore expect the employer side chair to continue to be discharged by the Chief Probation Officer. Your proposals to remove the Chief Probation Officer as employer chair of the JNC further reinforces

our strongly held belief that probation is being effectively written out of decision making and influence in One HMPPS.

7. An Alternative Vision to One HMPPS

As joint unions we warned that TR would not work. It went ahead. It failed. We warned that privatising AP double waking night cover would not work. It went ahead. It failed. We warned that OMIC would not work. It went ahead. It failed. There is a pattern here.

This is our warning that One HMPPS will not work for probation. If you go ahead with it, it will not work to turn probation's fortunes around. It may succeed in more limited terms to redefine the role/size of HMPPS and to justify its existence going forward, but there is nothing here to help probation, which is our priority.

So instead of bringing the Probation Service into scope of One HMPPS, we ask you to do the following please:

- Decouple your review of the cost and function of HMPPS as a non-delivery, non-frontline agency from the future of the Probation Service.
- Reinvest the savings you are being asked to make at HMPPS HQ in the Probation front line
- Retain and strengthen a standalone Probation function within HMPPS
- Reinstate the DG Probation role
- Reinstate line management of Regional Probation Directors by the Chief Probation Officer
- Retain the current Probation Service Regional Structure
- Undertake a detailed demand management review of the work of probation to align function with available staffing capacity, including a review of the relevant legislation
- Guarantee the job security of all current Probation Service staff
- Review whether the existing Probation Service pay and conditions package is fit for purpose in light of the continued staffing crisis and failure to close the recruitment gap

8. Information Requests

We have asked for the following information to enable us to better understand the One HMPPS proposals:

- Existing operating costs of the Probation Service
- Existing operating costs of the Prison Service
- Existing operating costs of HMPPS HQ
- Proposed operating costs of the Probation Service under One HMPPS
- Proposed operating costs of the Prison Service under One HMPPS
- Proposed operating costs of the HMPPS HQ under One HMPPS
- Cost of the One HMPPS re-organisation programme, with external management consultant costs identified separately
- Business case for One HMPPS
- One HMPPS risk register

The unions look forward to receiving this information, and to taking the matters raised in this letter forward in discussion with you and colleagues as a matter of urgency.

Your sincerely



Ian Lawrence
General Secretary
Napo



Ben Priestley
National Officer
UNISON



George Georgiou
National Officer
GMB/SCOOOP

Cc: Kim Thornden-Edwards, Chief Probation Officer
Francis Stuart, HMPPS Head of Employee Relations