

Prison Governors Association

Evidence to the Prison Service Pay Review Body

January 2018

Last year's pay round experiences

It is important that the Prison Service Pay Review Body (PSPRB) understands the impact that the experiences of last year's pay round had on the membership of the Prison Governors Association (PGA). The delayed start to the process, following the union's rejection in January 2017 of what the membership deemed a "derisory" offer from the employer, was exacerbated by further governmental prevarication, change and, ultimately, strategic delay in announcing the pay award. When it was announced, it was hailed by the government as a "precedent setting", "inflation busting" award that recognised the particularly difficult circumstances in which all prison staff work, an award that would help to motivate existing staff and assist in their recruitment and retention. Whilst the progression pay awarded to those members of the PGA who were not on the maximum of their pay bands (a small minority) was welcome, the 1% uplift in performance related pay for the vast majority of the membership coupled with no increase in basic pay simply resulted in the same, low level award that we have become used to over the preceding years of "austerity". In effect, for the majority, what used to be a bonus paid in addition to a basic pay rise became the only rise. The impact of this was hard felt. In October 2018 this resolution, submitted by a branch, was passed unanimously at the PGA Annual Conference.

"This Conference instructs the NEC to condemn what effectively is another pay cut disguised as a pay rise. It is not acceptable that Progression Pay for those few Operational Managers not at top of their pay scale allows it to be described as an inflation bursting pay rise when a miserly 1% rise for those at the top, following 7yrs of pay freeze and restriction, is the reality for many PGA members. Progression pay should be a contractual right as it was prior to F & S."

One of the responsibilities of the PSPRB is to consider the morale and motivation of the workforce. The PSPRB should therefore be made aware of further resentments created by the mismanagement of the 2017 award. The awards made by the PSPRB were due to be paid from April 2017. For reasons that are not really clear, the back pay associated with the award was severely delayed and only paid in part in November 2017's salary. This delay caused many of our members to receive so much money in the one month that their pension contributions were greatly increased in that same month and, given that our pensions are either final salary or career average pensions, that increased charge will accrue no benefit. In short, a lot of the money the PSPRB recommended our members received to improve their motivation and assist in recruitment and retention has simply returned to the Treasury. This has had a demoralising effect on those members concerned.

Finally, the PSPRB should be aware that the large sums of money owed to our members as a result of the PSPRB recommending that temporary promotion should be paid at the greater of either 5%

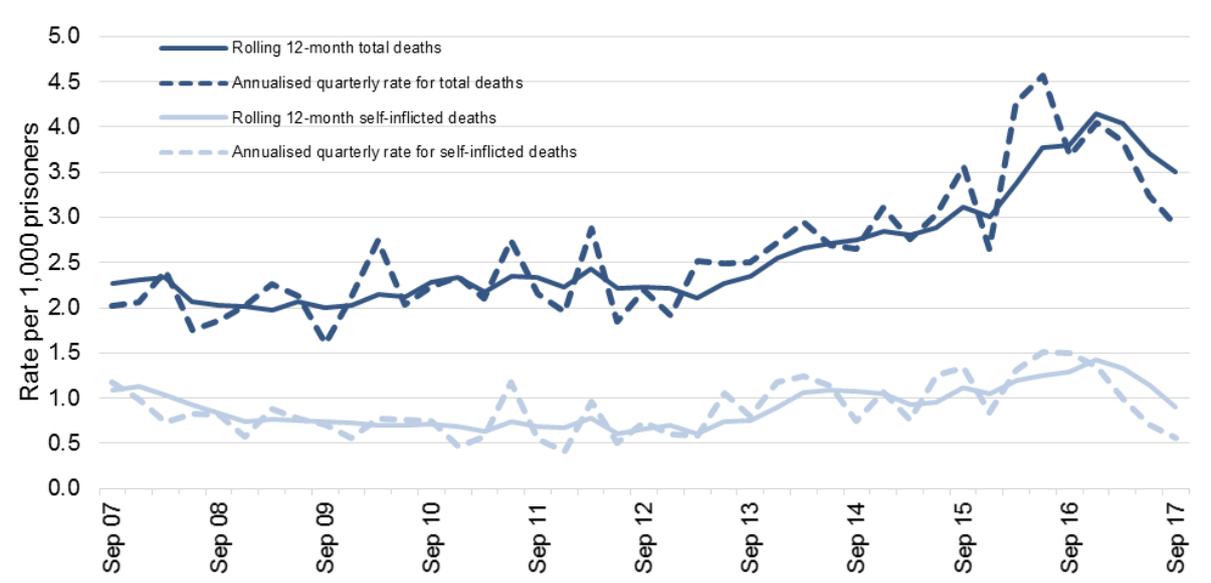
per band acted up or at the minimum of the pay range acted up to, have not yet been paid. The latest communication we have had on the matter from the employer's Head of Reward in December 2017 states that this money will be paid "**by March 2018**". This is exactly 12 months after it was due. When it is eventually received, the delay will result in the same pension deduction charge issue as experienced at the end of November 2017. Once again, the membership feels cheated and undervalued. The limited amount of money they were promised has not been received and when it is received, it is less than it should have been (even if one ignores the decrease in value associated with inflation in the year).

The PSPRB should be aware that its good intentions of last year have essentially been thwarted by the employer's failings and the mood of the membership in regards to pay and reward and attitude to their employer greatly worsened.

Our working environment

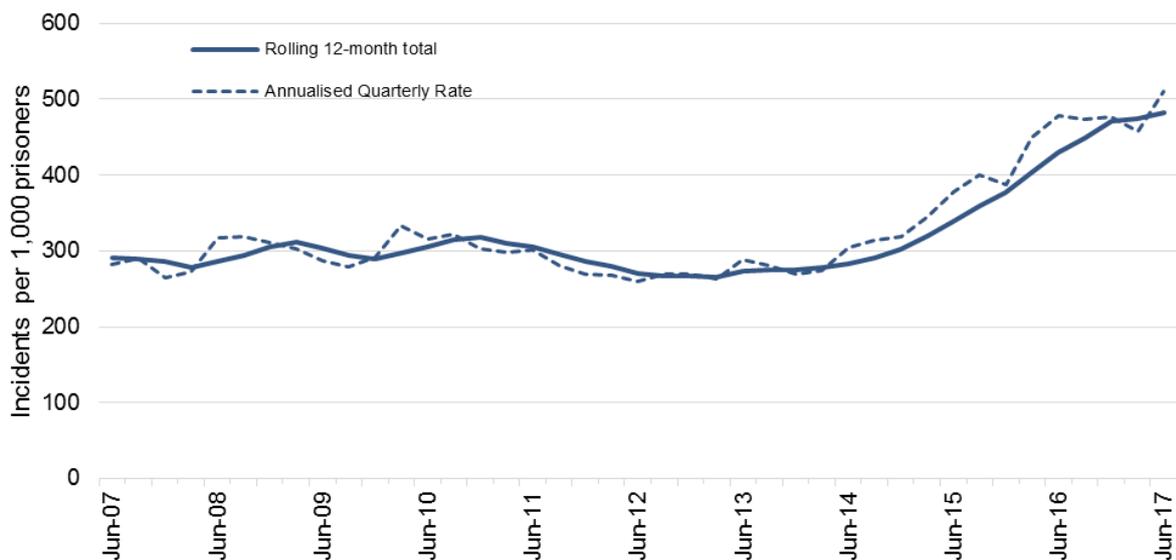
Last year we wrote of the staff in Her Majesty's Prison and Probation Service (HMPPS) experiencing the worst year of their service regardless of their experience. This was demonstrated by referencing many official statistics. Sadly, this year is worse still.

Deaths in Custody



There were 300 deaths in custody in the 12 months to September 2017, 77 of which were self-inflicted. Five of these took place in the female estate.

Self-Harm Incidents

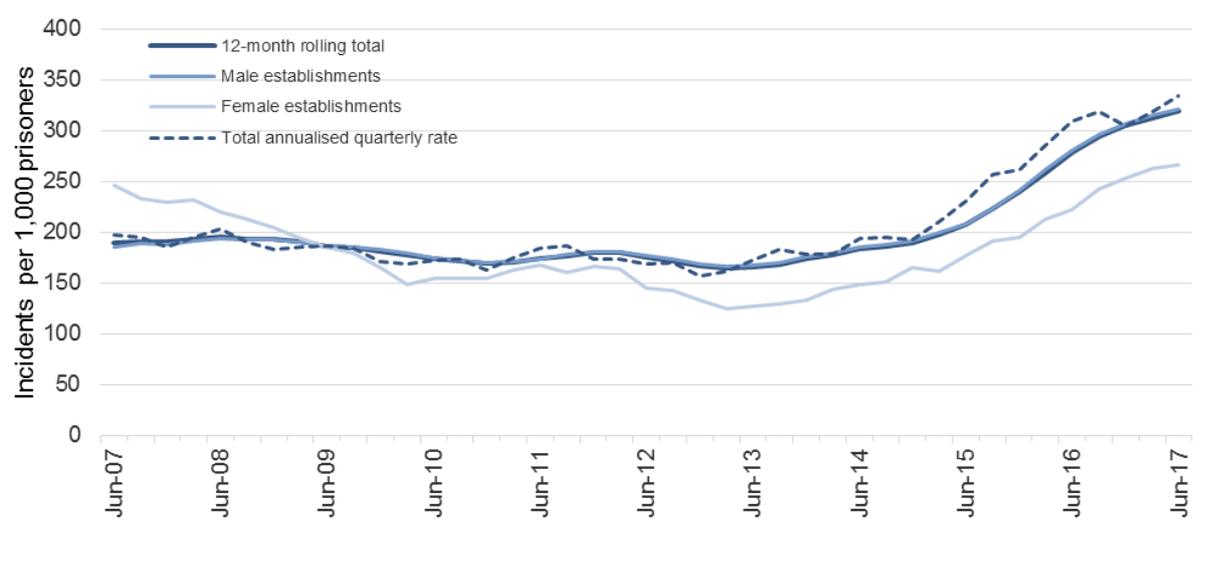


In the 12 months to June 2017, there were 41,103 reported incidents of self-harm (a rate of 482 per 1,000 prisoners), **up 12% on the previous year**. The number of self-harm incidents requiring hospital attendance **increased by 9% on the previous year** to 2,833 while the proportion of incidents that required hospital attendance remained broadly similar at 6.9%. The number of self-harm incidents and of those requiring hospital attendance **are both the highest in the time series**.

Following a period of relative stability at historic highs over the preceding four quarters, the quarterly rate of incidents **increased to a record high** in the three months to June 2017 with 10,850 incidents (up 10% on the previous quarter), 765 of which required hospital attendance.

The number of prisoners who self-harmed in the 12 months to June 2017 was 10,994 (a rate of 129 prisoners per 1,000), **up 4% from the previous year**.

Assaults

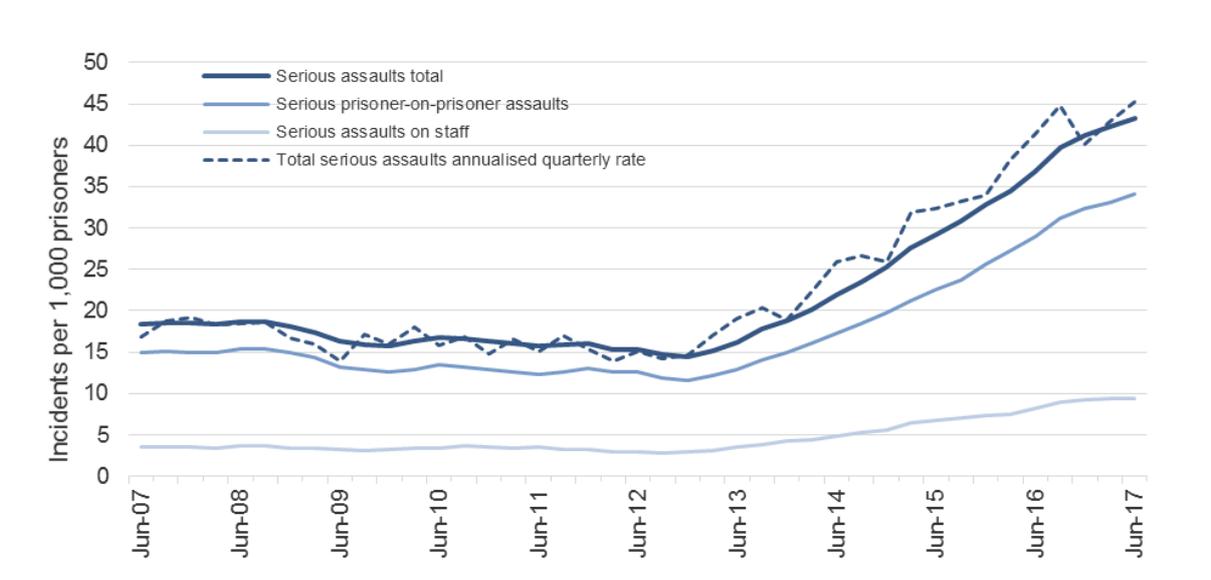


In the 12 months to June 2017, there were 27,193 assault incidents (a rate of 319 incidents per 1,000 prisoners), **an increase of 14% on the previous year**, and the **highest level in the time series**. In the latest quarter, there were 7,115 assaults, **up 6% from the three months** to March 2017.

There were 19,678 prisoner-on-prisoner assaults in the 12 months to June 2017 (a rate of 231 per 1,000 prisoners), **up 10% on the previous year**, and a **record high**. The latest quarter also saw a **7% increase in the number of incidents**, reaching a **record high** of 5,155.

Assaults on staff **reached a record high** of 7,437 in the 12 months to June 2017 (a rate of 87 per 1,000 prisoners), and are **up 25% on the previous year**. In the most recent quarter, assaults on staff **rose by 9%**, reaching a **record high** of 2,011 incidents.

Serious Assaults



For information, serious assaults are those which fall into one or more of the following categories: a sexual assault, requires detention in outside hospital as an in-patient; requires medical treatment for concussion or internal injuries; or incurs any of the following injuries: a fracture, scald or burn, stabbing, crushing, extensive or multiple bruising, black eye, broken nose, lost or broken tooth, cuts requiring suturing, bites, temporary or permanent blindness.

In the 12 months to June 2017, there were 3,687 serious assaults, **up 17% on the previous year**. Of these, 2,911 were serious prisoner-on-prisoner assaults, **up 18% on the previous year**. Over the same period, there were 798 serious assaults on staff, **up 14% on the previous year**.

In the latest quarter, there were 963 serious assaults, **up 7% on the three months to March 2017**, and **a new record high**. Of these, 766 were serious prisoner-on-prisoner assaults (**up 8% to a new record high**), and 204 were serious assaults on staff (**up 6%**).

After a prolonged period of stability in the time series, there has been a clear upward trend since December 2012 in serious assault incidents of all types. **The number of serious assaults and serious prisoner-on-prisoner assaults are at least 2.7 times higher than in the 12 months to June 2012, while serious assaults on staff have trebled.**

These figures for serious assaults do not include statistics on incidents involving the throwing of urine or excrement, nor spitting. It has been decided that these are not “serious” any more for statistical reasons, though our colleagues and prisoners who have been the victims of such behaviour would disagree. Adding those incidents would raise the “record highs” recorded above still higher.

As noted in the Safety in Custody bulletin published on 27 July 2017, the definition of serious assaults will not be expanded to include incidents involving the throwing of urine or excrement, and spitting. This is to ensure comparability with previously published National Statistics. These incidents will continue to be reported as assaults, with a detailed breakdown included in the annual statistics.

Reflections

It pays to reflect on what these numbers represent. As numbers they are shocking enough, but there have been 300 deaths, 41,103 incidents of self-harm, 27,193 assaults and 3,687 serious assaults. A total of 72,283 people dead or hurt. 72,283 victims. 72,283 incidents that need managing, inquiring into and follow up action taking by an ever decreasing number of Operational Managers. In addition to the immense workload this number of people being hurt creates, there is a commensurate increase in stress levels our members encounter whilst doing that work. Prisoners and staff need to be managed and cared for, official procedures and policies need to be implemented and adhered to, investigations and inquiries need to be managed or attended, families need to be informed and counselled and Headquarters and Politicians need to be briefed.

72,283 times a year. 72,283 people.

Much has been made politically that the proposed increase in staffing levels (back towards their original levels) would result in a reduction in the levels of violence being experienced in our prisons. During this year, a few of our prisons have achieved their new, post “offender management model” target staffing levels, but there has been no commensurate reduction in the levels of violence. This is of great concern, both to the operational arm of HMPPS and to the Ministry of Justice. Perhaps the inability to recognise the disastrous effects the reduction of staffing levels would likely have on the prisoners’ behaviour has finally come home to roost, the prisoners having learned they can “get away with” misbehaving. It may take a considerable period of time before control of the prisons is re-established and prisoner and staff safety, prerequisites of rehabilitation, restored.

At the end of 2009 there were 1,545 Governor posts with which the Prison Service tackled these operational incidents (as well as all the normal, functional management work that is required). Today there are 919 operational manager posts in establishments, of which 845 are filled by real people.

Each of those 845 operational staff manage on average 86 of those serious incidents per annum – in addition to performing the “day job” of functional management. A local rather than national example will illustrate the growing difficulties of operational management in prisons. The table below shows the number of times emergency medical response teams have been deployed within

one local prison over an eight month period. The last two months were during the implementation of the no smoking policy for staff and prisoners.

Month – all 2017	Number of deployments
February	5
March	15
April	15
May	5
June	16
July	27
August	122
September	135

Again, each of these incidents needs managing, inquiring into and reporting. These do not qualify to be included in the National statistics which the earlier tables are drawn from, but they illustrate effectively the rising nature of operational issues in prisons.

If any further illustration of the increasing operational workload faced by our membership is required, it can be provided by examining the number of times the HMPSS' National Tactical Response Group attended incidents over the last 7 years. The following table shows the callouts they attended between 2010 and 2016. This data has been acquired from a response to a Freedom of Information request published in Hansard in December 2017.

Year	Callouts Attended
2010	118
2011	139
2012	129
2013	203
2014	223
2015	343
2016	580

The speed and scale of this increase is clear. These incidents are not only managed and commanded by our members, but very many of the squads deployed under these procedures are commanded by Operational Managers who, in contrast to their uniformed colleagues who get paid

for so doing, undertake these duties for no reward, HMPPS having reneged on its previous promises to pay Operational Managers a retainer for becoming proficient in Control and Restraint techniques.

Much is made of the difficult circumstances that Operational Managers find themselves working in when dealing with incidents. What should also be remembered though is the increasing pressure associated with the introduction of the sweeping changes being imposed by HMPPS to deliver the Prison Reform Strategy. Delivering these changes remains entirely in the domain of Operational Managers. The scope and scale of this work can be hard for an “outsider” to comprehend. To illustrate it though, HMPPS has altered, cancelled or introduced over 200 Prison Service Instructions and Notices to Staff during the last year. This is in addition to projects that are deregulating more Prison Service Instructions (both Operational and Human Resources based) as we move forward.

Structural changes to the senior management of HMPPS at both regional and national levels are being made and additional layers of line management added, bizarrely in pursuit of greater Governor “empowerment”.

This additional work is being performed by an Operational Manager group that is reduced in numbers by over 33%, that is reduced in effectiveness by staffing shortfalls associated with recruitment and retention issues as outlined above and in the face of a larger and more violent prisoner population. The much vaunted recruitment of additional staff increases the spans of control of all managers and brings its own problems associated with the management of many inexperienced staff working in such a volatile environment.

As mentioned last year, 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 has regularly been 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. He has become so concerned at the minimal progress being made by the Government in properly resourcing the resolution of these issues that he has introduced a new process of “urgent notification” to force the Minister to publicly account for performance.

The issues of maintenance, repairs and associated underinvestment in the estate, have 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 but not both. Prisoners in several prisons have demonstrated violently about the conditions they are held in (and that the staff work in). These are not isolated

reports. The HMPPS Chief Executive Officer has acknowledged these concerns 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 has to do much more challenging.

Industrial Relations

THE PSPRB need not know the full range of differences between the PGA and HMPPS, but it is relevant to describe the mood of the relationship. In the midst of massive structural, organisational and operational changes, the PGA feels that it is not being appropriately consulted, that its requests for clarity or further information are often ignored and, as a consequence, has felt the need to proceed formally in order to make any impact at all. We currently have three Failures to Agree extant, two of which have been to arbitration at ACAS (to decide on scope) and one which has recently been to conciliation at ACAS. This position is unprecedented but illustrates the growing tensions between the employer, the Government and the membership of the PGA. This relationship has not been improved by the poorly managed implementation of the PSPRB 2017 recommendations mentioned above.

This year, we were informed by the employer that a new system of pay bargaining was to be introduced. The Chief Executive Officer would be making a business case to the Treasury to justify why he should be allowed to pay his staff more than the recommended 1% increase (assuming he wanted to do so). This business case was decreed to be secret. It was to be submitted prior to the autumn financial statement and, once the outcome was known, discussions would be had with the PGA to set the parameters of this year's PSPRB submissions. Having informed the membership of this, we waited for the outcome of the new process to be shared with us. In late December 2017, we were informed by the employer that the proposed process would not be happening and we were to revert to the traditional PSPRB methodology for this year. We have continued to ask if the employer wishes to talk to us about joint proposals, but they have declined. It appears that having waited so long for the new process to start, they have run out of time to discuss the old one.

As recently as 3rd January 2018 our request for joint talks prior to submitting our evidence was rejected by the HMPPS' HR Head of Pay and Reward.

Finally, since October 2016 we have been asking HMPPS to provide data for us in support of our written PSPRB evidence. We have asked to know the number of substantive posts that should be occupied by our members in their substantive grades that are instead occupied by staff on temporary promotion. HMPPS has steadfastly failed to produce this data for over 16 months. We want the data to assist in our demonstration to the PSPRB the difficulties that are being experienced in recruiting and retaining Operational Managers. We had to issue proceedings at the Central Arbitration Committee in order to force the employer to give us the data for our collective bargaining purposes. HMPPS playing "hard ball" with its Senior Managers is not adding to the partnership approach it claims to value so highly.

Recruitment and Retention

The difficulties of recruiting and retaining enough sufficiently qualified, competent people to train as prison officers (or Operational Support Grades) are massive. We believe HMPPS will give you figures which illustrate their success in recruiting in order to resolve an issue of their own making but we do not feel it appropriate to develop those arguments here, other than to comment that the figures quoted appear to vary depending on who is asking the questions and who is giving the answers.

It is appropriate to illustrate the appalling state of recruitment and retention of Operational Managers. We still do not believe that the PSPRB gives sufficient weight to the problems this creates. There remain prisons where the perceived risk of taking on the Governing Governor post without appropriate recompense is too great, so when the posts are advertised there are no takers. This year, several of our large, complex prisons remain with Governors who are temporarily appointed or promoted as nobody applies for the posts when they are advertised. The pay bands are simply not numerous enough to take into account the varying complexities of the prisons that we have. A full review of the current Job Evaluation System is the only way this could be accomplished. This is something that the PGA would have no difficulty in becoming involved in as we believe the current system is the basis of a lot of faults within HMPPS and that it no longer affords the protections from Equal Pay Claims that it once did, as the massive variations between the different pay scales appear to remain unaddressed. At this year's PGA Conference the following resolution was passed.

“This conference instructs the NEC to investigate the validity and chance of success with a reputable law firm to challenge equal pay claims for operational managers moving into new terms and conditions. The pay variance between pay bands of the same grades is vast and there are many situations where operational managers are doing the same jobs in the same prison at substantially different pay grades. There is also no clear guidance on how the pay scale is advanced and the extraordinary length of time it takes to reach the top of the pay scale. It is our belief that this breaches equal pay.”

In order to demonstrate the dire state of recruitment and retention in the Operational Manager grades and to maximise the credibility of our arguments, we have referred only to HMPPS' statistics as were submitted to the PSPRB. As mentioned above, HMPPS has failed to accede to our data request on temporary promotion.

According to the HMPPS data, there are 996 Operational Manager posts within our prisons. Of these, 156 are vacant. These figures are drawn from spreadsheets 9(b) and 9(c) respectively. Put in context, that is 15.7% of all Operational Manager posts remain unfilled. Whilst some of those vacancies are covered by temporary promotion (the performers of which may or may not be effective), the additional demands such a large number of vacancies creates on a prison Senior Management Team (SMT) is immense. The following extract shows the worst shortfall as 64% and 40 prisons having more than 25% of their SMTs missing.

Establishment	SMT Shortfall %	Establishment	SMT Shortfall %
Bedford	-25	Hewell	-1
Bure	-38	Leicester	-14
Highpoint	-18	Nottingham	10
Hollesley Bay	-57	Ranby	30
Lincoln	-33	Stafford	0
Littlehey	-36	Stoke Heath	-33
North Sea Camp	-38	Sudbury	-13
Norwich	-20	Swinfen Hall	-33
Stocken	0	Whatton	-22
Warren Hill	-25	Deerbolt	0
Wayland	-10	Durham	-31
Belmarsh	-23	Hatfield	-14
Frankland	-30	Holme House	-25
Full Sutton	-29	Hull	-40
Long Lartin	-18	Humber	-20
Manchester	8	Kirklevington Grange	-14
Wakefield	-33	Leeds	-40
Whitemoor	-33	Lindholme	0
Woodhill	-33	Moorland	-10
Morton Hall	-29	Wealstun	0
The Verne	-43	Buckley Hall	-13
Blantyre House¹	-	Garth	11
Chelmsford	-10	Haverigg	-64
Dover¹	-	Hindley	0

Elmley	-20	Kennet¹	-
Ford	-29	Kirkham	22
Lewes	-5	Lancaster Farms	-50
Maidstone	-21	Liverpool	-6
Rochester	-3	Preston	1
Standford Hill	-43	Risley	-30
Swaleside	-3	Thorn Cross	0
Aylesbury	-11	Wymott	-20
Brixton	0	Bristol	11
Bullington	-10	Channings Wood	0
Coldingley	-38	Dartmoor	-38
Grendon	-1	Erlestoke	0
High Down	30	Exeter	-38
Huntercombe	-25	Guys Marsh	-13
Isis	-22	Haslar¹	-
Onley	-13	Isle of Wight	-21
Pentonville	-8	Leyhill	-13
The Mount	-20	Portland	13
Wandsworth	-21	Winchester	-11
Wormwood Scrubs	4	Berwyn	-38
Brinsford	0	Cardiff	0
Featherstone	-11	Swansea	19
Gartree	-19	Usk/Prescoed	-25
Glen Parva	-30	Askham Grange	-35
		Downview	-37
		Drake Hall	-38
		East Sutton Park	-50
		Eastwood Park	-13
		Foston Hall	-25
		Low Newton	-6
Establishment	SMT Shortfall %		

New Hall	7		
Send	-36		
Styal	11		
Cookham Wood	0		
Feltham	0		
Medway Secure Training Centre	11		
Werrington	-13		
Wetherby	-9		

The PGA contends that the difficulty in recruiting and retaining Operational Managers stems from a combination of the perceived pressures of the work, the hours they are required to work in order to meet their responsibilities fully and a poor remuneration package for the work they do. This latter is exacerbated by the current working arrangements for Custodial Managers (CMs) and the inflated rate of Payment Plus being paid. The PSPRB approved the payment rate for Payment Plus at £22 per hour. Following the increases as a result of the 2017 pay award, when looking at the top of each pay scale, the margin between a CM who works a 37 hour week (including their 17% unsocial hours allowance) and a band 7 operational manager, paid for a 37 hour working week and including 17% Required Hours Allowance is £13,900.

With the payment plus rate remaining at £22.00 per hour, a CM would have to work approximately 13.5 additional hours each week, taking their average weekly working hours to 50.5, in order to achieve an equivalent salary. For illustrative purposes this is calculated over an average of 47 working weeks, due to annual leave allowances, although a CM is free to work for payment plus during periods of annual leave.

There is evidence to indicate that the majority of operational managers work in excess of 37 hours each week to meet the demands of their role and the average operational manager is believed to work 50 hours per week. This would indicate that a CM, who has fixed and predictable hours of attendance, the facility to accrue TOIL, has a limited span of control and overall less responsibility and accountability; is able to earn the same salary for the same hours of work without satisfying the requirements of the Operational Managers Job Assessment.

It is no surprise that they do not want to be promoted.

Additionally, 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.

To address this block, the PGA would suggest an increase in the amount received on moving upwards between pay bands from 5% to 10%. Whilst addressing this particular level of the organisation would be the priority, there would be a need for equity across all grades.

We have struggled to obtain accurate data from HMPPS in regards to the numbers of establishment posts that should be occupied by our members in their substantive grades that are currently filled by staff on temporary promotion and for how long each of those posts has been filled in that manner.

We have attached a database received from our employer 48 hours before our deadline for submitting this evidence. We include it in order that we can discuss in more detail as part of our oral evidence session but would wish to highlight some points here too. The data we received shows that there are currently 131 vacancies in establishments in the grades of staff that we represent, Bands 7-11. These vacancies can be broken down as follows.

Band of Vacancy	Number
Band 11	2
Band 10	1
Band 9	24
Band 8	19
Band 7	83
Band 7 Non-Op	2
Grand Total	131

Each of these vacancies being covered by temporary promotion creates a supporting mechanism of temporary promotion beneath it. A band 9 replaced by a Band 7, a Band 7 replaced by a Band 5 (CM), a Band 5 (CM) replaced by a Band 4 (SO) and a Band 4 (SO) replaced by a Band 3. Not only are the 131 vacancies caused by an inability to recruit and retain Operational Managers disrupting

Senior Management Teams, but their consequential underpinning disrupts the whole operational structure and ultimately strips 131 Band 3 Prison Officers from the landings.

Despite being officially defined as “temporary”, these promotions are not short term. The longest example on the database has been in place for 4 years, one for 3 years, 13 for more than 2 years and 34 for 12 months or more. The PGA contends that this clearly demonstrates the employer’s inability to recruit and retain Operational Managers given the current reward packages they have to offer and the ever increasing levels of pressure and violence that the membership encounters in its daily work.

Performance Management System

Last year the PPSRB received evidence from HMPPS that it thought the Performance Management System was working well and consideration should be given to extending associated performance pay to all grades of staff in the HMPPS structure. The PGA disagrees. Both the importance of the appraisal system and the union's view of the current one are summarised in the following Conference resolution that was passed in October 2017.

"This Conference instructs the NEC to seek a meeting with HMPPS about the future of a flawed appraisal system which has been criticised in the past and clearly subjective when considering assessment levels. The recent pay increase on progression was 4% and 6% for those assessed as Good and Outstanding respectively, with those requiring improvement getting no rise in pay. It is more important that the system is made fair as the differential rates are now all consolidated and pensionable as opposed to before when the difference between them were non-consolidated and paid as a bonus."

The continuing complaint is that there is very little interaction between staff and their line managers under the new arrangements, that assessments are subjective and arbitrary and that the review processes still result in an unfounded and evidence free "forced distribution". When challenged in the past, HMPPS has not been able to provide notes of meetings where staff had their annual appraisal levels reduced from that originally given by their line manager. When this is your only method of obtaining a pay rise (or retaining it if originally marked high enough to attract one), such behaviour is intolerable. The PGA would suggest the whole concept of performance pay and performance recognition systems are discussed at length, revitalised and given credence before they are expanded across the estate.

Required Hours Allowance

Reports we have received in the PGA office suggest that there is still some confusion amongst the members of the PSPRB about the Required Hours Allowance (RHA). Despite our repeatedly stating differently in our evidence for several years, the members of the PSPRB are still reported as believing that RHA is some kind of operational allowance and that is paid solely to operational staff. This is not the case. RHA is paid to all qualifying staff in reward for flexible and anti-social attendance and/or for remaining “on-call” for long hours whilst ostensibly “off duty” – it is not an operational allowance. Many Operational Managers (though not all) attract RHA because of the requirements placed upon them by their work, but so do many non-operational staff e.g. Chaplains and non-operationally qualified Controllers and Deputy Controllers.

This is important as the most recent PGA staff survey showed 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 and, given the difficulties of recruitment and retention mentioned above, the demands are increasing. We fear that the PSPRB believes that RHA is paid to operational managers in such circumstances as some sort of recognition for these hours (i.e. to differentiate them from their non-operational colleagues). It is not. These hours are wholly unrewarded. We asked last year that the PSPRB considered introducing payments for this additional work and were told that you “have considered the proposal from the PGA on an hourly payment for operational managers for each hour worked above the 37-hour week. We are concerned about the detrimental effects of increased workload, staffing shortages and sickness absence that operational managers – and other staff – are subject to. However, we are not convinced that the best solution in this case is to introduce this sort of payment for these public sector managers. We await the publication of the HMPPS review into the duty governor role with interest and look forward to seeing it – and the comments of the unions – in time for our next report”.

We can only assume that despite your concern about the “detrimental effects of increased workload” you chose deliberately not to present any arguments to support your decision to reject this. In their absence, we remain of the opinion that such an allowance should be introduced. We assume HMPPS has provided their report on their review of the Duty Governor role to you in accordance with your request and look forward to discussing our proposal for additional hours to be rewarded again once you have read it. We have included the review with our evidence.

We wish to bring your attention to the following paragraphs from the Executive Summary of the JES Duty Governor Review v1.1 as published in May 2017.

“Results showed that Heads of Function were under significant and unusual workload pressure as a result of having to carry out Duty Governor Duties and that this pressure was having a big impact on how they carry out their Functional Head role.

Whilst there was support from the Governor and Deputy Governor in this respect, many found that the support from Custodial Managers was inconsistent and variable. The vast majority of staff felt the role of Duty Governor had become more demanding over the past two years, with the following reasons given: Fewer resources, increased drug use and mental health issues amongst prisoners, more adjudications, inexperienced Custodial Managers, the removal of the Senior Officer role as a first line manager, inexperienced prison officers who require greater guidance and support, staff becoming more risk averse.

Staff came up with a number of ways the situation could improve – these are around training, resources, more delegation to Custodial Managers, having 2 Duty Governors at any one time and bringing back Senior Officers.

When asked “Do you think the role of Duty Governor is sufficiently rewarded?” **86%** said no. A job evaluation exercise was carried out on the work of the Duty Governor based on the evidence provided to the Team. It was found that this work did not significantly impact on the JES score of their roles, when compared to earlier exercises. However, it should be recognised that the role of the operational manager has become more difficult and challenging since the inception of JES and HMPPS may want to look at ways of ensuring these staff are appropriately rewarded.”

The PGA believe this last sentence should be turned into a reality by the PSPRB by introducing an operational allowance for all Operational Managers who have passed their Operational Manager JSAC (or its predecessors) as it is those staff on whom HMPPS and the Ministry of Justice rely on so heavily. This is the first opportunity that the employer has had to submit evidence to the PSPRB since their own report concluded that they should be looking at ways to ensure we are “appropriately rewarded”. As already mentioned, we have not had an opportunity to discuss these conclusions with HMPPS as they have refused to engage in pre-evidence talks, so we await sight of

their proposals to address this issue with great interest. In the event that HMPPS do not address this admitted shortcoming, we would ask the PSPRB to do so unilaterally.

The way forward

In its report last year, the PSPRB questioned the sustainability of the current pay arrangements within HMPPS and asked for any comments the trade unions may have about potential future arrangements. The PGA shares the PSPRB's concerns about pay structures, and questions the sustainability of running two pay systems within the same organisation i.e. separate pay systems for the closed and open pay bands. When originally introduced, there appears to have been no thought given to the inequities created between staff of the same grades performing the same work for vastly differing amounts of pay. This system, associated with the Fair and Sustainable (F&S) initiative, has fallen into disrepute amongst the staff. This situation is exacerbated in the cases of those staff in the closed grades that are in receipt of local pay allowances that cannot afford to "opt in" to F&S and are subsequently treated so poorly by the employer in terms of pay. We now have many staff complaining about these inequities and who are looking, as illustrated by the Conference resolution above, to take legal action to address their perceived detriment. There is a need for greater clarity from HMPPS regarding future pay progression for those members remaining in a closed grade.

A further concern regarding F&S is the employer's apparent willingness to ignore the requirements of the system and to make "temporary" adjustments to pay scales in response to recruitment difficulties. An example of this is the additional payments made to **all staff** at those establishments designated as "red" or "amber" in terms of the ability to recruit new staff. This action has created inequalities in pay across the country and damaged the finely balanced pay band structure on which F&S was based.

The PGA membership's view of F&S is summarised in this resolution from Annual Conference 2017.

"This Conference instructs the NEC to seek and put pressure on HMPPS to get rid of the current F & S grading system which lacks any method of assessment and can clearly be seen as flawed as demonstrated by the recent evaluation of jobs and clear abuse of the grading system which does not recognise or deal with the operational pressures of being an operational Manager. The recent clamour for band 12 Executive Governors being a case for example in which jobs are graded first before evaluation."

The PGA sees a review of all the pay arrangements as a method by which the employer and the staff could openly engage with a view to removing some of these tensions. Such a review could also tackle the difficulties within the current JES system that takes no account of the volume of work that an individual is required to perform, being based solely on what type of work is required to be done.

It could also tackle the issues of there being an inappropriate number of pay bands for the range of work that is done within the employer's structures, the subjective manner in which a prison's complexity level is decided (and on which the SMT's pay is based) and there could be a mature discussion about the merits of the current performance pay system and its founding on a poorly regarded Performance Management system. Current research into the effectiveness of performance pay in the public sector (and elsewhere) needs to be acknowledged and responded to.

Another area of concern is the concept of open pay ranges. Each year, HMPPS offers performance pay increments that would result in it taking between 20 and 37 years to progress through the pay range from bottom to top. This is based on "affordability" by the employer. Thankfully, the PSPRB has, to date, agreed with the PGA's request that this amount should be a minimum of 4%, thus allowing an individual to progress from the bottom to the top of the pay range in 5 years – a period all parties have agreed in varying years' evidence is an appropriate one. The PGA believes this constant conflict should be removed and that all performance pay related increments which allow progress through the pay ranges should be set in advance. These increments would still be performance based, but would be known in advance. It is considered that knowing you will get at least a 4% pay increase if you perform well is a greater incentive than hoping your employer may offer you something in the knowledge that something will be a lot smaller than 4%. We believe that the current system does nothing but encourage enthusiastic Operational Managers to seek opportunities outside of HMPPS and will in turn see more experienced managers leave the service and further compound the destabilising effect that the service has gone through for over 5 years.

The PSPRB's concern about last year's newly created Executive Governors (now renamed Prison Group Directors) appears to be parked at the moment as HMPPS has informed the PGA that all of these posts will be at Deputy Director level, therefore falling into the pay arrangements for Senior Civil Servants. We have received no proposals for the introduction of a Band 12 pay band as was suggested last year.

Our 2018 proposals

In the period since our last pay rise was agreed, inflation has been running at 3.1%.and there is a forecast of a similar figure during the coming 12 months. We ask that the PSPRB take this into account when assessing our pay award this year as any less than this will be considered as a pay cut by the already poorly motivated membership.

Each Operational Manager who has passed the Operational Manager Job Simulation Assessment Centre process or an equivalent previous assessment should be paid an annual allowance of 10% of their base salary for doing so. It is acknowledged in the HMPPS Duty Governor Review that an alternative way of rewarding staff performing operational duties should be found as their own JES scheme does not allow them to capture this additional work and this would achieve that aim. We believe this payment would not only reward those staff performing these arduous duties but it would also recognise the achievement of passing such a difficult obstacle to promotion and encourage Custodial Managers to seek promotion too, thus addressing the issue of recruitment and retention at the same time.

We ask that the concept of open pay ranges is removed from our pay structures and that we return to a system where an employee knows how much they should receive in the event of receiving a “good” or an “outstanding” appraisal outcome. We believe this would remove some of the demotivating uncertainty around future pay awards and positively contribute to the increased performance of the membership. For staff not at the top of their pay range, these “performance related” increments should be set at 4% uplift for a “good” appraisal and at 6% for an “outstanding” appraisal. This would ensure transition from the bottom to the top of the pay range in 5 years and is also performance related, thus maintaining commitment to such a policy. For staff at the top of the pay ranges they should be paid as bonuses. Last year’s award of 1% performance related pay increase for those who are at the maximum of the pay scale was, in the absence of any additional basic pay uplift, considered wholly insufficient to motivate staff and address concerns around recruitment and retention.

We believe that staff in the closed grades should see a commensurate increase in their pay too, as to further increase the disparity between the amounts received by those in open and closed pay grades is foolhardy, in terms of both morale and the increasing risk of equal pay actions being commenced. Staff in the closed grades who receive a “good” appraisal should receive a 4% bonus and those that are assessed as “outstanding” should receive 6%.

We have outlined above our argument for an increase in the amount payable on progression through the pay bands on promotion and selection to 10% per band instead of 5%. We believe this will address the issues of blockages in the system where it has become financially disadvantageous to take promotion – particularly between Custodial Manager and Band 7 Functional Head.

We need to make a special case this year for those of our members recently recruited on “fast-track” schemes. These colleagues regularly find themselves after a short period of employment acting up one or two pay bands. This may be for their own development or for the purposes of the employer or, indeed, both. Many of these staff are recruited on a fixed salary basis and therefore receive no reward for performing these additional duties and taking the additional responsibilities. We ask that the PSPRB considers applying the same procedures for temporary promotion to these staff as was introduced last year for all other staff. Whilst understanding that this may cause the employer some contractual issues, we believe the exploitation of these colleagues is inappropriate in a Government Agency in 2018.

Finally, we believe that the complexities of our current pay arrangements, the disparity between open and closed grades and the lasting damage done to F&S by some of the employer’s remedial actions on pay have culminated in a position that is untenable. Our reservations about the JES system and current Performance Management arrangements, added to the above, create a belief that the time has come for the employer to address these issues, for a partnership with trade unions to be formed to discuss options around future pay and grading structures, work evaluation and performance pay. It should be part of any workforce strategy preparation that HMPPS is considering undertaking and we would be willing participants.