



**The Professional Trades Union for Prison,  
Correctional & Secure Psychiatric Workers**

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**POA Circular 88/2019**

Action	Information
England/Wales	England/Wales <input checked="" type="checkbox"/>
Scotland	Scotland <input checked="" type="checkbox"/>
Northern Ireland	Northern Ireland <input checked="" type="checkbox"/>
Special Hospitals	Special Hospitals <input checked="" type="checkbox"/>
Private Sector	Private Sector <input checked="" type="checkbox"/>
IRC	IRC <input checked="" type="checkbox"/>

20th September 2019

Dear Colleagues,

CONTEMPT OF COURT APPLICATION INITIATED BY GOVERNMENT

As you know in 2017 the High Court issued a permanent injunction against the POA as it was determined that we had breached section 127 of the Criminal Justice Public Order Act 1994 by inducing POA members to not work voluntary duties.

On 14th September 2018, after the latest Government statistics came out and the HMP Bedford situation, action was taken to protect our members and the prisoners in our care. As a result, the then Prisons Minister, Rory Stewart MP, met with myself and the National Chairman. It was agreed there would be no application for injunction in the High Court if our members went back to work. In return the POA and HMPPS would enter into negotiations. Those negotiations were successful and set out a plan of action to roll out PAVA and various other safety measures. Those safety measures (including the roll out of PAVA) has not happened as quickly as we would have wanted.

After that action, Government lawyers wrote to us and in essence stated that, although a contempt of court application was not initiated on that day, they reserved the right to do so if there was a repeat in the future.

On the 21st February 2019 prison officers at HMP Liverpool withdrew on health and safety grounds as a result of uncertainty regarding the use of force. Again, a solution was agreed, and an injunction application was not pursued. At no stage did the Government or the employer state to me that they would be pursuing a contempt of court application.

Several weeks after the HMP Liverpool withdrawal I was informed that Government were contemplating a contempt of court application. That was because they had already obtained a permanent injunction in 2017 and that they believed we were in breach of that injunction. They have now filed their application and the court has set a date of 22nd October 2019. I am informed this was not initiated by HMPPS but the outgoing Secretary of State, David Gauke MP. The National Chairman and myself are awaiting to meet the new Secretary of State, Robert Buckland QC MP, in an attempt to dissuade him from this course of action. I am informed that Government can indeed withdraw the application at any time even although it has been lodged with the court.

I want to make it clear that the POA has no argument with the High Court as they only make decisions as they see it applying the draconian provisions of section 127 of the Criminal Justice Act 1994. We do, however, take issue with the Government's continued reliance on taking us to court and using restrictive legislation against us. For that reason, we have instructed Thompsons and indeed a top Barrister to robustly defend our position.

I sincerely hope that Government call off this action against the Union. The POA must have recourse to defend its members where health and safety is threatened. For too long now our members are suffering life changing injuries due to the violence in our prisons. A trade union must be able to protect its members and indeed protect prisoners in their care from the crisis that this Government has created. Restrictions on the ability of a trade union to protect its members is a breach of human rights.

I can think of no other occupation where this could prevail without a public outcry. I urge the Secretary of State, Robert Buckland QC MP, to engage with the National Chairman and myself to avert this court case. I take the fact that there is litigation pending extremely seriously and will do nothing or say anything that could prejudice the case. I urge members to do the same. It was, however, important to inform our membership of the ongoing case against us.

Yours sincerely



STEVE GILLAN

General Secretary