THE POA RIGHT TO STRIKE AND COMPENSATORY MECHANISM

1994-2026

The removal of the right to strike

Section 127 of the Criminal Justice and Public Order Act 1994 removed prison officers' right to strike.

- 1994- section 127 Criminal Justice and Public Order Act came into effect
- Statutory restriction on the ability of Prison Officers in England and Wales (Northern Ireland) to take industrial action
- 2001- As a compensatory mechanism the Independent Prison Service Pay Review Body was formed
- No conventional strike leverage
- No binding disputes procedure
- Government had the power to accept or reject recommendations

The PSPRB is intended to

- Consider evidence from the remit group
- Assess pay and conditions within the remit group
- Make recommendations to Government
- Operate independently rather than a negotiating body
- Offer a compensatory mechanism due to restrictions on industrial rights

Are they truly Independent?

- Government appoint and chooses the body
- Government funds the body
- The body acts only when the Government request it
- Body is subject to an activation letter highlighting budgetary desires
- Government sets the parameters for the report
- Government retains the right to accept or reject recommendations
- Government has rejected recommendations on 4 occasions

Zero Binding Disputes Resolution Procedure

- If the POA disagree with the Government interfering in the process or rejecting recommendations the Government impose the pay award
- There is no mechanism for the POA to dispute the Government decision
- Can the absence of an independent binding resolution procedure be a sufficient compensatory mechanism for not having the right to strike?

2004-2008 : A safeguard emerges then expires

- August 2004- POA complain to the ILO
- November 2004: Joint Industrial Relations Procedural Agreement (JIRPA) brokered and agreed by POA and HMPPS
- March 2005: ILO Recommendations published confirming the PSPRB was not an adequate compensatory mechanism for Prison Officers not having the right to strike
- 2006: POA launch legal proceedings due to breaches of JIRPA by Prison Governors
- May 2007: Court rules entirely in POA favour- POA give 12 months notice of withdrawal from the agreement
- August 2007: POA members walk out in a wildcat strike
- January 2008: Sweeney review published recommending not to enforce a legal ban on Prison Officers taking industrial action
- That same month Jack Straw announced a strengthening of the legislation banning Prison Officers from taking strike action, making the ban permanent in legislation

Employer runs to the Courts

- 2007: Staged pay award against PSPRB recommendations
- Due to further industrial action in 2017 the Government brought high court proceedings against the POA
- Resulting in a permanent high court injunction
- July 2018: 8 of 17 PSPRB recommendations rejected
- September 2018: POA take wildcat strike action due to high violence levels against staff
- Resolution agreed with Government – breach of injunction court action called off
- November 2018: POA agree a legally binding health and safety protocol with Government
- December 2019: POA fined a total of £210k for two breaches of permanent injunction
- 2020: Government reject 3 recommendations from PSPRB
- 2021: Government reject 2 recommendations from PSPRB
- January 2022: ECHR accept legal challenge from POA

Current Position

- June 2026: ECHR Application accepted
- ECHR recommend without prejudice discussions between both parties
- Government reject that proposal- happy to defend their position in court
- POA re offer discussions with new Prime Minister and Secretary of State
- Await a reply

Watch this Space!