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HMPPS Pay recommendations

Six months late and worse than last year

By John Attard & Dave Hoskins
PGA National Officers

The pay recommendations from HMPPS to the Prison Service Pay Review Body (PSPRB) are not only shameful they are probably illegal.

Since the publication of the recommendations, the PGA has been contacted by phone, email and in person by members expressing their anger and outrage with HMPPS's recommendations. Their disappointment with the 1% increase to the bottom and top of the pay bands was only surpassed with their utter outrage with the recommendations for a 1.5% progression payment. We have calculated that it

would take 35 years to get from the bottom of the pay band to the top assuming like recommendations going forwards. That is 15 years after being awarded the Long Service medal and is never likely to be achieved by the vast majority of governor grades, who generally will not become governor grades until they are 10 to 15 years in service. The length of time it takes to get from the bottom to the top also impacts on your pension – now more so than previously due to average earnings being the methodology now used to decide what your pension will be on retirement. (See table on page 7).

HMPPS has taken into account in its recommendation that we got 4% progression and a 1% increase in pay and maxima last year, even though HMPPS recommended only a 2% uplift in progression pay and a 0% pay increase. They also argue that whilst composing this year's offer they have taken into account that RHA went from 15% to 17% (to make it the same rate as for uniformed staff and after significant lobbying from the PGA).

What HMPPS has chosen to ignore in calculating their pay submission, but acknowledged nevertheless, is that there has been:

- A marked deterioration in safety
- An increase in assaults on both prisoners and staff across the estate - staff assaults rose by 40% (real figure much higher when taken from 2012)

- An increase in the number of incidents of self-harm
- An increase in the number of self-inflicted deaths in custody
- Governors will have increased responsibility
- Governors will have increased accountability

What HMPPS failed to mention at all in their pay submission:

- We have around 500 fewer governors with no plans for that to change.
- Governors have had work pushed up to them due to having fewer staff.
- Governors have been frequently carrying out officer duties.
- Tornado call outs have increased significantly.
- Morale is at an all-time low.
- Governors are fed up with being taken for granted.
- No additional funding for the 'Advanced Prison Officer' scheme has been identified, a scheme that has not yet been approved.
- There have been a number of initiatives to increase uniformed staff pay through increased hourly rates, bonus payments, and other schemes. There have

not been any such initiatives for governor grades.

- The creation of around 24 geographical and functional Prison Director Groups will have a significant cost, with no clearly demonstrable evidence of any benefits.
- HMPPS is struggling to attract governors into the most difficult to work prisons and has, on more than one occasion, approached private sector colleagues, without success, to fill this void.

When Fair and Sustainable was introduced, HMPPS informed the PGA that the expectation was that progression between pay band minima to maxima would be awarded at around 4-5% each year. This would

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mean that it would take 5 to 6 years to get from the bottom to the top of each pay band – in line with the spine points associated with the old "closed" pay grades. This is also articulated within HMPPS evidence during this pay round.

PSPRB reports produced over the years have made it perfectly clear that age discrimination legislation provides that service-related benefits, such as incremental pay systems, are more likely to be deemed to be unlawful if they depended on more than five years' service to progress from bottom to top of a pay band. HMPPS has stated that it believes that the time it takes to become fully competent is 5 to 6 years. If that is the case, then the proposal of a 1.5% pay progression increase is a remarkably inaccurate figure.

It is worth mentioning HMPPS's attempt to tie the PGA into a three-year pay deal. The offer was derisory and sought to remove our statutory right to have our pay determined by an independent pay review body. The fact that HMPPS's

submission to the PSPRB was extremely late is very surprising given that it was not significantly different to what it proposed to us and rejected by the Special Delegates' Conference three months prior. The PSPRB was set up to compensate for the fact

that we cannot take industrial action. Attempting to remove access to the PSPRB was outrageous given the paltry offer on the table.

When taking into consideration how bad things have got in the last five years, it is difficult to know when a fair pay offer will ever be made. It is hard to imagine, for example, that governors will be offered better pay if conditions improve. Right now things could not get much worse. HMPPS frequently hides behind its mantra when submitting its recommendations that it has to operate within the remit letter issued by Government. We have recently been told that this is not HMPPS's recommendation to the PSPRB, it is the Government's.

Michael Spurr's explanation for the recommendations is laden with euphemisms justifying this continued abuse. Every year HMPPS goes through the charade of finding ways to spin their recommendation into something positive, tinged with 'it's not our fault' when recommending their paltry offer.

Michael is the leader of this proud organisation and has

been at the helm throughout one of the worse declines in history. We think it is about time he openly challenged the remit letter and made a public case for pay awards in line with High Court judges and Ministers – after all, in view of the estimated £15 billion cost of reoffending, it would be a spend to save.

We met with the Prisons Minister recently who seems to be under the impression that the PGA is exaggerating the frustration and concerns of those we represent. The reason for this, we are told, is that he is never told bad news when he is visiting prisons. These 'red carpet' visits represent all that is good in prison governors – committed civil servants putting a brave face on the enormous challenges they are facing on a daily basis but could be doing more harm than good. The power to change this rests with you. If we fail to get the true message across, we can expect to be continually ignored, which is exactly what is currently happening.

Note:

Most governors are voluntarily working way in excess of their contracted hours.

Governor grades are not required to do full C&R training.

Governors are more stressed now than they have ever been.

The PGA gives its oral evidence to the PSPRB on Thursday 27 April.

Westminster Legal Policy Forum

The PGA receives many invitations to speak at events, which we endeavour to attend where we can and believe it will be of benefit to the wider membership. The latest invitation was to speak at the Westminster Legal Policy Forum (website: www.westminsterlegalpolicyforum.co.uk) with Bob Neill MP, Chair of the Justice Committee, Peter Clarke, HMCIP, and Juliet Lyon to name a few. This event was co-Chaired by His Honour Judge John Samuels and Keith Vaz MP. It took place on Thursday 20th April 2017. This is an excerpt of a 10-minute speech I gave in response to the question below.

By John Attard
PGA National Officer

“In light of Government’s proposals to empower prison governors with greater autonomy over operational policies, budgetary decisions and service delivery, how should new powers be utilised by prison leaders in order to innovate and deliver improved performance?”

Before this question can be responded to it is probably useful to understand what greater autonomy really is and, at this moment in time, it is very unclear and appears to be a shrinking concept as it evolves.

Autonomy under Michael Gove envisaged prisons as separate entities probably managed similarly to academy schools with Governing Bodies holding the Governor to account.

Autonomy under the current Justice Secretary has morphed into empowerment, which would suggest fewer freedoms than initially envisaged. The additional factor in this is the split

introduced with the Ministry of Justice now being responsible for Commissioning and Policy and the newly renamed Prisons and Probation Service being responsible for operational delivery.

It would not be unreasonable to assume that autonomy was an idea borne out of the need to tackle the current prison crisis. However, it was noted in the recent Justice Committee report that many of those who contributed to it stated that the current crisis in prisons was not caused by the role Governors play in prisons or by central involvement in

prison operations and therefore unlikely to be resolved by giving Governors greater autonomy. This is important to note because if this premise is accepted then in the event of insufficient progress being made, measured by whatever performance measures are devised, it would be difficult to hold the Governor to account.

It has been the PGA’s firm belief from the very outset of the crises in many but not all of our prisons that it was triggered with the severe cuts to staffing and loss of governor grades, along with the imposition of rigid management structures. This has now been acknowledged by the Ministry and efforts are being made to recruit staff and give Governors the

flexibility to decide their own management structures. The purpose of making Governors autonomous is, therefore, not just about giving them powers to innovate it is also about allowing them the freedom to do this as quickly as possible; that an over-centralised system would not. It is, consequently, difficult to say how the new powers should be used when no one knows what those new powers are. Furthermore, the question is also, to some degree, paradoxical in that greater powers are expected to be utilised by Governors to innovate which, by its very definition, is not something easily defined.

What we can say is that any autonomy Governors are given has to be genuine autonomy within an agreed framework.

Over recent months it has emerged that Governors will not be able to carry over underspends, as initially promised, which limits their ability to plan financially beyond 12 months; freedoms to operate outside of some national contracts will not be accompanied by additional resources, rendering the freedoms

difficult to put into practice; the ability to operate and make decisions without “the sense of a line manager telling Governors what to do”, which was highly valued by Executive Governors of early adopter reform prisons, has probably disappeared; and other centrally driven initiatives have not been resourced but Governors will be required to implement them.

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The Ministry is also setting up groups of prisons based either on geographical locations or functional roles. This will result in around 24 new groups being created each with a Group Director, and a team of staff, who will line manage the Governor and who will be line-managed themselves by Directors, who are also line managed. Where then does this leave the Governor who has a signed agreement directly with the Secretary of State? Furthermore, what is the cost of setting up and running this model, how is it being funded and would

those funds be better ploughed back into prisons?

The prison service operates on an incredibly strong hierarchical model which is ingrained deep into its culture and will be very difficult to change. The challenge, therefore, is not how much power Governors have but how that power is wrestled away from those line-managing Governors: failure to acknowledge or recognise this crucial issue and address it head-on will likely lead to the Prison Service equivalent of the Wizard of Oz. That is, everyone believes the Governor has autonomy because that is what we are told but when the curtain is drawn back the façade is revealed – the power is just an illusion because it still rests elsewhere.

In order to allow Governors to innovate they must have genuine freedoms to do so and there needs to be an evidence-based understanding of what works, and which must be honestly priced. The fact is between 2010/11 and 2014/15 NOMS delivered cumulative savings of around £900m. It should come as no surprise therefore that a reinvestment in prisons is desperately needed along

with the freedoms being talked about.

The introduction of six early adopter reform prisons was welcomed by the PGA as we saw this as an opportunity to identify and develop the new powers autonomous Governors would get accompanied by an evidence based understanding of how these could be put to use in practice. The PGA took the conscious decision to apply a light touch in terms of union-based scrutiny to many of the changes in order to allow space for ideas and invention to flourish at a reasonable pace. As part of this, we sought transparency in key areas including funding and knowing what freedoms were being exercised outside current prison service policies. This was important for the purpose of determining success and to be able to provide the necessary evidence to replicate on a larger scale after an evaluation. That formal evaluation, however, will not take place until the beginning of 2018 but prison reform is being rolled out anyway. Consequently, the evidence-based approach to reform is much harder to establish and is unlikely to deliver a framework that clearly

defines autonomy and, just as importantly, how success will be identified and measured.

It is worth mentioning at this point that one of the early adopter prisons, HMP Wandsworth, is now a part of the new London Group of prisons overseen by a Group Director and no longer has an Executive Governor. It is important to know the reasons for this and what lessons can be learned, the implications it has for the changes already introduced and the impact on staff and prisoners.

The flip side to autonomy, of course, is accountability and in response to this question, how should these new powers be used, the answer has to be... carefully? The serious point is this, Governors need to be able to commission without fear of repercussions for any unintended consequences or genuine mistakes. That does not mean they should have licence to be reckless but if well thought through and planned initiatives don't work or fail due to matters beyond their control they are not simply removed from post or publicly lambasted, particularly in ignorance of the

operational challenges that may have contributed.

In many struggling prisons, Governors are short of staff, and without a stable operating platform, there is a breakdown in the institutional trust that prisons rely on. That is, prisoners expect to be provided with the basics such as clean bedding, a cell without broken windows, application forms processed on time, a safe environment and staff professionalism to name a few. This is not always possible with staff shortages and until this is addressed, the new powers, once defined will struggle to be utilised in such a way that makes the difference intended.

Band 8, National, inc RHA**Impact of 2017 recommendations from HMPPS to the PSPRB**

HMPPS recommended pay increase to minima (1%)	£46,677
HMPPS recommended pay increase to maxima (1%)	£56,011
Assumed annual payrise going forward for illustrative purpose	1.00%
HMPPS recommendation progression payment	1.50%

Year	Minima increases assuming 1% payrise each year	Maxima increases assuming 1% payrise each year	Time in years	Pay taking into account 1.5% performance bonus	Gap from the bottom of payband to the top
2017	£46,677	£56,011	0	£46,677	£9,334
2018	£47,144	£56,571	1	£47,377	£9,194
2019	£47,615	£57,137	2	£48,088	£9,049
2020	£48,091	£57,708	3	£48,809	£8,899
2021	£48,572	£58,285	4	£49,541	£8,744
2022	£49,058	£58,868	5	£50,284	£8,584
2023	£49,549	£59,457	6	£51,039	£8,418
2024	£50,044	£60,051	7	£51,804	£8,247
2025	£50,545	£60,652	8	£52,581	£8,071
2026	£51,050	£61,258	9	£53,370	£7,888
2027	£51,560	£61,871	10	£54,171	£7,700
2028	£52,076	£62,490	11	£54,983	£7,507
2029	£52,597	£63,115	12	£55,808	£7,307
2030	£53,123	£63,746	13	£56,645	£7,101
2031	£53,654	£64,383	14	£57,495	£6,889
2032	£54,191	£65,027	15	£58,357	£6,670
2037	£56,955	£68,344	20	£62,867	£5,477
2042	£59,860	£71,830	25	£67,726	£4,105
2047	£62,914	£75,494	30	£72,960	£2,534
2052	£66,123	£79,345	35	£78,599	£747

This table shows that it will take more than 35 years to get from the bottom of the payband to the top assuming a 1% pay rise to the top and bottom of the payband each year and if HMPPS continue to recommend a 1.5% progression payment. If pay was to increase by more than 1% and pay progression remains at 1.5% the time to get from bottom to top increases!

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