



Independent Monitoring Boards Secretariat
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DC 05/08
IMM 04/08

14 February 2008

To: ALL CHAIRS OF IMBs

c.c. Governors, Centre Managers, Controllers and Directors of contracted prisons
Clerks to IMB Boards
National Council
National Tutors

Dear Chair

IMB ROLE IN THE EVENT OF INDUSTRIAL ACTION OR WORK TO RULE BY STAFF IN PRISONS AND IRCS

In the light of the POA day of action on 29 August 2007 when some Boards were a little unsure of how to react, the National Council has prepared the following guidance to Boards on their role should similar situations arise in future.

2. Industrial action or work to rule by staff in prisons and IRCs should be regarded as a Serious Incident and the Board should respond appropriately. Detailed guidance on the IMB role during Serious Incidents can be found in section 35 of the IMB Reference Book held by Board clerks and available on the IMB website (www.imb.gov.uk)

3. The objective of the IMB at a Serious Incident is to:

Monitor, Record and Report

4. The Board should monitor the establishment's strategic planning for industrial action or work to rule. The establishment's Incidents Plan should include an understanding by management and unions of the IMB's right to be given access to the establishment, to monitor at all times, and to cross picket lines. In the latter context, Board members can only carry out their role effectively if they enter the establishment to monitor conditions and it may be necessary to cross a picket line to do this. The Board's role and impartiality should be respected by both management and union(s).

5. The Board's contingency plan, which outlines the role of the Board in the event of a serious incident, should include policy and procedures relating specifically to the Board's role in an industrial dispute. The contingency plan should form the basis of an agreed protocol between IMB and prison management. Further information on contingency plans can be found in section 35.3 of the IMB Reference Book.

6. The Board's contingency plan should make clear that during a period of industrial action or work to rule Board members must not intervene or act in such a way that could be interpreted as undertaking the work of staff within the establishment ie: assisting staff, serving food or facilitating the movement of prisoners/detainees. This does not mean that Board members should not provide moral support to staff or management who may be working on their own and for long hours. Nor does it mean that Board members should refrain from intervening if failure to do so would put the health, safety and well-being of prisoners or staff at risk.

7. At the commencement of any period of industrial action a rota of visits by IMB members should be drawn up for the duration of the dispute. Board members must visit all areas where prisoners/detainees are held and where staff remain on duty and:-

- observe and record the conditions and restrictions being experienced;
- observe and record compliance with the plans to provide food/drink and medical treatment;
- record comments made to Board members by prisoners/detainees and staff, noting the time and date of these conversations.

8. Regular contact with the Incident Commander and the Board Chair should be maintained throughout the member's rota visit. Matters of serious concern should be raised immediately. There should be an opportunity to discuss other issues at the "Cold" debrief after the dispute is concluded. Any concerns about the handling of the incident should also be raised at the "Cold" debrief after discussion with the Chair, other Board members who attended the incident and the Governor. Any such concerns should subsequently be reviewed by the Board as a whole at its next meeting.

9. Before leaving the establishment, Board members should finalise their notes and make a record of their involvement in the log book, each page of which should be signed and dated. It is important to remember that on-the spot notes and the log book entries may be called for by a Court or an official investigation. A Board could also be asked to contribute to a Prison Service review of the incident. Further advice on recording serious incidents can be found in section 35.4 of the IMB Reference Book. Finally the Board member should brief the next member on rota.

10. Following a period of industrial action or work to rule the Board should review how it carried out its monitoring role, note any matters that need to be discussed with management, and revise its policies and procedures if necessary. In any event, contingency plans should be reviewed and revised annually.

Yours faithfully



Norman McLean
Head
IMB Secretariat



Peter Selby
President
National Council

