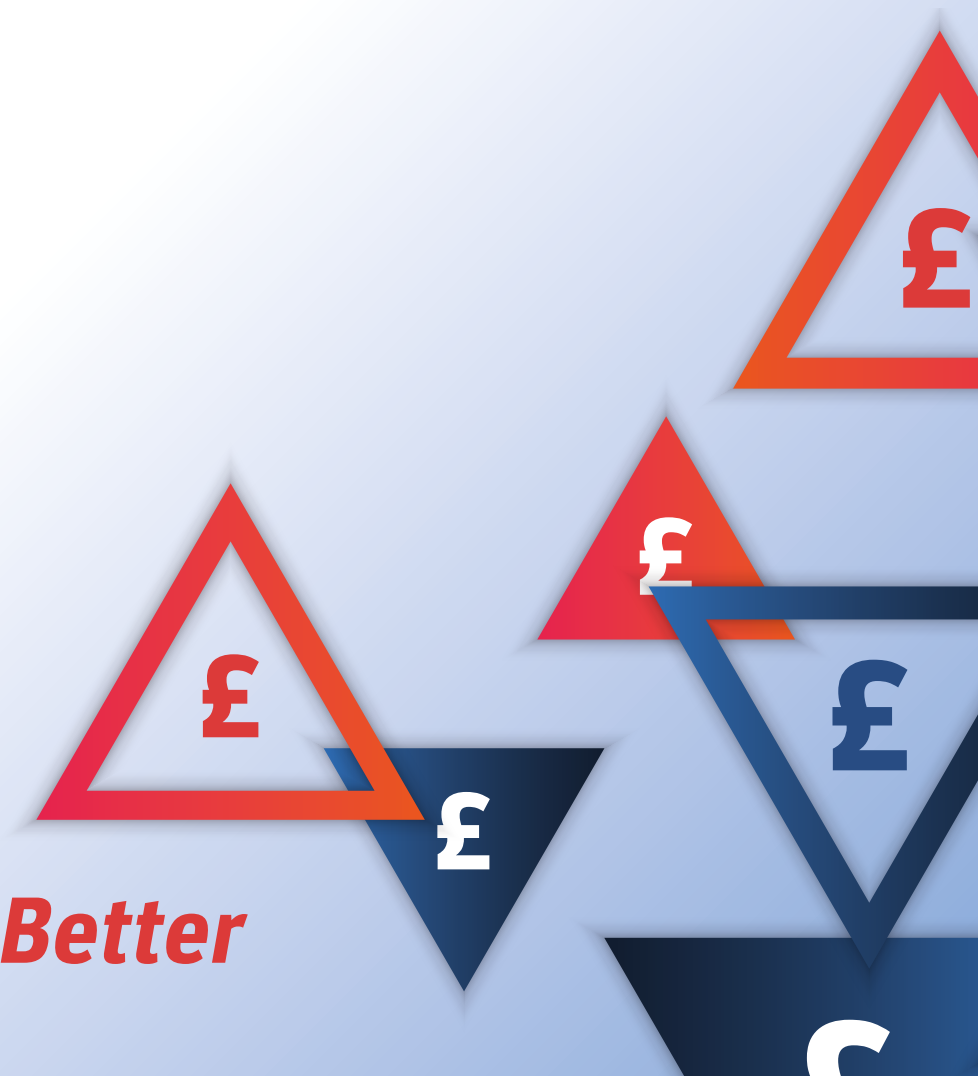




# POA Annual Conference 2023

## Appeals to Conference



**We Deserve *Better***

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Introduction

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Appeal 1 – Durham

# **INTRODUCTION**

In line with ACM 3/2015, the Standing Orders Committee have received 1 Appeal to Annual Conference.

The Motion was received from Durham and was rejected by the Standing Orders Committee, Durham appealed to the NEC and this was rejected and the correspondence regarding this appeal is enclosed.

# **CONFERENCE PAPER 1/2015**

# CONFERENCE PAPER 1

## **CONFERENCE PAPER ONE – ACM 3/2015**

### **PROCEDURES FOR DEALING WITH CONFERENCE MOTIONS AS APPROVED BY ANNUAL CONFERENCE**

#### **Introduction**

Following the acceptance of conference paper 6 of 2013 and the procedures for dealing with conference motions, concerns have been raised following decisions at conference which potentially undermined the Rules and Constitution and Standing Orders.

If Conference accepts this paper then it will replace conference paper 6 of 2013 and form the basis for all procedures when submitting motions to the Standing Orders Committee for inclusion in any conference agenda.

The interpretation of the rules is vested in Conference when it is in session as set out in rule 29.4 (a) but this does not mean that conference can simply do as it sees fit. Conference must have due regard for any potential legal and or external challenge which may be brought in respect of the decisions reached, decisions which could bring the union into disrepute or potential financial implications.

The purpose of this conference paper is to set out new and revised policies, rules and procedures to ensure that the administration of all conference agendas is achievable, that all affected branches have the opportunity to propose and consider motions in line with rules, specifically 12.4, 12.5, 12.6 and 12.7 and to minimise the risk of litigation and or challenges to the union.

All changes to current procedures and rules are set out.

The conference paper also reaffirms the policies and procedures for administering the POA's Incentives and Awards as set out in POA Circular 74/14 (attached).

## **Annual Conference Motion 3/2015 refers**

### **CONFERENCE PROCEDURES**

1. All motions submitted to the Standing Orders Committee for consideration for any conference agenda must be approved at a formal branch meeting with a verifiable record of minutes, numbers of attendee's and that each motion was proposed, seconded and carried at that meeting.
2. The standard form must be used by branches when submitting Motions to the Standing Orders Committee for consideration, as approved by Conference under Rule 12.5(c). These can be obtained from Cronin House on request, but it shall be the responsibility of individual branches to ensure they have an adequate supply.

### **TIMESCALE FOR SUBMITTING MOTIONS**

3. The period for receipt of Conference Motions shall be from 1<sup>st</sup> December to 31<sup>st</sup> January, to facilitate a Conference in May. Should any Conference be called outside of this period the timescale for the receipt of Conference Motions will be promulgated to branches in accordance with the Rules and Constitution.
4. A period for receipt of conference motions will normally be from 1<sup>st</sup> December but no later than the 31<sup>st</sup> January. Following this the Standing Orders committee will meet immediately following the closing date for receipt of motions and compile the agenda.
5. No motions will be accepted after 31<sup>st</sup> January for a Conference in May or after the date set out by the General Secretary for a Conference called outside of this date and for this reason, branches will submit motions well in advance of the closing date.
6. Each branch will contact Cronin House via telephone or email to confirm receipt of Motions submitted to ensure that there is no misunderstanding or that they have been lost in transmission.

### **CONFERENCE MOTIONS**

7. The Standing Orders Committee will if necessary discuss motions submitted by branches for any conference if they believe the wording of a motion needs to be amended or clarified, but they must not change the subject of the motion.

The Standing Orders Committee will if necessary remind branches of Rule 12.4 in that Conference determine the principles and policies of the Union, except where these Rules provide differently.

If motions submitted by branches impinge on the rules of the union the branch will be advised to either submit rule changes or follow the rules and constitution to pursue internal matters.

If any motion/s submitted require a rule change/s the sending branch must set out the rule change/s fully to ensure branches and conference fully understand the ramifications of the proposal. The Standing Orders Committee may assist any branch in formulating these motions before the closing date for conference motions if requested to do so.

### **CONFERENCE AGENDA**

8. The agenda will comprise of a number of individual headings which will be listed and placed by the Standing Orders Committee. This will be done to ensure the order of conference is maintained, with the opportunity for Motions to be heard and debated.
9. Section One of the Conference Agenda will always deal with any rule changes. These Motions will require the support of two thirds of the votes cast at Conference in accordance with Rule 29.1 all other Motions will require a simple majority.
10. It is likely that Motions may be submitted by a number of branches covering the same subject. It shall be the right of each branch to have their Motion heard, although the Chairman may draw to the attention of those branches that the Motion may fall, be subsumed or be out of order following the disposal of the first Motion.
11. The Standing Orders Committee shall only return conference Motions to branches on the following strict criteria –
  1. The content of the motion is not permitted by law.
  2. The motion involves an item of policy which was determined before the close of any Conference within the last 12 months.
  3. The motion was received after the notified closing date.
  4. The terms of the motion, if published, may adversely affect the interest of the membership, hold the Union to ridicule or seriously damage or discredit the Union.
  5. Other identified issue

The branch will be given a reason in writing as to why the Standing Orders Committee has returned the Motion with their rights and timescale for appealing outlined.



12. The Chair of Conference may call motions outside of the Conference agenda in order to move business in line with the Standing Orders Report.

### **APPEALS TO NEC**

13. Should any branch wish to appeal to the NEC against the decision of the Standing Orders Committee to return their Motion, they must do so by advising the General Secretary in writing no later than the 21<sup>st</sup> February (or any other date identified by the Executive for a Conference outside the month of May). All appeals will be considered by the NEC at its next meeting.
14. If the appeal was rejected, following the NEC determination, each branch will be advised of the right to appeal to Conference and timescale to facilitate this appeal.

### **APPEALS TO CONFERENCE**

15. Branches who wish to appeal to Conference against the NECs decision not to include their motion on the Conference Agenda, must do so by advising the General Secretary in writing, no later than the 31<sup>st</sup> March (or any other date identified by the Executive for any Conference outside the month of May).
16. Following the closing date for appeals to Conference each branch will receive two copies of the Conference appeals booklet, which will contain copies of all relevant information and correspondence, or be advised by POA circular that there shall be no appeals to Conference in respect of the Conference Agenda.
17. Each branch has the right to appeal to the NEC on the placement of any Motion. They must do this in the first instance by writing to the General Secretary at Cronin House no later than the 30<sup>th</sup> April. If the NEC refuses to change the placement, the branch will be advised of their right to appeal this decision to Conference before the adoption of Standing Orders. The branch must advise the Secretary to the Standing Orders Committee at least 7 days before the start of Conference in writing outlining their intention to appeal.
18. Each branch will be sent two copies of the Conference Agenda following the appeals to the NEC, as soon as practicable.

### **APPEALS AT CONFERENCE**

19. The chair of conference will hear all appeals on placement and refusal before the adoption of Standing Orders.

20. If any appeal is successful, the Standing Orders Committee shall place the Motion on the Conference Agenda and advise Conference as soon practicable when the Motion will be heard.

### **EMERGENCY MOTIONS**

21. Occasionally an issue of such major **National** importance may arise subsequent to the closing date for receipt of Conference Motions. On such occasions the branch **must** have placed the Motion/s before their branch and obtained a clear mandate.

The branch **must** advise the Standing Orders Committee in writing at the earliest opportunity following the branch meeting, via the Secretary at Cronin House.

22. The Standing Orders Committee shall consider the request and approve the Motion/s for inclusion in the Conference Agenda. All branches will be advised of the emergency Motion as soon as possible. If the Standing Orders Committee rejects the emergency Motion the branch shall have the right of appeal to conference prior to the adoption of Standing Orders.

### **EMERGENCY MOTIONS AT OR PRIOR TO CONFERENCE**

23. If an issue of National importance arises and the normal administration procedures could not be followed. The NEC and or delegates attending Conference wish to submit a motion the standard form must be used to allow the Standing Orders Committee to consider, as approved by Conference under Rule 12.5(c).
24. In this situation, the delegates must inform their branch of their decision as soon as possible under the provisions of Rule 20.4, in the case of an NEC sponsored emergency motion the membership will be advised by way of POA Circular.
25. The Standing Orders Committee shall consider the request and approve the Motion/s for inclusion in the Conference Agenda.
26. All branches will be advised of any accepted emergency Motion/s as soon as possible.
27. If the Standing Orders Committee rejects any emergency Motion the branch/NEC shall have the right of appeal to conference prior to the adoption of Standing Orders.

## **SPECIAL DELEGATES CONFERENCES**

If a Special Delegates conference has been convened in accordance with Rules 12.2 (a) (b) and (c) and the agenda published for those affected branches emergency motion/s would not normally be permitted. However, if the NEC believes the matter is of such importance and it is not viable to postpone the conference and invite all affected branches conference will determine whether to accept the motion on the order paper in accordance with Rule 29.4 (a). If the motion is heard all of the membership shall be advised of the decision and outcome by way of POA Circular as soon as possible.

## **GENERAL**

It is possible that some Motions will not be reached on the Agenda or have been remitted to the Executive. If this is the case the Executive will seek the approval of Conference to exercise its discretion as to whether to pursue these issues as part of the POA's policy. All branches will have the right to provide written submissions on these Motions, which must be received at Cronin House by the 21<sup>st</sup> June or a date determined by the NEC for a Conference not held in May. The decision of the NEC in respect of these Motions shall be promulgated to each branch via POA Circular.

# **APPEAL 1 – DURHAM**

**From:** [Craig Robson](#)  
**To:** [Nicola Hubert](#)  
**Subject:** Re: APPEAL TO NEC  
**Date:** 22 February 2023 16:21:00  
**Attachments:** [image001.jpg](#)  
[image001.jpg](#)

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Nicola thank you for your reply I wish to appeal at conference over the rejection of the motion.

Many thanks, Craig

On Wed, 22 Feb 2023, 16:12 Nicola Hubert, <[nicola@poauk.org.uk](mailto:nicola@poauk.org.uk)> wrote:

Hi Craig

Please find attached letter from Dave Todd in regard to your appeal to the NEC.

Thanks

Nicola

**Nicola Hubert**

**Secretary to: MARK FAIRHURST National Chair and STEVE GILLAN  
General Secretary**

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

**Cronin House**

**245 Church Street**

**Edmonton**

**N9 9HW**

**DDI 0208 884 5672**



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

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**General Secretary:** Steve Gillan

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e. [adminnro@poauk.org.uk](mailto:adminnro@poauk.org.uk)

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116 Ballywalter Rd.  
Millisle Co Down  
BT22 2HS

t. 02891 861928  
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e. [adminni@poauk.org.uk](mailto:adminni@poauk.org.uk)

**Scotland**  
21 Calder Rd.  
Edinburgh  
Scotland  
EH11 3 PF

t. 0131 443 8105  
f. 0131 444 0657  
e. [adminsct@poauk.org.uk](mailto:adminsct@poauk.org.uk)

**Our ref:** AC/2023

22<sup>nd</sup> February 2023

Dear Craig

**APPEAL TO THE NEC CONFERENCE MOTIONS**

I placed the attached motion before the NEC today and I asked them to consider your appeal and reasoning from the Standing Orders Committee.

The NEC rejected your appeal and advised me to inform you of your right to appeal to Conference before the adoption of the Standing Orders Report and in line with Conference Paper 1/2015.

If you wish to exercise your right of appeal to Conference, please inform Cronin House via Nicola ([nicola@poauk.org.uk](mailto:nicola@poauk.org.uk)) by no later than the 31<sup>st</sup> March 2023, if you do not wish to appeal to Conference please advise me asap so we can close the matter.

Yours sincerely

**DAVE TODD**

Chair to Standing Orders Committee

Sent via email to; [craig.robson@justice.gov.uk](mailto:craig.robson@justice.gov.uk)

Craig Robson  
Branch Secretary Durham



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

### ANNUAL (AND SPECIAL) CONFERENCE MOTION STANDARD FORM

**PART I**

NAME OF BRANCH ..... DURHAM .....

**MOTION:**  
THAT WE REPEAL THE OSG AGREEMENT

I certify that the above was adopted at a properly convened branch meeting in accordance with Rule 12.5(c)

Signature: ..... [Signature] ..... Date of Branch Meeting ..... DURHAM .....  
(Branch Secretary/Chairman)

**PART II (FOR STANDING ORDERS COMMITTEE USE ONLY)**

*The Standing Orders Committee has considered the above motion and has decided to return it for the reason(s) indicated below:*

- 1. The content of the motion is not permitted by law.
- 2. The motion involves an item of policy which was determined before the close of any Conference within the last 12 months.
- 3. The motion was received after the notified closing date.
- 4. The terms of the motion, if published, may adversely affect the interests of the membership, hold the Association to ridicule or seriously damage or discredit the Association.
- 5. [Signature]

..... Secretary, Standing Orders Committee

Closing date 31<sup>st</sup> January 2023

**From:** [Craig Robson](#)  
**To:** [Nicola Hubert](#); [Dave Todd](#)  
**Subject:** Re: FW: ANNUAL CONFERENCE MOTION 2023  
**Date:** 08 February 2023 10:12:57  
**Attachments:** [image001.jpg](#)  
[image001.jpg](#)

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I wish to appeal this as the agreement isn't just that it's widespread and as such we should debate first to decide if we want to renegotiate.

Craig

On Wed, 8 Feb 2023, 10:02 Nicola Hubert, <[nicola@poauk.org.uk](mailto:nicola@poauk.org.uk)> wrote:

**Nicola Hubert**

**Secretary to: MARK FAIRHURST National Chair and STEVE GILLAN  
General Secretary**

**POA The Professional Trades Union for Prison, Correctional and Secure Psychiatric  
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**Cronin House**

**245 Church Street**

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**Fax 0208 803 1761**

**Website: [www.poauk.org.uk](http://www.poauk.org.uk)**



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**From:** Nicola Hubert  
**Sent:** 02 February 2023 12:57  
**To:** Durham BS <[craig.robson@justice.gov.uk](mailto:craig.robson@justice.gov.uk)>  
**Subject:** ANNUAL CONFERENCE MOTION 2023

Hi Craig

Please find attached letter from Dave Todd.

Thanks

Nicola

**Nicola Hubert**

**Secretary to: MARK FAIRHURST National Chair and STEVE GILLAN  
General Secretary**

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

**Cronin House**

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**The Professional Trades Union for Prison,  
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**National Chair:** Mark Fairhurst  
**General Secretary:** Steve Gillan

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116 Ballywalter Road  
Millisle Co Down  
BT22 2HS

**Scotland**  
Bowden House  
Cooperage Way, Alloa  
Clackmannanshire  
Fk10 3LP

**Our ref:** AC/2023

2<sup>nd</sup> February 2023

Dear Craig

The Standing Orders Committee considered your motion on the 1<sup>st</sup> February 2023, in line with Conference Paper 1/2015 and the Rules and Constitution. The Standing Orders Committee rejected the motion on the following grounds;

The Standing Orders Committee has rejected this because;

*The motion involves an item of policy which was determined before the close of any Conference within the last 12 months.*

The motion from the NEC was;

**74/22** *That Conference reaffirms current policy as set out in ACM 107/07 that Branch Officials, adhere to the OSG agreement, so as to protect Prison Officers jobs and, protect legally, OSGs who are asked, or indeed told, to carry out Prison Officer roles, in breach of the said agreement.*

Should you not accept the decision of the Standing Orders Committee you can appeal to the NEC and Conference in accordance with Conference Paper 1/2015 attached.

On behalf of the Standing Orders Committee.

Yours sincerely

**DAVE TODD**

Chair to Standing Orders Committee

Sent via email to; [craig.robson@hmpr.gsi.gov.uk](mailto:craig.robson@hmpr.gsi.gov.uk)

Craig Robson  
Branch Secretary Durham



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

### ANNUAL (AND SPECIAL) CONFERENCE MOTION STANDARD FORM

**PART I**

NAME OF BRANCH ..... DURHAM .....

**MOTION:**  
THAT WE REPEAL GOTTAIR THE OSG AGREEMENT

I certify that the above was adopted at a properly convened branch meeting in accordance with Rule 12.5(c)

Signature: ..... [Signature] ..... Date of Branch Meeting ..... DURHAM .....  
(Branch Secretary/Chairman)

**PART II (FOR STANDING ORDERS COMMITTEE USE ONLY)**

*The Standing Orders Committee has considered the above motion and has decided to return it for the reason(s) indicated below:*

- 1. The content of the motion is not permitted by law.
- 2. The motion involves an item of policy which was determined before the close of any Conference within the last 12 months.
- 3. The motion was received after the notified closing date.
- 4. The terms of the motion, if published, may adversely affect the interests of the membership, hold the Association to ridicule or seriously damage or discredit the Association.
- 5. [Signature]

..... Secretary, Standing Orders Committee

Closing date 31<sup>st</sup> January 2023