

The Prison Governors Association submission to the Prison Service Pay Review Body February 2017.

Overview of 2015-6

The financial year 2015-6 was, without doubt, the worst year experienced by the vast majority of staff within the National Offender Management Service (NOMS), particularly those working in prisons. All recorded violence measures continued an upwards trend, culminating with the unbelievable statistics that there were 34,586 incidents of self-harm, 321 deaths in custody (of which 105 were self-inflicted), 646 serious assaults on staff and 22,195 assaults in total. That equates to 95 incidents of self-harm, nearly one death in custody, nearly one serious assault on staff and 61 assaults per day. Each of these incidents needs to be managed by a Prison Governor, one of the remaining Prison Governors, the numbers of whom have dropped from a peak of 1,545 in March 2009 to 951 in March 2016 (a reduction of over 38%). In the same period, the number of Prison Officers has reduced from 25,624 to 18,327, a reduction of over 28%. In contrast, the number of prisoners has **increased** by 16%. The ratio of staff to prisoners has increased from 2.11 prisoners per member of staff to 3.08.

This increasing number of prisoners brings not only the sheer pressure of numbers for a reducing, stretched and demotivated workforce to deal with, but the general prison population's increasing propensity to serious violence, increased use of New Psychoactive Substances and increased association with gang culture has created a set of circumstances that the Prison Governors Association (PGA) warned of in 2014, the then President stating that staff shortages and an increasing number of incidents were creating a "perfect storm" that would destabilise prisons. In our opinion, that storm has arrived.

But it isn't just the opinion of the PGA.

In his speech for The Howard League Parmoor Lecture on October 20th 2016, Professor Nick Hardwick, Chair of the Parole Board and recently Her Majesty's Inspector of Prisons, said "We have indeed reached a dark place as the Prison Governors Association have said". He added "I know that there are managers in NOMS who will stay awake tonight, grappling with impossible moral and practical choices forced on them by the reduction in funds the prison service receives". Those choices include deciding how to deal both personally and professionally with rates of violence that are not only the worst they have ever been, but which are getting worse and, of most concern, are getting worse at a quicker rate than ever before. They concern how to remain committed and motivated in the face of such a toxic mix in the workplace, how to motivate a poorly paid and under-resourced workforce and how to keep everyone safe through yet another long day.

The current Chief Inspector of Prisons, Peter Clarke, in his annual report for 2015-6 states "What I have seen is that despite the sterling efforts of many who work in the Prison Service at all levels, there is a simple and unpalatable truth about far too many of our prisons. They have become unacceptably violent and dangerous places". Writing on the issues of violence, drugs and mental health in prisons, he added "They are, in turn, compounded by the perennial

problems of overcrowding, poor physical environments in ageing prisons, and inadequate staffing”.

The newly appointed Secretary of State for Justice has drawn back from her predecessor’s consummate commitment to “Governor Autonomy” and now shares a view commonly held in both NOMS and the PGA that Prison Reform will only succeed if safety in prisons is delivered first. She has committed £14 million to recruit an additional 400 staff in ten prisons, those prisons being chosen as they present as being amongst the most violent. She has recognised the difficulties NOMS has with recruitment and retention and asked them to address these shortcomings. What she hasn’t done is to revalorise the pay structure in NOMS to an appropriate level to facilitate the success of this initiative. Much political play was made of recruiting ex-military staff into these additional 400 posts though given that a corporal in the British Army, (the first rank where people management is a required competence), is paid £34,000 per annum, one wonders at the chances of success of this initiative when starting salary for Prison Officers is £20,500.

The Justice Select Committee in its October 2016 report “The treatment of young adults in the criminal justice system” wrote “Prison population levels and resources for staffing are now such that the population cannot safely be managed without confining young adult prisoners for significant periods of the day. There is little worth in improving education, employment and mental health support if they cannot be accessed. This renders one of the purposes of imprisonment—to rehabilitate—wholly redundant. Of course it is imperative that safety is the priority within prisons, but society also expects that prisoners will be released having a greater chance of living law abiding lives, and the extent to which prisons are promoting the purpose of public safety, other than for the often short duration of a prison sentence, is also minimised by this policy. The strain under which the prison system is operating means that it cannot be effective at rehabilitating young adults whose brains are still developing and for whom it is especially important.”

It is remarkable that the only organisation that fails to acknowledge NOMS experiencing difficulty with recruitment and retention is the Prison Service Pay Review Body itself. For several years now the PGA had been providing evidence of staffing shortfalls against the “benchmark” staffing targets and commenting on how recruitment and retention difficulties permeate up the paybands and create difficulties at the top of the structure. However, the PSPRB responded in its 15th Report 2016 “Overall, we saw no evidence of problems with recruitment this year at the national level although, with the improving labour market, we will continue to monitor this”. In the previous year the PSPRB stated in its 14th Report “Our remit requires us to consider the need to recruit and retain suitably able and qualified staff. Recruitment is at its lowest level since we started monitoring it in 2001 and is likely to remain low until workforce restructuring has been completed and NOMS reaches its final staffing levels. We consider there is merit in ensuring that sufficient experienced staff remain in the prison service to support and train newer recruits. However, the modest turnover rate, together with the new lower benchmarking staffing levels, indicates that there is not currently a major issue with losing experienced staff. The Prison Governors’ Association (PGA) raised some concerns about retention of staff, stating that the Service suffers from retention problems at the “higher end” and therefore risks losing experience. However, we have only

anecdotal evidence at this stage and the overall percentage turnover figures and vacancy numbers for managers remain low. Therefore, we see no evidence at present of recruitment or retention issues that we need to address this year.” We highlight recruitment and retention difficulties again this year and hope that our evidence will this year be given as much weight as that of the employer. The most recently published annual recruitment and retention figures for prison officers show that NOMS has had, despite increased efforts to increase recruitment in order to correct previous mistakes, a net **reduction** of 417 officers in the last calendar year.

Finally, the PGA has called for a Public Inquiry to be commissioned into the deteriorating conditions within our prisons and the ever increasing violence faced by our staff and our colleagues on a daily basis. Such a Public Inquiry, of course, would have to examine the changes that have caused NOMS to recently become unable to recruit a sufficient number of competent staff. That will include the remuneration and total reward package changes that have been so savagely reduced since the inception of the austerity programme by Central Government, the end of collective bargaining over pay and its replacement with an “independent” PSPRB. We note from your establishment visits report that staff you encountered questioned how independent the PSPRB is, we share those concerns.

Reward discussions since last year's pay round

As the PSPRB has often requested, last year we submitted joint evidence to you in partnership with NOMS. Whilst this only covered a proposal on RHA, the experience was considered positive by the PGA and we have attempted to repeat the experience this year. Our initial requests for joint meetings to discuss this year's pay submission were ignored but, owing to our persistence, a meeting was arranged for the late summer of 2016. The day before this meeting was due to occur, the employer inexplicably cancelled it. We asked for a further meeting and this took place in September when NOMS told us they were not in a position to tell us anything at all about their intentions for this year. This was explained as being because the Secretary of State had not yet decided on the way forward for her evidence this year. Approximately four weeks later, and only two days before the original evidence submission date, we were informed that NOMS has sought and been granted an extension to the due date for submission and that this would enable them to hold constructive dialogue with us prior to the new date of October 31st.

We were invited to a meeting on 20th October to discuss areas of joint interest. We attended only to be told that NOMS had nothing to say to us once more, this despite the Chief Operating Officer telling our Annual Conference in the previous week that he was keen to sit down and discuss the way forward with us.

Our question about how NOMS were preparing their evidence if they did not know what the Secretary of State's views were and, therefore, the direction their evidence should take, remained unanswered.

The second due date for evidence submission was also cancelled at NOMS' request, though they had not been in discussions with us.

The PGA was astounded that our employer had nothing of joint interest to share with the Trade Union that represents almost 100% of eligible Operational and Senior Operational Managers who lead the Prison Service. We are not aware whether the Secretary of State is prepared to offer pay increases to the closed grades or just to those on Fair and Sustainable terms and conditions and, as a consequence, our position is difficult.

Last year, the PSPRB were told that NOMS was working with the PGA on an allowance for its members undertaking Control and Restraint duties, a practice that is **not** currently a term or condition of employment for our members. Throughout this year NOMS has avoided delivering this allowance, postponing its implementation originally and subsequently wrapping it up in an all-encompassing agreement with the PGA regarding "reform". In May 2016, the PGA reached a draft agreement with NOMS which addressed this allowance, first class travel (an existing term and condition of employment), reduced pension age for our members, an "operational bonus" to be payable each year and local collective bargaining. This draft agreement has also floundered on the official side, and our members have not benefitted from any of the provisionally agreed elements of the deal. In short, all has been promises of "jam tomorrow", and there have been no hard outcomes.

The PGA contends that the JES scheme implemented by NOMS is prejudiced against the weighting of the operational nature of our work and also that the artificially "capped" number of pay grades is detrimental to those at the top of their chosen profession. NOMS agreed to review the work of the Duty Governor role within the organisation in an attempt to identify the really difficult, stressful and emotionally disturbing nature of our work - a review that would also consider the volume of work that individuals are committed to and, hopefully, bring an end to the inordinate amount of hours our colleagues are working in order to cope with their workloads and get through the day. This review, we are told, was completed early this year, but we have not seen it and no changes have been made based upon it. We still have too many colleagues working too many hours in workplaces that are increasingly violent. The PGA has maintained for a considerable time that JES is unable to distinguish sufficiently between roles, particularly operational against non-operational roles but also between sizes of function and prison. This resulted in a Failure to Agree (FTA) being submitted, which we were forced to withdraw as NOMS said it would not negotiate on the value of the 'C&R retainer' (a payment for our members to carry out C&R training) whilst the FTA was in place – notwithstanding it had no bearing on C&R.

Whilst not replicated in all areas of the PGA's involvement with NOMS, the unprecedented nature of these failed promises has had a lasting impression on senior staff and added to the feelings of demotivation and bitterness felt towards both the employer and politicians who appear oblivious to the real world situation our colleagues find themselves in.

Eventually, and two months after the original submission date for the PSPRB, NOMS met with the PGA to discuss a potential agreement between the two parties on prison reform. The union was surprised to hear that NOMS proposals contained a three year pay deal as we had believed our pay was decided by the PSPRB and that for NOMS to guarantee what the PSPRB would determine during their independent considerations of the submitted evidence was strange. The PGA submitted a counter proposal to NOMS which was almost entirely rejected by the employer and, following a further, inexplicable delay, in January 2017 the trade union received a formal "final offer" from the employer. In late January 2017, a Special Delegates Conference of the PGA rejected this "final offer" and instructed the National Executive Committee not to put it to a ballot of the membership as it was entirely

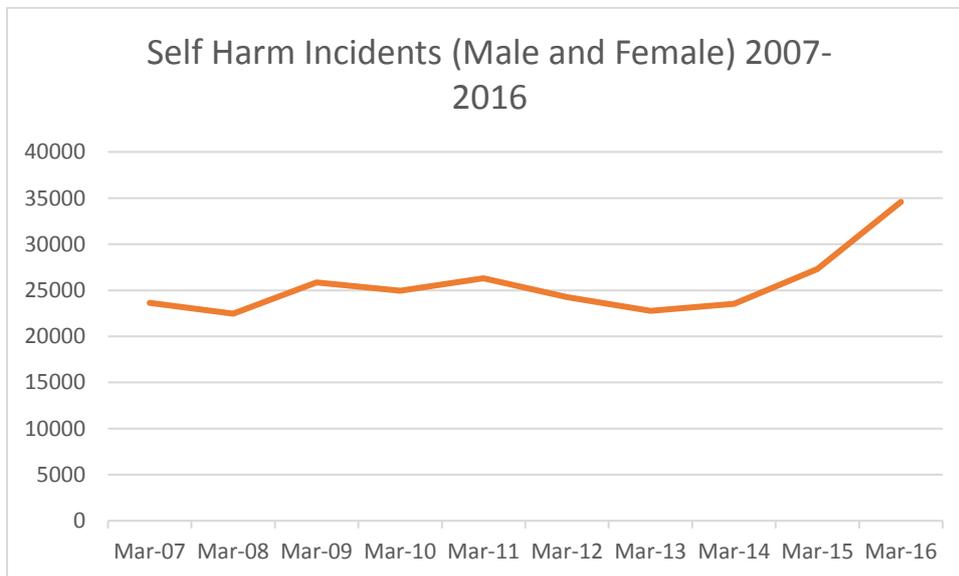
unacceptable. The PGA will be happy to discuss the membership's reasons for refusing this offer at our oral evidence session with the PSPRB, should the Chair believe that this would be helpful.

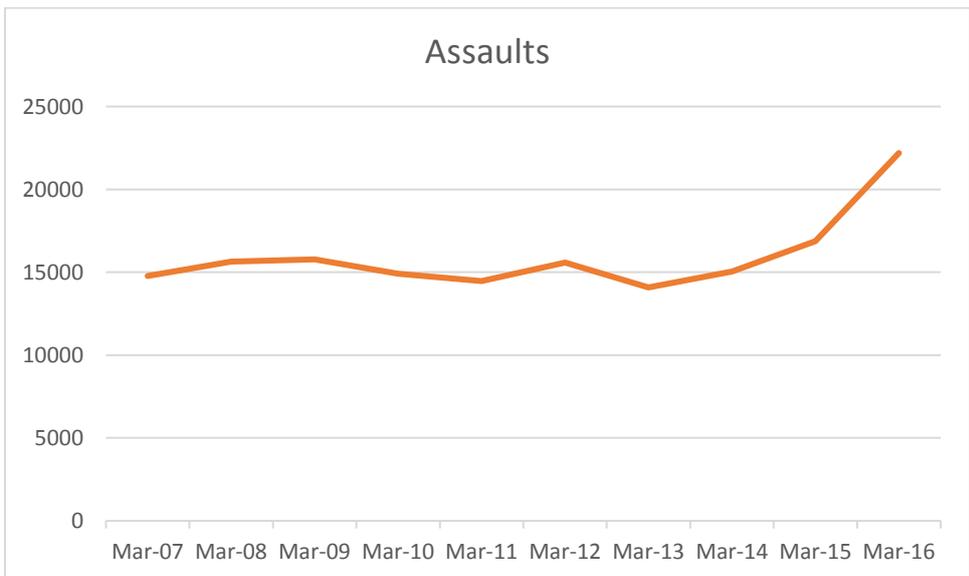
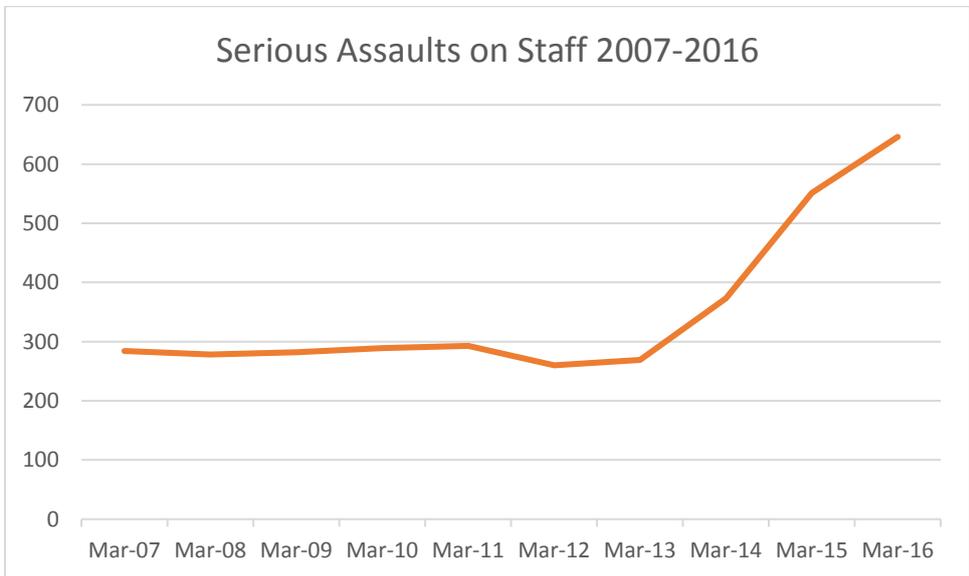
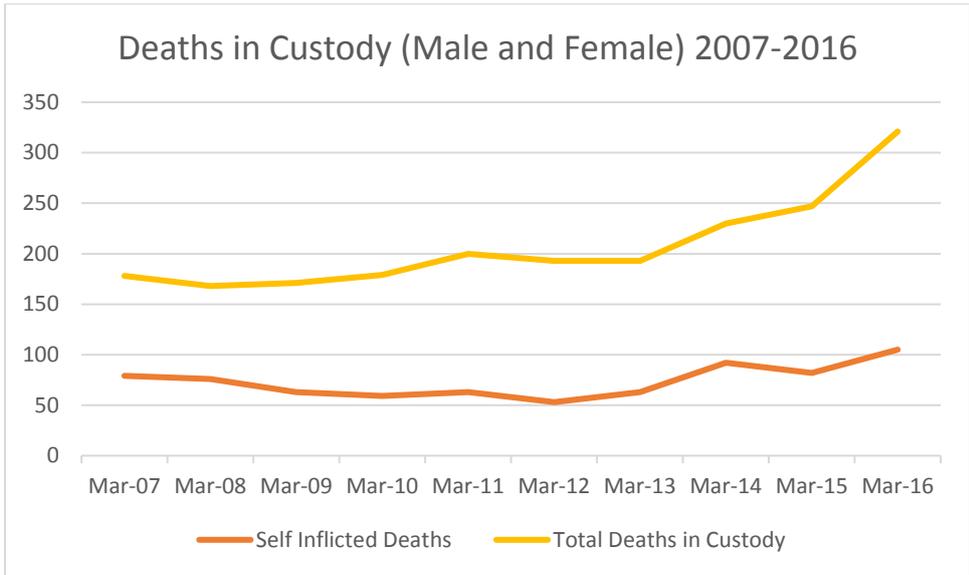
We were disappointed that the PSPRB chose not to visit (as we had requested) one of our prisons where our members are subject to the nonsensical "local pay allowance" trap. We have approximately 50 colleagues who are denied access to pay increases every year as they remain in the closed grades because to opt in would reduce their income by many thousands of pounds. This ludicrous situation is unfair and unjust and an independent PSPRB should surely not only recognise the inequity of this situation but, in our opinion, should do something to address it.

Violence in prisons

There has not only been a rise in the levels of violence encountered by our reduced number of colleagues, but that rise is far quicker than ever experienced before. During the last reporting year there were 22,195 assaults committed in prisons. Working in this environment is not without cost. Assaults on governors are on the increase, both in frequency and seriousness. This year we have had members taken hostage in their own prisons. Colleagues are suffering stress at higher levels than previously experienced and those who are coping are having to work extremely long, unpaid hours in order to sustain their responsibility to the employer and to the public and other stakeholders. Some suffered serious assaults committed against them, resulting in career and life changing injuries. In many cases these assaults are born of frustration experienced by prisoners living in indecent accommodation, experiencing a very restricted regime with associated periods of being locked in their cells owing to staff shortfalls, having little or no interaction with the limited number of staff available to the Governor and feeling unsafe themselves owing to NOMS' inability to give Governors enough staff to ensure decent, purposeful regimes are delivered. Such frustrations are often exacerbated by mental health issues and, as mentioned earlier, abuse of controlled substances. Imagine the effect on your morale of being accountable for such a world, but not being in control of the resources you require to resolve the issues within it. That is the position Governors find themselves in.

The graphs below illustrate the inexorable rise in acts of violence committed where we work.





The working environment

The outsourcing of facilities management; maintenance, repairs and stores, has, in many prisons had a serious, detrimental impact on their running. This has manifested itself in the unavailability of prison clothing, running out of basic stores, and calls for staff to bring in spare uniform due to a shortage, for example. This was recently remarked upon by the current Chief Inspector of Prisons who reported he was told by a prisoner it was easier to get drugs than prison clothing. The issue of maintenance and repairs has had a profound impact with at least one prison refusing to accept any more prisoners while observation panels remained smashed and another prison offering a new reception the choice of a cell with running water or working electrics. These are not isolated reports and the NOMS Chief Operating Officer has acknowledged this and the Prisons Minister has met with the contractors. This is a pervasive issue that goes to the core of the decency agenda and significantly damages the institutional trust so vital for the management of prisons and the rehabilitation of prisoners. Staff and prisoners are working and living in truly squalid conditions making the job a prison governor, particularly, has to do much more challenging. We are aware of at least one governor who has resigned in protest at these conditions.

Staff shortages

As mentioned earlier, the PGA has long argued that the continual lowering of reward for staff of all grades within the Prison Service, and particularly those in the remit group of the PSPRB has caused difficulties for NOMS in recruiting an adequate number of appropriately qualified staff. At the end of June 2016 (the last available statistic), the number of staff shortages in the public sector prisons (by grade) were as follows.

<u>Grade</u>	<u>Shortfall</u>	<u>Percentage</u>
Bands 7-11 Operational Managers	-40	-4.4
Band 5 Custodial Managers	-98	-7.0
Band 4 Supervising Officers	-138	-6.4
Band 4 Prison Officer Specialists	-766	-62.3
Band 3 Prison Officer	+256	+1.9
Band 2 OSGs	-554	-4.0
Non Remit Group Staff	-635	-7.7
Total Shortfall	-1,974	-6.0

These figures reveal that the Prison Service starts every day with 6% of its total staff group missing, before the non-effective figures to account for annual leave, sickness and training are taken into account. Additionally, there is a growing number of staff who are on restricted duties on returning to work after long periods of sickness, masking the real absence figure. These shortfalls prevent Governors delivering decent, purposeful, rehabilitative regimes and revalorising the pay structures upwards would go some way to alleviate the pressure associated with this position for all Prison Service staff.

In recent years we have demonstrated that market forces, private sector competition and lack of headroom in the paybands have prevented movement at the top of the paybands and exacerbated the workloads of functional heads. The restrictive number of paybands was commented on by the PSPRB last year – “The PGA asked us to direct NOMS to reconsider its pay band structure for governing governors. The union said that two bands (Band 10 and Band 11) were too few to cover the range of roles given that the structure had moved from three complexities of prison (standard, complex, and complex and diverse) to five (supplemented by two additional levels - complex and diverse (1,000 to 1,300 prisoners) and complex and diverse (more than 1,300 prisoners)). The union stated that this was impeding movement between governor roles as there was little incentive to move to a “more risky” command. The PGA also told us that the new governor at HMP Wrexham (approximately 2,000 prisoners) was a Deputy Director of Custody (a senior civil service grade equivalent), further reinforcing its view that there needed to be more ranges in *Fair and Sustainable* for complex larger prisons. We note the changes to the *Fair and Sustainable* complexity ratings but conclude this in itself should not automatically lead to additional governing governor pay bands. We would like further evidence of the effect on recruiting or retaining governors in some prison categories before concluding that additional bands may be needed. We note the governor role in the new Wrexham prison being assigned to a Deputy Director but see no reason to reject this allocation on the basis of the limited information we have seen to date”.

This year has seen the employer fail to recruit into Cardiff, Belmarsh and Hewell when advertised internally, resorting to advertising in the private sector for the first two of these difficult prisons in order to elicit interest in these complex and demanding posts. No expressions of interest were received. Additionally, there is an issue with attracting

Governors into the High Security Estate, extremely pressured posts that deal with the most difficult prisoners the country has in custody. Currently, NOMS is advertising in the private sector for Governor in charge posts at both Manchester and Belmarsh. There is simply no financial incentive for senior managers to leave their posts for a more challenging one, and no career professional development nor adequate succession planning. The PSPRB may be interested to learn that further to the appointment of a Deputy Director to run the prison at Wrexham (now HMP Berwyn), NOMS have appointed four more Deputy Directors to run the newly designated “reform prisons” or “early adopters”. This conveniently takes the politically sensitive decisions around Governors’ pay away from the PSPRB as these members are included in the SCS pay arrangements, and it also allows NOMS to pay more to some individuals than to others performing similar jobs. The fact that these posts were not advertised, simply being appointed to without competition, reinforces the view that NOMS is manipulating the posts away from the control of the PSPRB in order to allow it to continue to suppress total reward for all its other staff.

Inexplicably, NOMS chose to advertise some Band 8 Functional Head posts in the private sector too this year. Perhaps there was no surprise that the majority of appropriately qualified staff from the private sector who made an inquiry about the posts were put off as soon as the available reward package was disclosed.

A further complication that arises from the inability to recruit and retain staff of all grades is caused by “cover pay” arrangements. Traditionally, shortfalls in one grade have been covered by a member of staff “acting-up” to the more senior grade and, before the Fair and Sustainable arrangements were adopted, receiving the full range of benefits associated with that more senior position. Now, a member of staff who is covering someone who is more senior simply receives a “cover payment” of 5% of their annual salary. NOMS recent decision to reward uniformed staff an increase in hourly payment rates on “Payment Plus” overtime to £22 per hour has caused issues with this. It is not only unacceptable that a Functional Head in a prison is earning less than their more junior colleagues despite working longer hours, but the increased hourly payment means that it is financially beneficial for a Band 5 Custodial Manager to refuse to act up to cover an empty post as they will be better off remaining at Band 5 and working Payment Plus arrangements. This restricts the ability of the prison to manage, to respond to incidents and has a wholly demotivating effect on the Band 7s concerned. The workload of the missing post is shared out amongst the remaining Band 7s and they work longer hours to make it work – exacerbating their concerns about earning less per hour than their junior staff colleagues. This is not motivational.

Stress

One measure of the morale and motivation of a workforce can be the amount of time lost through stress related illnesses. The PSPRB will recall that last year the PGA commissioned Keele University to conduct a survey into stress and working conditions for Governors. You were supplied with a copy of the report. NOMS’ response to the shocking statistics contained in that report was to hold a very non-committal meeting with the PGA in late September 2016, almost a year after the report was submitted. This year, statistics for stress related absence are worse. NOMS reports a total of 2,699 separate absences relating to mental and behavioural disorders in the year 2015-6, the organisation losing a staggering 89,495 days’ work as a result. Unsurprisingly, Governors feature in those figures, causing us to reflect once again on the growing damaging effects that the morale-sapping work

environment and excessive hours are having on our colleagues. The PSPRB cannot make Governors safer or less likely to suffer from mental health related illnesses, but it can revalorise the pay-scales upwards, let individuals feel someone sees their true worth and ensure that NOMS' do not position their pay under the market level ad infinitum and continue the negative effect that has on recruitment.

Hours worked

Last year's PGA staff survey finally captured the statistical data that we had only been able to share anecdotally with the PSPRB in previous years, though sadly, having asked for the evidence for many years, the PSPRB said and did nothing about it. A reminder then that 41.3% of PGA members work, on average, in excess of 48 hours per week and 98.5% work in excess of contractual hours (37 hours per week). These hours are worked simply in order to ensure that the work is done and people are kept as safe as possible. These hours are wholly unrewarded. (Required Hours Allowance is paid to qualifying operational staff in reward for flexible and anti-social attendance and for remaining "on-call" for long hours whilst ostensibly "off duty" – it is not a payment for "working all hours").

Myth Busting – “We are all in it together”.

Example 1 – The Judiciary

It has become necessary in our opinion to illustrate that the Government’s public sector pay cap does not mean that everyone gets just 1% total reward uplift (or less). To do so, we would draw the PSPRB’s attention to an article published in The Times on 16th November 2016. The article is reproduced below.

Judges set for 15% pay rise to tackle recruitment crisis

Frances Gibb Legal Editor
Jonathan Ames

High Court judges are in line to receive a pay rise of 12 to 15 per cent, angering other public servants and trade unions.

The proposed rise, which has been approved by ministers, emerged in court papers yesterday. The 106 High Court judges receive £179,768 a year. The increase, to take effect from April, will add between £21,572.16 and £26,965.20 to that.

The rise is designed to tackle a recruitment crisis and will cost taxpayers between about £2.5 million and £3 million extra when the public sector faces an average 1 per cent pay increase.

John O’Connell, chief executive of the TaxPayers’ Alliance, said: “The sheer scale of this pay rise is bound to raise questions as colleagues across the public sector face only a modest pay rise — if they are lucky. To families struggling with rising bills, a pay rise of this magnitude will be unthinkable.”

Christina McAnea, head of health at the union Unison, said: “NHS staff will be hoping this signals an end to the government’s squeeze on pay. Health and other public service employees’ wages have been frozen or capped for years, causing real financial hardship.”

Details of the pay rise emerged at a tribunal where six judges are suing Liz

What they earn	
Lord chief justice of England and Wales	£249,583
President of the Supreme Court	£222,862
Court of Appeal judges	£204,695
High court judges	£179,768
Circuit judges	£133,506
District judges	£107,100
First-tier tribunal judges	£107,100

lose their original pension rights and have to join a far less favourable scheme along civil service pension lines.

The claimants are Sir Nicholas Mostyn, 59, Sir Roderick Newton, 58, Sir Philip Moor, 57, Dame Lucy Theis, 56, Sir Richard Arnold, 55, and Sir Rabinder Singh, 52.

They claim that the pension scheme, introduced in April last year, penalises them on the basis of their age and in some cases on race and sex.

Mr Beloff said judges within ten years of retirement were protected from the changes, whereas the younger set were exposed to the “highly disadvantageous” scheme. The question for the tribunal is why one group of High Court judges (the younger ones), doing the same work, has been treated differently and less favourably than another, “simply because of their date of birth”.

Lord Thomas of Cymgieidd, lord chief justice, recently warned of the recruitment crisis, with High Court vacancies left unfilled. He said judges had been affected by successive years of pay restraint and a “very significant fall in pay and pensions in real terms”.

Martin Chamberlain, QC, for the lord chancellor and the MoJ, said there was no constitutional principle requiring sitting judges to be insulated from adverse pension changes when other public servants were not.

Truss, the lord chancellor, and the Ministry of Justice (MoJ) over changes to their pension scheme.

Michael Beloff, QC, acting for the judges, claimed that the pay rise was to compensate High Court judges for the £25,000 tax charge they suffered by having to move into a new pension scheme which “significantly depressed their income”. He told the central London employment tribunal it was “irrelevant” that there may be a need to curb public spending or that judicial pensions were higher than those of other public sector workers.

For the first time judges have to contribute to their pensions under reforms that they say will cut their pension pot by 25 per cent over 20 years. Judges born after 1957 are hit hardest as they

Michael Beloff QC, acting for the judges in the London Employment tribunal, stated:

1. There was a recruitment crisis.
2. For the first time judges have to contribute to their pension.
3. Judges within 10 years of retirement were protected from the changes whereas younger judges were exposed to this highly disadvantageous scheme. They were being treated less favourably simply because of their date of birth.
4. Judges had been affected by successive years of pay restraint and a ‘very significant fall in pay and pension in real terms.’
5. It was irrelevant that there may be a need to curb public spending or that judicial pensions were higher than those of other public sector workers.

Their increase will be between £21,000 and £27,000 p.a.

The PGA contends that settlements such as this one illustrate that where a special case exists, the public sector pay restraint policy, inasmuch as it applies to a particular, small group of civil servants, does not necessarily restrict the options of the pay authority to a minimum award for all staff. Prison Governors are such a special case.

Example 2 – Senior Civil Servants

Formulated on its conclusion in its 38th Annual Report in 2016 that “Based on comparisons with the private sector, the best paid senior public sector workers are paid on average between approximately 10 and 20 per cent less than their private sector equivalents”, the Review Body on Senior Salaries made three recommendations for our civil servant colleagues. These were:-

Recommendation 1: We recommend that the Pay Band minima be increased from 1 April 2016 to: £65,000 for Pay Band 1, £87,000 for Pay Band 2 and £106,000 for Pay Band 3 (0.06 per cent of paybill). *

Recommendation 2: We recommend that departments use 0.94 per cent (1 per cent less the cost of increasing the paybill minima) of the paybill for individual pay repositioning and for general awards between 0 and 9 per cent that take account of performance, job weight and challenge of role. We recommend no pay increase for those in the bottom 10 per cent of the performance distribution.

Recommendation 3: We recommend the introduction of an in-year contribution award available to up to 10 per cent of a department’s workforce, worth no more than £5,000 to a single individual.

*The first recommendation represented an uplift of £2,000 on the Pay Band minima.

Given that this reward was intended to tackle a perceived pay differential of between 10 and 20 per cent between the public and private sector total reward packages at SCS levels, the PGA suggests the PSPRB should take similar, positive action to redress the differential of up to 34.7% evidenced by their own research last year (as referred to below).

Example 3 – Members of Parliament.

The Independent newspaper reported this year's pay increase for Members of Parliament on 10th February as follows.

“MPs are set to receive a 1.3 per cent pay rise of £962 despite voting for public sector pay rises to be capped to one per cent until 2019. This increase will take effect in April - nine months after they received a backdated 10 per cent pay rise from £67,060 to £74,000.”

Taking these three public sector examples into account, it does not appear that “we are all in it together” at all, and the PSPRB has an opportunity to begin to correct that in its annual report this year.

Pay 2016-7 – Our wishes

For all grades

This year, we ask that the PSPRB acknowledges that consistently working more than the conditioned 37 hours per week in the pressurised, violent environments that we call “being at work” is not representative of the attendance model that a modern, business focused organisation such as NOMS purports to be, and to introduce payment for additional hours worked over the conditioned 37 hours at an hourly rate greater than that associated with “Payment Plus”. We hope that should you grant this request, the employer will endeavour to ensure that its staff only work 37 hours per week to avoid the associated costs and that the occasional extra hours then being worked would, where applicable, be appropriately rewarded.

For closed grades

The PGA would contend once again that it is necessary to consider its members in the closed grades as falling into one of three categories. Firstly, there are those staff who, despite being aware that they would be financially better off if they opted in to “Fair and Sustainable” (F&S), refuse to do so for their own personal reasons. Secondly, there are some of our members who are still progressing through the pay increments on the closed grade pay scales and to whom opting in to F&S would be financially detrimental until they have reached the pay scale maximum for their grade. The third group is those of our members who cannot opt in as they are in receipt of local pay allowances, the loss of which on F&S conditions would result in a much reduced take home pay. The PGA believes that this last group of staff are simply victims of being in the wrong place at the wrong time in terms of pay policy. They were posted to their jobs (and, consequently, to their locations) by NOMS and rewarded with pay and allowances that were at the time commensurate with national policy. To subsequently treat them in terms of pay as some kind of rebellious, reluctant “refusniks” is unjust and unwarranted. The number of PGA members in this category is, according to NOMS data, just over 50, and the PGA suggests that this group of staff should receive a pay award this year.

For Fair and Sustainable grades (and colleagues in closed grades trapped by Local Pay Allowances)

The PGA membership has suffered a loss in its spending power of over 27% in the last 7 years, a combination of low or no pay rises, inflation, the Cabinet Office's unilateral decision to make our "non-contributory" pension scheme "contributory" and this year's rise in National Insurance contributions. For some staff who are financially able to opt in to Fair and Sustainable, this has been a little offset by low pay awards and, for some, progress through the open grades in terms of performance recognition. All staff, however, will be affected by the rate of inflation during 2017. The Bank of England is currently forecasting inflation rising to 2.7% during the coming calendar year and not returning to the Government's annual target of 2.0% until 2020.

This year, the PGA repeats its request from last year of a pay award of 5% for all staff on the Fair and Sustainable terms and conditions and for the closed grade staff who are financially unable to opt in to Fair and Sustainable terms and conditions because of Local Pay Allowances. This will go but a little way to addressing the gulf between the **total reward packages of the public sector staff and their private sector colleagues which ranges, as was demonstrated last year by your own commissioned work, from 7.7% to 37.4%**. This differential was explained as acceptable to the PSPRB last year as it was a requirement of Directors and their junior colleagues to have a commercial awareness not required in the Public Sector prisons. This is untrue on many levels and is, we believe, simply an excuse for the PSPRB not addressing this issue nor redressing this iniquity.

The PSPRB is also asked to consider giving all our membership financial reward/benefits in kind to address the differences in those reward packages such as Private Health Insurance and Company Cars.

Performance Pay

Performance pay for the closed grades is a matter of contractual obligation. For those staff on Fair and Sustainable terms and conditions who receive a rating of "good" on their SPDR, the PGA request a reward of 4% progression through the open pay ranges. For those on the Fair and Sustainable terms and conditions who achieve an "outstanding", an additional consolidated bonus of 2% should be payable. Where these awards would be "capped" at the pay band maxima, those maxima should be increased in order to ensure this reward is delivered in terms of hard cash.

The PGA does not request any performance pay award for those staff who achieve a "must improve" rating on their SPDR.