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PROB/05/2014

## COMPLICATING REHABILITATION

8 May 2014

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Thank you to all the UNISON members who responded to UNISON's request to tell us how TR was going to make your job harder and more complicated.

We have pulled together all the responses and will be sending them to the Ministry of Justice Permanent Secretary Ursula Brennan. We don't think that there is much point sending to MOJ Ministers, as their mind is made up on TR and are not for turning.

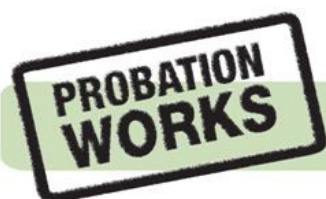
The programme of reform is called 'Transforming Rehabilitation' (TR), but in reality, it should be called 'Complicating Rehabilitation'.

'Complicating Rehabilitation' will dismantle a simple, unified and high-performing service and:

- Create a complicated and costly interface between the two new delivery bodies

- Transform simple processes into complicated ones
- Create barriers to service delivery
- Insert unnecessary service providers
- Add costs where previously there were none
- Demoralise those delivering the service
- Prevent integrated offender management

Ursula Brennan, as the Permanent Secretary, is responsible for ensuring that the statutory functions of the MOJ (including the statutory functions of probation) are delivered, regardless of the politics of government policy. That is why UNISON, Napo and the GMB have written this week to the Permanent Secretary to ask for an urgent meeting to put in front of her the evidence of just what a train-crash TR is going to be. We hope she listens; there isn't much time left.



# STAFF TRANSFER SCHEME

The Ministry of Justice has published the Staff Transfer Scheme which is the legal document by which your employment will be transferred from your current Probation Trust to either the NPS or the CRC. Its full title is 'The Offender Management Act 2007 (Probation Services) Staff Transfer Scheme 2014'. UNISON has been closely involved in scrutinising the Scheme and we have taken legal advice on it to ensure that members' interests are protected. We have also secured some positive changes in the Scheme to further protect your interests.

But the Transfer Scheme is not a collective agreement and UNISON has not agreed the scheme, which remains the responsibility of the Ministry of Justice alone.

The Transfer Scheme is required, so the Ministry of Justice states, because the transfer of probation staff is not a TUPE transfer, but an administrative transfer. This means that the TUPE regulations (Transfer of Undertakings Protection of Employment Regulations), which would normally protect your terms and conditions on transfer, do not apply. So it has been necessary for the Secretary of State to draw up a Transfer Scheme to give you these same protections.

The Transfer Scheme provides you with the following protections, which are in line with the National Negotiating Council (NNC) Staff Transfer and Protections Agreement which UNISON members voted to accept earlier this year:

- Your Probation Trust contract of employment transfers to the NPS or a CRC, without change.
- Your terms and conditions, as set out in the NNC National Agreement on Pay and Conditions, will continue to apply in the NPS and CRCs
- All Trust liabilities and duties to staff, including liabilities arising from any claims against the Trust,

transfer to either the NPS or the CRC

- Your continuity of employment is not broken by the transfer
- Staff who move voluntarily between CRCs or between the NPS and a CRC within 7 years of the original transfer date will retain their continuity of employment, and the employment rights that go with this (e.g. entitlement to annual leave/sick leave)
- Staff who move voluntarily between CRCs or between NPS and a CRC within 12 months of the original transfer date will retain their eligibility to remain in the local government pension schemes

- The existing probation trade unions will continue to be recognised by the NPS and CRCs



- Existing funding for trade union facility time, as well as any additional time necessary for dealing with the transfer, will continue to apply after the transfer

- Existing national collective agreements covering your terms and

conditions will continue to apply following the transfer

- The National Negotiating Council negotiating machinery will continue to exist following the transfer in both NPS and the CRCs
- The National Negotiating Council job evaluation scheme will continue to apply after the transfer in both NPS and the CRCs
- Where CRCs decide to harmonise local terms and conditions – like car mileage allowances – they will have to do so to the most advantageous rate applying in the Trusts which are merging to form the CRC
- Any employee who loses pay as a direct result of the transfer will have their pay protected on a stand-still basis (i.e. no pay rises) for three years.

## UNIONS WRITE AGAIN TO CRC BIDDERS OVER FORCED LABOUR

UNISON, Napo and GMB have sent a second letter to all the CRC bidders to inform them of our action in referring the UK government to the International Labour Organisation (ILO). You will remember that we did this because the UK government has breached the ILO's Forced Labour Convention. This convention prevents governments from imposing unpaid work orders on offenders if the orders are then supervised by a private sector company.

This is what has already happened with the London CP contract being supervised by Serco, and will happen if the CRCs are privatised later this year.

We have pointed out to all the CRC bidders that they risk reputational damage if they collude with the UK government's breaking of the ILO Forced Labour convention. We will see if any of the bidders have a conscience!! Watch this space!



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## UNIONS TO MEET CRC BIDDERS

11 of the CRC bidders have agreed to meet with the Probation unions on 19 May. We will be asking them about their approach to employee relations, collective bargaining and the fair treatment of staff.





# Join UNISON

If you are reading this as a non-union member in the Probation Service, it is not too late to become a member and help keep Probation Services public and local. The more members we have, the stronger we can be on your behalf. Speak to your local UNISON representative for details of how to join, phone us free on 0800 171 2193 or join online at: [www.joinunison.org](http://www.joinunison.org)

## Reasons to join UNISON

EVERY member receives our full range of benefits and services, including



**Legal help**  
for you at work and  
your family at home



**Financial  
assistance**  
and debt advice in  
times of need



**Helpline**  
open until midnight  
on weekdays and  
4pm on Saturday



**Accident and injury  
compensation**  
for you and your  
family



**Exclusive member  
discounts**  
including money off  
cars and holidays

# 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.**

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

- advice, support and help when you need it at work
- a helpline that is open until midnight
- \*legal help for you at work and your family at home
- 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.

From  
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**UNISON**  
the public service union

**UNISON – essential cover for you**

\*See [unison.org/tbr-members/legal-services/tbr-eligibility](http://unison.org/tbr-members/legal-services/tbr-eligibility)