

Offender Management in Custody – Napo view

Napo has been in consultation with the OMIC project team for several months. This is a consultation, where the employer shares their plans and the Trade Unions have an opportunity to make comments. There is no way for any Trade Union to agree or disagree the plans, we can only comment and make suggestions. We are aware that some Divisional management teams have been presenting matters as “agreed with the Trade Unions” but this is not the case.

Here we set out what we know and the concerns that we have about the model and the impact of implementation. So far we have been in consultation primarily with the design team given much of the implementation has been delegated to Divisional Implementation Boards (DIBS) which are comprised of both prison and NPS members. All of the information we know so far relates to public sector prisons. We are aware that discussions are ongoing with contracted out prisons but we have not received the detail on this as yet.

What we know so far

The DIBS were sent “Data Packs” comprising of approximately 100 pages of documents including projected figures for OMIC staffing (both probation and prison band 4 - formerly Offender Supervisors) based on a projected figure for each of the closed male prisons at a point in 2019. We know that the data shared with divisions and with prisons may be flawed, this has been admitted by the centre following questions by TUs and the divisions. It seems that differences in calculations of resourcing, along with differences in how divisions allocate current resources may have skewed things unhelpfully. What we do know is that the likely additional resource going into most prisons will be minimal (0.5 to three additional staff) but most of the High Security and Cat B establishments may require more (up to eight additional staff). The divisions (via the DIBS) have until the end of March to make an impact assessment to ensure that they can still deliver community work when they move staff to fill the vacancies in prisons. Despite the influx of new POs via the PQiP there are still likely to be shortages in some areas over the next couple of years, especially as the additional SPO resource for prisons is likely to come from the current PO group of staff.

We have been told that WMT measures will not be used for custody work and that the project group have devised a resourcing model. This has been done with no consultation about the impact of the change to ways of working and there is no explanation as to how the resourcing figures have been devised, although an explanation has been requested. It is important to note that NPS staff working in custody will not be doing the same role as is currently done with a custody case from the community, it will be a combination of that role and the current Offender Supervisor role. A huge amount of work by the employers, trade union members and other staff went into the WMT timings that we currently have in place for the community. These may not be perfect, but they are based on an agreement and are the best we’ve got. It is very disappointing that the OMiC model is not using a similar approach to workload management for staff who will be working in custody.

Many LDUs are currently struggling to fill PO vacancies and this has an impact on workloads. OMiC is being presented in some areas as a potential part of the solution to this issue as the figures (which are flawed) appear to suggest that fewer staff will be needed than anticipated, speeding up the process of getting to the fully resourced stage. Implementation is due to start in April 2018 and

complete by September 2019 and the Divisional Implementation Boards will be responsible for ensuring that community delivery is not affected by the transition.

There will be an SPO in each prison, staffed on the basis of 1 SPO to between 10 and 14 members of staff which is higher than the community equivalent.

The OM team in the prison will be made up of NPS POs, prison Band 4 staff (either operational i.e. uniformed or non-operational) known as Prison Offender Managers (POMs). In addition there will be prison case administrators. The SPO will be responsible for managing all the Prison Offender Managers. This means that the SPO will be managing a team made up of people who have a different employer and different terms and conditions and different organisational culture. The SPO will be the Head of Offender Management Delivery and will be line managed by the Prison Governor (Deputy) and therefore the OM team will sit within the prison structure. The NPS will however remain the budget / resource owner and mention has been made of a link to the NPS divisions for professional development. The existing prison Head of Offender Management will become the Head of Offender Management Services

NPS staff will be expected to remain in a custodial role for 3-5 years and those already working in custody will not be expected to spend more than a further 3-5 years in this setting. Divisions are expected to ask all staff if they would like to work in custody or not and seek volunteers to fill any vacancies. The prison supplement (£675 pa) will be paid and excess fares/mileage will apply to directed moves as per the permanent transfer policy. Newly qualified POs can be placed in a prison role but only if there is sufficient support and experience within the team for them.

Napo Concerns

Aside from concerns about the feasibility of the model (it promotes inconsistency of Offender manager and will make it more difficult to create a positive working relationship with the client which is the foundation of desistance according to research) there are many other concerns that members have around the implementation of OMiC. These concerns need to be raised both nationally and at divisional meetings with the divisional implementation boards.

Workloads

As mentioned above, it is not clear what measurements HMPPS are using to determine resourcing and therefore workloads. The SBC and WMT measures are based on doing one part of the OM role from the community. The rest of the role was done in custody by the OS (employed either by NPS or HMPS). Using these figures would give both too low a figure for resourcing and for WMT purposes resulting in an immediate workload crisis for Probation staff working in custody who would be unable to fulfil expectations to do two people's jobs in the time given for only one. It is not clear what the resourcing figures are based on. As indications of staffing numbers are being released this concern is becoming acute as members working in prisons where there will be only a minor increase in staffing wonder how they will absorb a huge amount of additional work and members working in the community become more resistant to moving into custody fearing even worse workload pressures than in the community.

We have already had some NPS staff working in custody telling local Napo reps that they are expected to hold CRC cases because the prison staff who should be taking on this work are needed

for operational work on the wings to keep the prison running. This has always been a concern and is magnified by the fact that the OM team will sit within the prison structure, signalling that they are a resource to be used for operational priorities.

For SPOs going to work in prisons the prospect of managing up to 14 people in a team with more than one employer and different terms and conditions, along with responsibility for delivering such a significant change to ways of working is daunting and we have serious concerns about the manageability of workloads for SPOs as well as concerns about the line management arrangements. It is already challenging for SPOs to manage a community team of 10 staff with the same employer and we have made representations that this ratio is wrong.

Process of moving staff into custody roles

Prisons are not evenly distributed around the country. There will be some members who do not live within an hour's travel of a prison. When this was raised locally some DIB leads responded that all offices were within an hour of a prison, but this does not take into account that staff do not live in the office! There are some office locations which often struggle with staffing as they "feed" more than one prison with location meaning that they are the only "feeder" office. This poses another problem, if staff are moving out of some office locations to fill prison spaces but not others will there need to be a re-distribution of remaining staff to fill vacancies? The employer needs to bear in mind that since 2014 there have been more than usual office and staffing moves due to the segregation of CRC and NPS in many areas followed by re-distribution of staff due to E3. The process has been broadly painful for staff, with confusion over policy and process and a lack of common sense or pragmatic approach, never mind compassion.

The process for moving staff is not given much attention in guidance, managers are simply told that 60 mins travel time is appropriate (90 mins in London) and to take account of reasonable adjustments. However, we have had some incidents of members facing extreme financial pressures as a result of being moved (exacerbated by the lack of fairness in the pay system) and members having to reduce their working hours (adding to the workload crisis) simply to accommodate additional travel. We would like to see additional guidance which includes the need to take all personal circumstances into account and to enter into genuine consultation on any directed moves.

Flexible working and accessibility

There are examples of members being told that, as they are moving to a prison role, their compressed hours or other flexible working arrangements (that allow them to balance work and caring or other responsibilities) cannot be honoured. This appears to be a problem in some establishments more than others, which reflects each individual prisons "culture" rather than a consistent HMPPS approach given there are also positive examples. There have also been examples of members being moved out of a prison role due to mobility issues (many prisons are impossible to move around without significant amounts of walking including stairs), there are examples of members being told they will have to leave medication they need regular access to in their car as it is not appropriate to have it in the prison meaning they have to leave the prison and re-enter via search etc each time they need to take it. All of these issues would need to be considered when deciding who should move to a prison role. A member may not require any adjustments in their current workplace but that does not mean the prison environment would be accessible to them. We have some members who do not drive, either by choice or not and it not an

occupational requirement for Probation Officers to drive. Many prisons are not reasonably accessible by public transport given their physical location and this also needs to be taken into account.

Location and Geography

Most prison roles are currently filled by staff working in a local LDU cluster, especially when direction is needed. This is reinforced by the idea that, even though we are all working for the same employer, there is an imaginary wall between budgets for divisions and LDU clusters. It should be noted however that quirks of boundaries and transport and road networks can make a neighbouring LDU cluster area (even one in a neighbouring division) easier to access. Members would like to see volunteers for moves into prison being sought from all areas (including neighbouring divisions) before direction is considered, and for directed moves to include consideration of staff in other areas where travel could be within 60 minutes as well as the local LDU cluster.

Safety in prisons

There are some well publicised concerns about safety in prisons which are clearly of concern to our members. In all of the discussions about OMiC this is not mentioned in sufficient detail leading members to the belief that it is not being considered by the employer. Comment is made about the presence of alarm bells and radios but not a sophisticated understanding of the complexity of the individual we work with. In addition to the general considerations there are some members from BAME backgrounds who currently are not placed in certain offices due to concerns about their physical and emotional wellbeing. The employer must be able to demonstrate that they can meet their duty of care to staff when placing them in a custodial environment. This duty of care extends to emotional wellbeing and protection from abuse and discrimination as well as physical wellbeing.

The transfer of cases between Prison Offender Managers and the community

The data pack and the documentation contained in it has a series of PowerPoint diagrams (which are posted somewhere on the HMPPS intranet but not easily accessible) which identifies which type of case goes to HMPS, NPS and CRC and the point at which they transfer back to a community based colleague and in a number of cases back again. It is a complex set of scenarios, which has the potential to cause confusion especially if the underpinning IT or other systems are not in place.

Contracted out prisons

Less is understood at this point about the model for contracted out prisons, and the interface between the NPS and prison in the model may be different for these establishments. We are aware that some members working in contracted out prisons have been given differing versions of the process that will apply to them, we are seeking clarification on this.

Job Descriptions and Job Evaluation

We have been told that no changes to job descriptions will be needed as a result of OMiC and that therefore no job evaluation will be required. We will work with members closely to monitor this and, once there is more information available about the roles, there may be evidence to support a request for new or amended job descriptions. Where there are new job descriptions or significant amendments to job descriptions there would of course be a job evaluation process.