



The PGA Newsletter

Our Pay and Conditions

The PSPRB is a compensatory mechanism

By Mitch Albutt
PGA National Officer

The Independent Prison Service Pay Review Body (PSPRB) has published its recommendations and the Government has chosen to ignore

some of them or as the Prisons Minister Rory Stewart put it

“....meeting the spirit of the independent prison service pay review body recommendations.....”

Let’s remind ourselves what the PSPRB is. It was established under statute to examine on matters relating to the rate of pay and allowances to be applied to staff in public sector prisons. They

provide independent recommendations based on a range of evidence made available to them. It is worth remembering that the PSPRB is most importantly a

compensatory measure for staff who had the right to withdraw labour (strike) removed. Although not legally binding, the Government

committed only to depart from the recommendations made in exceptional circumstances.

The PSPRB gathers evidence from interested parties and using this and any other data that is appropriate, formulates its recommendations. The recently published PSPRB Report for 2018 evidences

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that in December, 2017, the then Prisons Minister, Sam Gyimah MP, activated the PSPRB with no restrictions. Therefore there was no pay cap. The report details why it has made the recommendations it has. It includes the need to recruit, retain and motivate staff with no further real terms erosion of their pay. Working conditions remain difficult and continue to deteriorate for our members resulting in significantly tougher challenges in the workplace. It makes reference to the Annual Report from the Chief Inspector of Prisons that stated prisons were still unacceptably violent and dangerous places and that there had been startling increases in all types of violence, with assaults on staff having seen the biggest increase. It is true that violence has risen year on year and month on month since 2000 and the latest figures published on 26th July 2018 show that this depressing trend continues. It is worth remembering that behind these horrendous figures are real people and real victims. The PSPRB report states that they consider their report and

recommendations fair and balanced, that they offer sound value for money and represent an appropriate level of investment in prison staff in the current circumstances.

So why has it not been accepted in full? What are the exceptional circumstances that has made the Government depart from its full implementation? If it was affordability then why was this not made clear at the start of the process with a pay cap identified as was the case in previous years? In general terms the report recommends an increase of 2.75%.

However, the Government has chosen to quibble over 0.75% with the latter being a one-off non-consolidated payment.

Considering the evidence in the report, especially detailing the working conditions and violence, one has to ask how much the Government values its prison staff.

Interestingly, MPs pay is also determined by an independent pay review body which is called the Independent Parliamentary Standards Authority (IPSA).

In 2015 they were awarded a pay increase of £7,000 as part of a modernisation plan (the height of the austerity measures) and over the last 7 years their pay has increased by £11,600 and that is just their basic pay. Apparently the Government has no say as to whether they accept or decline the recommendations of the IPSA report so there is no such thing as ..."meeting the spirit..."

It feels that the Governments response to the PSPRB

recommendations is one worthy of Hetty Green and

not worthy of a modern democratic system; which brings me to the real issue. Life in a democratic society requires that

"Considering the evidence in the report, especially detailing the working conditions and violence, one has to ask how much the Government values its prison staff."

checks and balances are in place to ensure fairness for all. Over a number of years a succession of Governments have eroded the rights and power of the unions for various reasons. Nobody wants to return to the days of the wildcat strikes but has this erosion gone too far?

The PSPRB is a compensatory measure for

the loss of the right to strike but the Government has chosen not to implement in full the recommendations of the PSPRB so in effect the compensatory measure is ineffective and the hard working people are left with no right or ability to effect real change in their workplace.

Let's remember the Report's comments about the working environments of prison staff, which are described as "unacceptably violent and dangerous places and there had been startling increases in all types of violence but assaults on staff had seen the biggest increase". Let's not forget that these are real people and real victims, some of whom will never work again due to the conditions they have been exposed to. Emotion aside the real question is what legitimate and lawful action can staff take to force change in a timely manner because the current continued situation is woefully inadequate?

Open Pay Ranges & Equality

By Mitch Albutt
PGA National Officer

Following conference 2017, we were mandated to oppose the open pay range system which is applied solely to our grades. Initial conversations with HMPPS did not bode well for the following reasons:

The Government receives advice from various institutions, including the Office of Manpower Economics, and as such directed its departments to pursue open pay ranges. Therefore, HMPPS has little option other than to follow this direction which left us with the problem of finding a convincing argument and supporting data to challenge the open pay range system.

The attached letter is our challenge which not only opposes the open pay range system on equality discrimination grounds but also the performance related aspect.

Section 149 of the Equality Act 2010 created a Public Sector Equality Duty (PSED) which states that a public authority must 'in the exercise of its functions have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Act
- Advance equality of opportunity between persons who share a protected characteristic and those who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it'

These are sometimes known as the three parts or 'limbs' of the PSED. There are nine characteristics protected under the Equality Act 2010. They are (in alphabetical order) age; disability; gender reassignment; marriage & civil partnership; pregnancy & maternity; race; religion or belief; sex; and sexual orientation. Bands below 7 have identified incremental pay progression points but bands 7 to 11 have "open pay ranges" which lead directly to an equality issue described below:

HMPPS has consistently made recommendations to the PSPRB that Bands 7 to 11 Operational managers be offered no greater than a 1% pay rise and additionally reminds the PSPRB of the public sector pay policy and financial position thereby implying a 1% pay restraint.

Progression from minimum to maximum within a band range could take over 30 years based upon a 1.5% pay award each year. Therefore affected staff would progress in that pay band

based on length of time and not experience, this would result in older staff being paid more than younger staff.

The Prison Service Pay Review Body (PSPRB), has chosen to disagree with HMPPS pay recommendations and instead awarded a higher percentage pay award, I wonder why?

However, this point is irrelevant because it is not the PSPRB who are being discriminatory but rather HMPPS by their recommendations and using a system of open pay

ranges that is inherently discriminatory.

We understand that HMPPS are obliged to follow direction from Treasury, which may exacerbate this issue but HMPPS could take actions that would eliminate this discrimination and advance equality of the protected characteristic of age.

At the inception of the open pay range HMPPS recorded that progression through an individual pay band would take four to five years. So this was the

intent, and it appears that the PSPRB has also adopted this philosophy. HMPPS could and should withdraw the open pay ranges for bands 7 to 11 and replace it with identified progression points in each band. These progression points should be set at around 4 or 5 % to ensure progression to the maximum of the range within 4 to 5 years (as was the original intention). This would ensure that despite external pressures (Treasury influence), that pay progression was fair and not influenced by age.

“Progression from minimum to maximum within a band range could take over 30 years based upon a 1.5% pay award each year.”

This system is already in place for all bands below 7 so it is achievable.

The open pay range is seen as a convenient tool to facilitate performance related pay. Individuals achieving an “outstanding” SPDR marking gain a higher percentage pay award, however data indicates that the current process is also discriminatory.

In 2016/17 a higher proportion of BAME staff received “Must Improve” ratings at 4.2% compared to White staff at 1.7%. The proportions of “Must Improve” were highest for Black staff (5.7%) and other ethnic group staff (3.6%). Additionally we have a declaration rate amongst staff of 60% regarding disability. 6% of staff declared as disabled received “Must Improve”, this is over three times higher than the 1.9% of staff declared as non-disabled. What would the figures look like if we had a 100% declaration rate?

The data evidences that the current performance system has embedded serious equality failings and this combined with the open pay range system deliver a double whammy.

Excessive Hours Worked & Our Wellbeing

By Mitch Albutt
PGA National Officer

The issue of excessive hours worked and the associated mental and physical health risks featured greatly at conference 2017.

Our contracted hours of employment are also entwined with Required Hours Addition (RHA) so it is important to understand the rules governing RHA. First and foremost, RHA is **not** a compensatory payment for working excessive hours. To remove any doubt on this issue, I have included below two extracts from PSI 26/2013 "Required Hours Addition":

- *Managers in receipt of RHA are expected to balance their hours and agree times of attendance with their line manager.*
- **Q.** *In my job I need to do a lot of additional hours at weekends and in the evenings. Am I entitled to RHA?*
- **A.** *There is no automatic right to*

RHA. If you fulfil the criteria fully and your work in the evenings and weekends is properly designated as your working hours by your line manager, you are likely to be entitled. RHA is paid for unsocial hours only, not hours worked over and above your conditioned hours of attendance.

The above is a direct lift from the PSI so there is no ambiguity, which leaves only our contract of employment which is 37 hours per week. So why are we suffering these excessive hours of attendance?

The simple answer is that we are like nurses, we feel obligated through personal values to achieve the best outcomes for those we serve, despite detriment to our own well-being and mental or physical health.

"First and foremost, RHA is not a compensatory payment for working excessive hours."

Our operational environment continues to become more complex and demanding which places a greater burden on our already stretched operational managers. It is therefore vitally important that their attendance is managed to ensure adequate rest and recuperation, otherwise burn out and related stress illnesses will occur.

Operational managers are contracted to work a 37hr week, however this is flexible depending on operational demands. Nevertheless they should average 37 hrs over a reasonable period of time. The manager responsible for their attendance should employ a system that manages this process, ensuring excessive hours are not worked for a continuous period. The employer has a responsibility to protect the health and safety of its

employees which is why a suitable manager must have this oversight to ensure appropriate action is taken to prevent ill

health. If managers find themselves working excessive hours they should first look at themselves to

see if they could work smarter to reduce their work load. This may include increased delegation of work or identifying priority work and extending time scales of less important work. If this does not alleviate the issue then they should have a recorded SPDR bi-lat with their manager where they seek their advice and guidance and agree actions to be taken to reduce their excessive hours worked. This must be followed up to evaluate the outcomes and agree further remedial actions if required until an average 37hr week is achieved.

We are raising this issue with HMPPS at every opportunity and they have agreed to a project that evaluates the attendance of operational managers at a variety of sites to gain reliable data. We will keep you informed of any developments..

Pension Payments

Following conference we were mandated to raise with HMPPS the timely processing of pension payments.

Following meetings with HMPPS we understand

that the processing of pensions and the process required to be completed prior to a member retiring is convoluted. This involves numerous departments / agencies with no single person having overall sight of the process.

We therefore welcome the news that HMPPS have created a new role (yes it is going through the JES process and we are being consulted), that has oversight of the retirement process and acts quickly to identify and removes barriers ensuring members are transitioned into retirement as smoothly as possible.

MINISTER ANNOUNCES '10 PRISONS PROJECT' TO DEVELOP NEW MODEL OF EXCELLENCE

Please see below a PGA Press Release sent in response to the announcement by the Government of the '10 Prisons Project': -

The Prison Governors Association (PGA) welcome the announcement today from Prisons Minister Rory Stewart on the '10 Prisons Project'. This is recognition from Government that investment is needed to stem the crisis a significant number of our prisons are currently facing and is a step in the right direction. This crisis is as a direct result of Government imposed austerity measures this decade. However after a sustained period of record violence and self-harm statistics, £10 million seems woefully inadequate for the outcomes stated by the Prisons Minister. The PGA hope that the learning gained in the 10 sites will be funded and rolled out urgently in the rest of the prison estate.

The PGA firmly believe that stopping the supply of drugs must go hand in hand with reducing demand through drug rehabilitation programmes and the announcement does not mention this which is of concern.

Structured leadership development for Governors has been virtually non-existent in recent years and is desperately needed. The PGA require and will seek more detail on military style staff colleges and the synergy between the two organisations before we are able to make further comment on this initiative.

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