

National Negotiating Council for the Probation Service

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**To: The Chair of the Probation Trust
The Chief Executive of the Probation Trust
(Copy enclosed for the Head of Human Resources)
The Secretary of the Probation Trust
Members of the NNC**

21 November 2011

NNC CIRCULAR NO. 9/2011

The NNC Joint Secretary Function (Role, Remit and Modus Operandi)

1. The Joint Secretary role is an integral part of the NNC machinery. However, the absence of any explicit statement within the NNC Constitution on its role, remit and functions has, over time, contributed to the potential for a lack of understanding about the specific nature of the Joint Secretaries' role.
2. Following a recent review of the national probation employment relations framework, work has been done to address concerns around the lack of explicit provision on the functions of the Joint Secretaries generally. Additionally, this work has sought to address the lack of clearly stated processes whereby referrals, either in respect of the interpretation of terms and conditions or dispute resolution, are made to the Joint Secretaries by local employers or trade unions.

Interpretation of Terms and Conditions

3. One key element of this work was to agree a procedure for addressing issues of differences which arise locally in the interpretation of national conditions and how these should be effectively referred to the Joint Secretaries for a determination. (The Joint Secretary office holders are the Chief Executive, Probation Association, on the Employers' Side and the General Secretary, Napo, on the Trade Union Side.) Following discussion, the procedure set out below has been agreed:
 - (a) The Side (e.g. the Employer or combined Trade Union Side or the individual Trade Union) which wishes to refer a matter to the Joint Secretaries approaches the other about making a joint referral. If agreed, this should be accompanied by a separate statement from each Side representing their views.

- (b) If the request for a joint referral is rejected, the referral can be made unilaterally either by the Employer's Side, the combined Trade Union Side or an individual Trade Union.
- (c) To be considered by the Joint Secretaries the referral should be made in writing (see contact addresses above and e-mail details at Paragraph 9) formally to them, not to individual national union officers or PA employees.
- (d) Subject to the nature of the difference of opinion and its complexity, the Joint Secretaries will seek to make a determination, having liaised appropriately and expeditiously with all the parties.
- (e) A formal written response will always be sent in confirmation.

Dispute Resolution

4. A second element of the work arising from the above review was to agree a procedure for the Joint Secretaries' assistance to be requested in order to facilitate the resolution of a dispute/likely dispute. Following discussion, the procedure set out below has been agreed:

- (a) The Side (see above definition) which wishes to request the Joint Secretaries' assistance approaches the other about making a joint referral. If agreed, this should be accompanied by a separate statement from each Side representing their views and any supporting documentation.
- (b) If the request for a joint referral is rejected by one Side, the request for assistance can be made unilaterally. It should be submitted formally to the Joint Secretaries, not to individual national union officers or PA employees.
- (c) On receipt, the Joint Secretaries, having discussed the issues amongst themselves, will ordinarily agree whether the intervention of the Joint Secretaries is appropriate and, if so, liaise with all the parties, usually separately and jointly, to seek to facilitate a resolution.
- (d) A formal written response recording the outcome of the Joint Secretaries intervention will always be sent in confirmation.

5. Whilst the Joint Secretaries encourage joint referrals to be made, the national Employers' and Trade Union Sides are agreed that unilateral referral should remain an option available to either Side locally, albeit only after a request has been made for the referral to be made jointly. Neither the employer nor the trade unions should be taken by surprise that a referral to the Joint Secretaries has been made.

6. As many of you will know, the Joint Secretaries' function is often represented by officials and officers, acting under the auspices of the NNC and drawn from the national trade unions, PA and NOMS HR, other than the formal NNC office holders. This delegation has long been the case given the demands on the roles and recognises the impracticality of two officials, each with their own full time posts, being able to discharge the whole range of responsibilities.

7. We should also add that early informal contact through the Joint Secretaries is often the most effective route to an early resolution of any differences before they escalate into formal dispute. It might be for example that a local union branch raises a query with the TUS Joint Secretary and the matter may be resolved by an exchange of telephone calls before the matter is formally referred. We and our representatives remain available always to assist in that way.

Management of Change Protocol

8. It is considered that the role of the Joint Secretaries in the Management of Change Protocol is already adequately described.

9. For ease of reference, contact email addresses for the Joint Secretaries are:

Trade Union Side jledger@napo.org.uk

Employers' Side mark.ormerod@probationassociation.co.uk

10. Finally, we hope that the contents of this circular and the clarity it brings will inform and assist constructive employment relations work locally. You may also find it useful to consider jointly amending your local JNCC constitution to reflect the above processes.

If you have any queries, please do not hesitate to contact us.

Yours sincerely

Mark Ormerod
Jonathan Ledger

Joint Secretaries