

AN INFORMATION BULLETIN FOR MKC PRISON EDUCATION MEMBERS from the Milton Keynes College Prison Education Branch Committee

OCTOBER 2013

RESTRUCTURE AND POTENTIAL REDUNDANCIES

A number of issues are going on at the moment in different prisons where MKC has the OLASS4 contract and these have a direct impact on members' employment and/or their pattern of work as the core day hours are changing.

The College has begun its restructuring process and UCU would like to reassure members of its involvement in the process. This restructure has been prompted by the changes in provision for OLASS 4, the restraints of the curriculum and, in some establishments, the money available from the SFA being reduced. The college have said that they would like to avoid, if possible, any redundancies. They are keen to ensure the right staff are in the right establishments to meet the demands of the curriculum.

The College has issued what is known as S188 Notices to UCU; these are notices which inform the Union of the situation and also commit the employer to consult with the Union about ways of avoiding redundancies/mitigating job losses. At the same time the Union was informed of the College's intention to consult about changes to the core day that prisons are introducing, as these impact on members work patterns. In many instances, members are facing longer working days, reduced lunch breaks as well as the removal of prison staff from education leading to concerns about the safety of the work environment. The information supplied was not complete or correct and it was not until last Thursday when UCU met the College that a number of queries were clarified.

At this meeting UCU's first concern was that the process is conducted fairly. It was clear to us that, in some areas, we had not had all the information in the appropriate timescales. In a very small number of establishments, the college has not given us much or any notice of 1:1 meetings with staff. UCU has brought these and other matters up with the college. The HR team at the college is keen to ensure this process is conducted fairly and correctly and have sent out clear guidelines to managers.

However, we have also been informed of instances where the timescales have been very tight and notice periods have been unacceptable. In these cases, we have had an assurance from the college that consultation periods will be extended to ensure members get UCU representation in their 1:1 consultation meeting.

The college is undergoing restructuring in two areas, the East and West Midlands. We have been provided with figures for the East Midlands and are awaiting final confirmation of the figures for the West Midlands.

The East Midlands are taking a holistic approach, approaching all affected curriculum areas at once. The following establishments in the East Midlands are affected:

HMP Ranby
HMP Nottingham
HMP Lincoln
HMP Gartree
HMP Woodhill
HMP Stocken is affected by a regime change.

The West Midlands are approaching this exercise by curriculum area, starting with Administration and ALS, then PSD, Vocational Skills and finally Functional Skills. Each employee should have been provided with a timeline. The establishments affected in the West Midlands are:

CONT...

HMP Hewell
HMP Stafford
HMP Drake Hall
HMP Swinfen Hall
HMP Featherstone
HMP Brinsford
HMP Oakwood
HMP Birmingham
HMP Long Lartin
HMP Foston Hall

Wherever possible, UCU aims to avoid all redundancies and we have had an assurance from the college that their aim is the same. UCU, in discussion with the college, has secured a longer consultation period of 45 days, to ensure that all possible alternatives to redundancy are explored. This is in line with current legislation, a matter that the College had not acknowledged. So no dismissal notice should be issued before the 45 day period. Currently, staff have been told there is a 30 day consultation period where there are potential redundancies.

We will endeavour to find alternatives to redundancy during the restructure. This means that alternative solutions will be sought and, if these solutions are reasonable the college should accommodate them.

In order to achieve this we need members to engage in the process and start thinking about alternatives they might find acceptable which would keep them in employment although these could mean a reduction in number of hours worked. For example, would members affected be prepared to consider job sharing, reducing their overall contract and become fractional, or even consider whether they would want voluntary redundancy? This would create a 'vacancy' which could help someone else stay in employment. (This is something the College has not formally agreed to but may be prepared to consider). The process the college will use to match those people at risk of redundancy to the positions available will be performed by skills matching. All those at risk will be asked to complete a skills matching form. The managers in each prison will score staff against a set criteria and marking grid (provided by the college). Following this, the forms will be sent to the HR at the college to be moderated. Once this has been done, then positions will be discussed with staff.

The College will endeavour to redeploy staff to new posts/or vacancies within current grades/subject areas and within their own establishments in the first instance. For those who are not placed in this first round, they will look at possibilities in other prisons and so on until hopefully everyone at risk has been found a suitable alternative post. They will take on board difficulties such as distance etc but it is possible that staff may have to relocate as the demands of OLASS4 will determine the staffing structure and curriculum offer. Systems in place should ensure a fair and transparent process but if members suspect that there is an element of favouritism, they need to let their designated rep know.

However, at Winchester the manager is not doing any of the scoring. It is to be done by the regional manager and HR advisor and they make the decision which staff get the jobs. The highest score will get the hours they are currently working, the rest to be shared out amongst the other staff.

Members need to know that they will have the right to appeal if they believe this process was unfairly conducted. So they need to make sure that they keep a note of the discussions in the 1:1 meetings and if management produces their notes, these are accurate. It is important to do this as quickly as possible and not wait the end of the process to complain about the accurate record of meetings.

If after this, there is no position in the establishment in which you work, the college will look to redeploy you to a nearby prison. If the travelling distance is too great or there is a good reason as to why the alternative offered is not appropriate, then the college would be obliged to offer a redundancy settlement.

CONT...

Members need to be careful that local managers follow this process. It is important for all concerned to understand that this is a period of consultation and managers should not limit the 1:1 meeting to discussing only the new positions/posts but should also be open to discussing and considering any counter views that members have. Also, some members have been told to put in their application for other posts now. Again, we are concerned that some managers may not have fully understood that there is a process of consultation taking place and they need to keep an open mind and consider what staff have to say before they are told to apply for other jobs. The College has made it clear that with one exception – Glen Parva, vacancies are being kept for potentially at risk staff to apply for.

Where curriculum changes are taking place alongside changes to the core day we have asked that the College does not just extend the working hours of individuals but if possible look at offering the additional hours to staff that are either facing redundancy, or a cut to their contract.

As your UCU branch, we want to ensure that every member has access to union representation in their consultation meetings. This is your legal right. To ensure that all members are represented the branch committee has taken responsibility for various prisons. In some cases, due to geographic limitations, we will seek assistance from the nearest UCU regional office. The breakdown for the various prisons is as follows:

Prison	Committee member
HMP Nottingham	Matthew Fisher
HMP Gartree	Gina Hillsdon
HMP Lincoln	Regional official
HMP Woodhill	Martin Keighery
HMP Ranby	Matthew Fisher David Farrah
HMP Hewell	Martin Keighery
HMP Stafford	
HMP Drake Hall	TBC
HMP Swinfen Hall	Rachel Smith
HMP Featherstone	Rachel Smith
HMP Brinsford	Rachel Smith
HMP Oakwood	Rachel Smith
HMP Birmingham	
HMP Long Lartin	TBC
HMP Foston Hall	TBC

As the branch officers are also teaching staff, they will not always be able to respond to e-mails on the same day. They will always aim to respond within 48 hours. If you would like representation, contact the member of the branch committee who is taking responsibility for your prison. They will then be able to arrange a time to accompany you to your consultation meeting. Branch Officers will need to obtain authorisation from their respective managers to be released from work in order to do this, so please give them as much notice as possible.

When contacting Rachel please e-mail both her addresses, as she is not a full time member of staff and does not have access to her work e-mail on a daily basis. Also, branch officers have asked that Brinsford, Featherstone and Oakwood do their consultations as a 'cluster' as this would help with organising UCU support.

In addition to the general points made above, the College has also confirmed that where staff are unable to attend meetings for example if they are on annual leave during the consultation period, their own consultation period will be extended to take this on board. Although the College are including staff on maternity leave and off sick in this process, similarly they will take on board the period of absence in order to ensure fairness. Anyone who is on a phased return to work or other special arrangement already agreed will have this taken into account as well i.e. whilst they will go through the selection process, the arrangements for their sickness absence/return to work will remain in place.

The College is also looking rationalising the staffing structure in many establishments and this means doing away with 'sessional' contracts and offering instead the MKC Offender Learning Lecturer (OLL) contract. There are many advantages to this approach, it means that staff are on a more secure contract and have access to MKC terms and conditions which may be superior to the current contract e.g. holidays and sickness pay. The salary may not be the same but overall this is something that the Branch views as a positive development.

Where changes to the core day are affecting members, they are being consulted locally via their reps- to our knowledge this is going on at HMP Stocken, HMP Winchester and HMP Bullingdon. If this is incorrect please let us know, as the impact for members can be severe.

A longer session in the morning may mean members cannot get to another job in the afternoon. An earlier start and/or later finish could lead to those who have child care responsibilities being put in a situation where they have difficult choices to make. We have also been told of the possibility that staff might be asked to come in to do their DD time on a day when they are not contracted/time tabled to work and again this could cause difficulties with those with child care responsibilities or who are committed to another job.

In Winchester, staff are being asked if they can come in for the earlier start/later finish and are having to make a choice. Variable Hours Lecturers (VHLs) have been told they have to do all their non contact time on site and a time table will be drawn up and discussed when they will be in. They have to take one hour for lunch and also only one hour of research per month can be done at home. Some staff are being pressurised to do more hours. For example, a barbering tutor who taught 16.5 hours per week over three days; because of the new core day it will mean over 20 hours teaching over three days and will need to come in for an extra day for non contact time. She was told that it would be expected that she did all the hours as it has been impossible to find another teacher to teach barbering. And she doesn't want to work 4 days a week.

Also, some staff are being told that as a result of the changes, they will be asked to work above their contact hours and claim the additional payment. UCU strongly urges and advises members NOT to agree to this as it would be against your contract. If there are additional hours, our view is the College should employ more staff rather than ask existing staff to ignore their contractual entitlements. This is something we urge you to think through carefully before accepting any increase to your working day/week. However, UCU accepts that in some instances, there may not be any other options but we believe this would not be presented to staff affected as a fait accompli as there is a period of consultation where staff have the right to be considering alternatives.

For some staff who are in receipt of the 'environmental allowance payment', the College has agreed that this will be discussed at the next JCC (negotiating meeting between UCU and the College) and this should not therefore be part of this process.

At HMP Stocken, the College did not receive the appropriate notice from the prison in respect of the changes to the core day and the College is still trying to sort this out.