



Prison Service  
Pay Review Body

# Prison Service Pay Review Body

Thirteenth Report on  
Northern Ireland 2022

*Chair:* Tim Flesher CB





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on

**Northern Ireland**

2022

*Chair:* Tim Flesher CB

Presented to the  
Permanent Secretary, Department of Justice (Northern Ireland)  
December 2022



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# **Prison Service Pay Review Body**

## **Standing terms of reference**

The role of the Prison Service Pay Review Body is to provide independent advice on the remuneration of governing governors and operational managers, prison officers and support grades in the England and Wales Prison Service. The Review Body will also provide independent advice on the remuneration of prison governors, prison officers and support grades in the Northern Ireland Prison Service.

In reaching its recommendations the Review Body is to take into account the following:

- The need to recruit, retain and motivate suitably able and qualified staff taking into account the specific needs of the Prison Service in England and Wales and the Northern Ireland Prison Service;
- Regional/local variations in labour markets and their effects on the recruitment and retention of staff;
- Relevant legal obligations on the Prison Service in England and Wales and the Northern Ireland Prison Service, including anti-discrimination legislation regarding age, gender, race, sexual orientation, religion and belief and disability;
- Government policies for improving the public services, including the requirement to meet Prison Service output targets for the delivery of services;
- The funds available to the Prison Service in England and Wales and the Northern Ireland Prison Service as set out in the Government's departmental expenditure limits; and
- The Government's inflation target.

The Review Body shall also take account of the competitiveness of the Prison Service in England and Wales with the private sector, and any differences in terms and conditions of employment between the public and private sectors taking account of the broad employment package including relative job security.

The Review Body may also be asked to consider other specific issues.

The Review Body is also required to take careful account of the economic and other evidence submitted by the Government, staff and professional representatives and others.

Reports and recommendations for the Prison Service in England and Wales should be submitted to the Prime Minister and the Lord Chancellor and Secretary of State for Justice. Reports and recommendations for the Northern Ireland Prison Service will be submitted to the Minister of Justice, Northern Ireland.

The members of the Review Body are:

Tim Flesher CB (*Chair*)  
Mary Carter  
Luke Corkill  
Judith Gillespie CBE  
Raj Jethwa  
Leslie Manasseh MBE  
Paul West QPM DL

The secretariat is provided by the Office of Manpower Economics.

### **The International Labour Organization 336th Report of the Committee on Freedom of Association**

The POA<sup>i</sup> took a complaint to the International Labour Organization (ILO) in August 2004, alleging that legislation deprived Prison Officers of the right to take industrial action and that they did not enjoy adequate compensation guarantees to protect their interests in the absence of the right to strike. In its 336<sup>th</sup> Report of the Committee on Freedom of Association (March 2005) the ILO noted that the POA saw the Prison Service Pay Review Body (PSPRB) as an inadequate compensatory mechanism because it had no powers to make binding recommendations, only to report and recommend, and there was no duty on the Minister to implement the award promptly or at all.

The Government stated that the establishment of the PSPRB in England and Wales, and Northern Ireland was inextricably linked to the introduction of voluntary agreements in that the Prison Service gave up the right to set pay increases in exchange for the POA's agreement not to organise industrial action. The Government stated that recommendations of the PSPRB are not binding in law, but in practice they would only be departed from in exceptional circumstances and are complied with in practice.

The Committee recommended that the Government continued to ensure that the awards of the PSPRB are binding on the parties and may be departed from only in exceptional circumstances.

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<sup>i</sup> The professional trades union for prison, correctional and secure psychiatric workers.

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## Glossary of Terms

ASHE	Annual Survey of Hours and Earnings
CJINI	Criminal Justice Inspectorate Northern Ireland
CPI	Consumer Prices Index
CPIH	Consumer Prices Index including owner occupier's housing costs
CPO	Custody Prison Officer
DoF	Department of Finance (Northern Ireland)
DoJ	Department of Justice (Northern Ireland)
FLS	Future Leaders Scheme
HMIP	His Majesty's Inspectorate of Prisons
HMP	His Majesty's Prison
HMT	His Majesty's Treasury
ILO	International Labour Organization
MLA	Member of the Legislative Assembly
MGO	Main Grade Officer
NLW	National Living Wage
NCO	Night Custody Officer
NICS	Northern Ireland Civil Service
NIPS	Northern Ireland Prison Service
NITA	Police Service of Northern Ireland Transitional Allowance
ONS	Office for National Statistics
OSG	Operational Support Grade
PAYE	Pay As You Earn

PECCS	Prisoner Escorting and Court Custody Service
PCO	Prisoner Custody Officer
PGA(NI)	Prison Governors' Association (Northern Ireland)
POA	The professional trades union for prison, correctional and secure psychiatric workers
POA(NI)	The professional trades union for prison, correctional and secure psychiatric workers (Northern Ireland)
PPCO	Principal Prisoner Custody Officer
PSNI	Police Service of Northern Ireland
PSPRB	Prison Service Pay Review Body
SO	Senior Officer
SPCO	Senior Prisoner Custody Officer
SRA	Supplementary Risk Allowance
TSL	Target Staffing Level

## The Northern Ireland Prison Service and our remit group

The Northern Ireland Prison Service (NIPS) is responsible for the operation and delivery of services within the Northern Ireland prison system. Its main statutory duties are set out in the Prison Act (Northern Ireland) 1953. It is an Executive Agency of the Department of Justice.

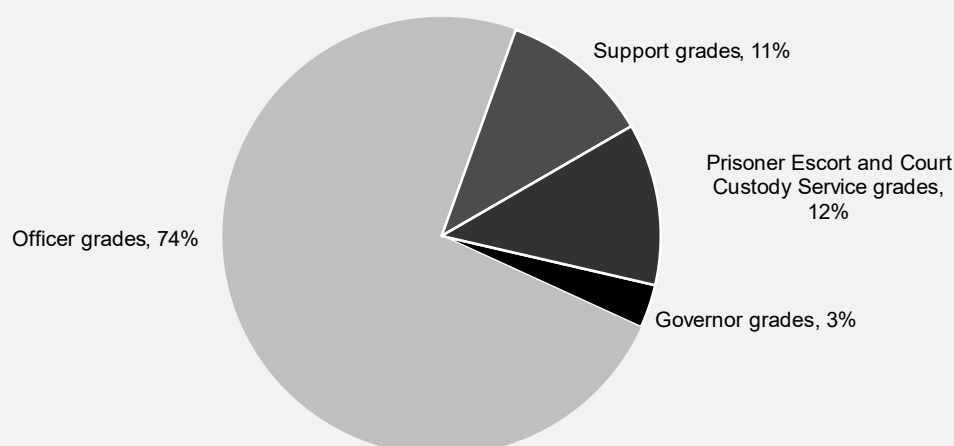
The overall aim of NIPS is to improve public safety by reducing the risk of reoffending through the management and rehabilitation of offenders in custody. The Service, through its staff, serves the community by keeping in secure, safe, and humane custody those committed by the courts and, by working with prisoners and with other organisations, seeks to reduce the risk of reoffending. In so doing it aims to protect the public and to contribute to peace and stability in Northern Ireland.

There are three operational establishments in Northern Ireland. The average daily prison population in the financial year 2021-22 was 1,494, 3% higher than the previous year<sup>ii</sup>.

NIPS paybill costs relating to the remit group in 2021-22 were approximately £61.4 million<sup>iii</sup>.

At April 2022 there were 1,240 full-time equivalent (FTE) staff in our remit group, a 4% decrease from the previous year. The composition is below.

**Our remit group (FTE staff) in Northern Ireland, at April 2022<sup>iv</sup>.**



Grade group	Staff numbers (FTE)
Governor grades	40
Officer grades <sup>v</sup>	913
Support grades <sup>vi</sup>	138
Prisoner Escorting and Court Custody Service grades <sup>vii</sup>	148
<b>Total</b>	<b>1,240</b>

<sup>ii</sup> Department of Justice, (2022). *The Northern Ireland Prison Population 2021-22*. (online) Available at: <https://www.justice-ni.gov.uk/publications/northern-ireland-prison-population-2021-22> [accessed on 30 November 2022].

<sup>iii</sup> This includes employer National Insurance contributions and other pension costs. Office of Manpower Economics (OME) analysis of NIPS workforce data.

<sup>iv</sup> OME analysis of NIPS workforce data.

<sup>v</sup> Comprising Custody Prison Officers, Main Grade Officers and Senior Officers.

<sup>vi</sup> Comprising Night Custody Officers and Operational Support Grades.

<sup>vii</sup> Comprising Prisoner Custody Officers, Senior Prisoner Custody Officers and Principal Prisoner Custody Officers.

# Prison Service Pay Review Body 2022 report on Northern Ireland

## Executive Summary

i. This report sets out our recommendations on pay and allowances for operational prison staff in Northern Ireland. Our recommendations for 2022 are:

**Recommendation 1:** We recommend that with effect from 1 April 2022, pay scales and spot rates are adjusted as set out in Appendix D, delivering a consolidated base pay uplift of at least 4% for all staff in the post-2002 grades.

**Recommendation 2:** From 1 April 2022, we recommend that pay scales and spot rates are adjusted as set out in Appendix D, delivering a consolidated base pay uplift of £1,100 for all staff in the pre-2002 grades. We further recommend that staff in these grades receive a non-consolidated payment of £500 for pre-2002 Main Grade Officer and £650 for pre-2002 Senior Officer to bring their total award to 4%.

**Recommendation 3:** We recommend that NIPS, for the next pay round, present to us its comprehensive pay strategy to address the structural issues in the pay system.

**Recommendation 4:** We recommend that the Supplementary Risk Allowance should, from 1 September 2022, be aligned with the Police Service of Northern Ireland Transitional Allowance rate.

**Recommendation 5:** We recommend that the three tier daily, non-pensionable drivers' allowance for PECCS staff when driving rises in line with NIPS's proposals with effect from 1 April 2022. The daily rate for each tier is set out in Appendix E.

## Introduction

ii. While writing our report this year, we are mindful that there has been a period of significant change and uncertainty across Northern Ireland since we last made our recommendations in 2020-21. During the past two years, the work of operational prison staff has been dominated by the coronavirus (Covid-19) pandemic. This presented an extraordinary challenge for staff in our remit group and the way in

which they responded should be recognised and commended. The rising cost of living has also had a direct impact on our remit group, particularly those on the lowest incomes who are often hit the hardest by rises in fuel prices and household bills. It was evident to us this year that morale has deteriorated over this time, with many staff in the remit group feeling physically and emotionally tired, undervalued and unrewarded. This has been exacerbated by the imposed Northern Ireland Prison Service (NIPS) pay award last year which was perceived by many operational prison staff as unpopular.

iii. This past year also saw the completion of the long-awaited grading review and with it a renewed vigour by NIPS and the then Minister of Justice Northern Ireland, Naomi Long MLA, to address the differentials between pre-2002<sup>viii</sup> and post-2002<sup>ix</sup> staff. This has been a critical factor in our decision making this year as we recognise the adverse impact which differential pay has on staff motivation and morale for those undertaking similar or equivalent roles.

iv. We have made our decisions this year amidst a particularly difficult political environment in Northern Ireland where there has been no agreement on forming a new Assembly or Executive. At the time of submitting our report we therefore remain unclear when our report may be published, or indeed, if or when we may receive a remit letter for the 2023-24 pay round. We have made our decisions based on the evidence and data that were available to us in October 2022. We ask the Government of Northern Ireland to carefully consider the recommendations we make in this report, and the clear and substantial evidence on which they are based.

### **Role of the Prison Service Pay Review Body**

v. The Prison Service Pay Review Body (PSPRB) was established under statute in 2001 to examine and report on matters relating to the rates of pay and allowances to be applied in the public sector prison services in England and Wales, and Northern Ireland. It was set up by the Government as a compensatory mechanism for our remit group's loss of the right to take industrial action of any form. This was outlined in the 336<sup>th</sup> report of the International Labour Organization, in which the

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<sup>viii</sup> Pre-2002 staff consist of those on the pre-2002 Main Grade Officer (MGO) and pre-2002 Senior Officer (SO) grades.

<sup>ix</sup> Post-2002 grades is a collective term for all those staff that do not sit on the pre-2002 Main Grade Officer and pre-2002 Senior Officer grades.

Government of the United Kingdom gave a clear and unequivocal commitment only to depart from the PSPRB's recommendations in "exceptional circumstances" and agreed that such recommendations would be complied with in practice. This pledge has not been rescinded.

### **Our remit and approach this year**

vi. On 1 April 2022 the then Minister of Justice wrote to our Chair asking us to commence our work for the 2022-23 pay round. The letter did not restrict our remit but asked us to take account of the Northern Ireland public sector pay guidance and to ensure that increases to pay and allowances were confined to the budget set for pay by the Department of Justice for operational prison grades. However, at the time of making our recommendations the pay guidance for 2022-23 has not yet been published.

vii. We received written submissions from NIPS, the POA (Northern Ireland) (POA(NI)) and the Community union, as well as an oral submission from the Prison Governors' Association (Northern Ireland). We were pleased this year to receive both written and oral evidence from the POA(NI) for the first time since 2013. In June 2022 we were also able to undertake a full in-person visit programme to Northern Ireland, the first time we had been able to visit since January 2020 due to the pandemic.

### **2022 pay award**

viii. In its written evidence this year, NIPS provided us with proposals to restructure and modify a number of pay scales to address pay differentials. This included the aspiration of five point pay scales for all uniformed grades. For this year's award however, NIPS proposed pay scale changes resulting in a variety of pay scales of different lengths. We had concerns about this approach, not only because we struggled to see the evidence and rationale for some of the changes, but also because we heard consistently from staff about their frustration with what they see as the constant "tinkering" with their pay scales. Despite our reservations, we recognise however, that these proposals went a long way towards the removal of existing differentials whilst streamlining and simplifying the pay structure.

ix. From the outset we concluded that all staff should receive a consolidated uplift to their base pay. In determining the headline award, we considered the wider economic context, as well as workforce data, including trends in recruitment and retention, and the relative market position of operational Prison Service pay. We therefore recommend that all pay scales and spot rates are restructured in line with NIPS's proposals but with a consolidated uplift of at least 4% in base pay for all staff in the post-2002 grades. This award will deliver base pay increases that, as a minimum, broadly keep pace with average pay settlements in the wider economy.

x. We also felt it was important this year to make the maximum possible progress towards pay equality, whilst ensuring all staff in the pre-2002 grades received an uplift in pensionable pay. We were not convinced by the NIPS proposal to award only non-consolidated payments for these pre-2002 grades because non-consolidated payments have a consequential impact upon pensions and a detrimental impact on staff motivation and morale. However, we agree with NIPS that steps should be taken to close the gap between pre-2002 and post-2002 grades. We therefore recommend that the £1,100 non-consolidated payment proposed by NIPS for the pre-2002 grades should be consolidated into base pay. We further recommend that staff in these grades receive a non-consolidated payment to bring the value of their total award to 4%. We believe this strikes an appropriate balance, ensuring that all staff irrespective of grade will receive a minimum 4% uplift in total pay, exclusive of the Supplementary Risk Allowance (SRA).

xi. Looking ahead to future years, we ask that NIPS present to us its pay strategy setting out how the Service will transition to its intended pay structure and in what timeframe. We expect this pay structure to be informed by evidence and bring with it the end of constant adjustments to pay scales.

xii. We were presented with several proposals this year from the parties to amend or introduce new allowances or payments. On consideration of the evidence, we observed that many allowances had not been reviewed for some time. It is our belief that every allowance should be reviewed, as a minimum, every five years so that they are not simply left unchanged while declining in real value. We will begin a cycle



of reviews next year by looking at overtime, on-call allowances and the dirty protest payments.

xiii. This year we continued to hear evidence from the parties and from staff in our remit group about the very real threat that still exists for staff working in NIPS. We remain committed to the equalisation of the SRA and the Police Service of Northern Ireland's Transitional Allowance and therefore recommend to uphold the principle of parity again this year.

xiv. We also received proposals from NIPS this year to increase the Prisoner Escorting and Court Custody Service drivers' allowance. Although NIPS and the POA(NI) were not able to present a joint package of proposals, the POA(NI) informed us in oral evidence that it agreed with the NIPS proposed rates. We therefore endorse the NIPS proposals with effect from 1 April 2022.

xv. We make no further recommendations on allowances or payments this year, but we wish to remind all parties that we remain willing to consider any allowances should they think it is required and where evidence-based input is provided to us.

### **Cost of our recommendations**

xvi. We estimate that our recommendations will result in a cost increase of approximately 4.7% (£2.7 million), excluding pay progression<sup>x,xi</sup>. This is around 1% higher than our estimate of the cost of NIPS's proposals.

### **Looking ahead**

xvii. Looking ahead to the next pay round, we have asked the parties to address several issues in evidence for our 2023 report so that we may consider them more fully. These cover a range of data requests as well as updates and evidence about: the implementation of grading review recommendations; internal transfer routes for existing staff; exit interviews; and sickness absence and medical retirement.

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<sup>x</sup> This percentages takes account of revalorisation, restructuring, oncosts, and the SRA, but excludes any increases to other allowances.

<sup>xi</sup> We have estimated that our recommendations will result in a cost increase of 7.1% (£4.0 million) including pay progression. We note that staff were progressed up 2021-22 pay scales with effect from 1 April 2022.

## Conclusion

xviii. As we set out in our report this year, we have had two priorities – to award all staff a consolidated increase to their base pay and also to make progress towards addressing differentials between pre-2002 and post-2002 staff. We acknowledge that fully addressing the problem of differentials will take more than one year, however we consider that this is justifiable when set against the need to motivate all staff with a consolidated increase. This has involved some difficult decisions, but we believe we have arrived at a package of recommendations that make good progress towards addressing these issues, whilst ensuring all those in our remit group receive a meaningful and affordable award.

xix. We accept however, that there is still further work that needs to be done on the current pay system and, in endorsing NIPS's proposals, we recognise that some staff may feel frustrated at yet more changes to their pay scales and may also be disappointed in the size of the pay award. We believe it is crucial that the Service now seeks to provide certainty to all staff about their pay by moving to a pay structure that brings with it the end of seemingly constant annual adjustments to pay scales and is informed by evidence and a clear long-term pay strategy. We look forward to continuing to work collaboratively with all the parties to achieve this in the future.

Tim Flesher CB (*Chair*)

Mary Carter

Luke Corkill

Judith Gillespie CBE

Raj Jethwa

Leslie Manasseh MBE

Paul West QPM DL

# Chapter 1: Introduction

## Our role

1.1 The Prison Service Pay Review Body (PSPRB) was established in 2001 under statute<sup>1</sup> to examine and report on matters relating to the pay and allowances to be applied in the public sector prison services in England and Wales, and in Northern Ireland. For Northern Ireland, following the devolution of justice, separate regulations were established: The Prison Service (Pay Review Body) Regulations (Northern Ireland) 2012<sup>2</sup>.

1.2 The PSPRB was created as a compensatory mechanism for our remit group's loss of the right to take industrial action of any form. This was outlined in the 336th report<sup>3</sup> (2005) by the International Labour Organization, in which the Government of the United Kingdom gave a clear and unequivocal commitment only to depart from the PSPRB's recommendations in "exceptional circumstances" and agreed that such recommendations would be complied with in practice. This pledge has not been rescinded. This therefore places a particular responsibility on us, and it is one that we take very seriously when formulating our recommendations. Given this context, we consider that, if any of our recommendations are rejected, the remit group should receive a full explanation detailing the "exceptional circumstances" that have led to that decision.

1.3 We also have standing terms of reference. They emphasise that we should provide independent advice based on the range of evidence available to us. There are several elements in our terms of reference which we are asked to take account of when making our recommendations, these are:

- Recruitment and retention factors. For example, whether the Service can recruit and retain the numbers of suitably able staff that it requires;
- Remit group morale;

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<sup>1</sup> Legislation.gov.uk, (2001). *The Prison Service (Pay Review Body) Regulations 2001*. (online) Available at: <https://www.legislation.gov.uk/ukksi/2001/1161/contents/made> [accessed on 30 November 2022].

<sup>2</sup> Legislation.gov.uk, (2012). *The Prison Service (Pay Review Body) Regulations (Northern Ireland) 2012*. (online) Available at: <https://www.legislation.gov.uk/nisr/2012/191/made> [accessed on 30 November 2022].

<sup>3</sup> The International Labour Organization, (2005). *336<sup>th</sup> report of the Committee on Freedom of Association*. (online) Available at: [https://www.ilo.org/public/libdoc/ilo/P/09604/09604\(2005-88-series-B\).pdf](https://www.ilo.org/public/libdoc/ilo/P/09604/09604(2005-88-series-B).pdf) [accessed on 30 November 2022].

- Labour market issues, including regional and local variations, and the effects on recruitment and retention;
- The legal obligations placed on the Prison Service;
- Affordability of our proposals, which includes the Government of the United Kingdom's inflation target, and the funds available to the Prison Service; and
- The economic and other evidence submitted by the Northern Ireland Prison Service (NIPS) on behalf of the Government of Northern Ireland, trade unions, staff, professional associations and others.

### **Outcome since our last report**

1.4 In our 2020 Northern Ireland report<sup>4</sup>, we recommended a consolidated headline award of at least 2% for all uniformed and governor grades. We also recommended increasing the Supplementary Risk Allowance (SRA) for all eligible staff to the 1 September 2020 level of the Police Service of Northern Ireland Transitional Allowance. Furthermore, we recommended an increase from 1 April 2020 in the weekend and privilege holiday Governor on-call rate from £20 to £21 a day. The Government of Northern Ireland accepted our recommendations in full but expressed disappointment that its proposals relating to pay scale restructuring were not endorsed by the PSPRB. As we noted in that report, we considered that the grading review conducted by NIPS that had commenced some considerable time ago should be completed first in order to inform any proposals on future pay scale restructuring.

1.5 We need an activation or remit letter from the Government of Northern Ireland in order to start a pay round. We did not receive this letter for pay effective from 1 April 2021, therefore we produced no report last year. Instead, NIPS sought to reach an agreement on pay with the POA (Northern Ireland) (POA(NI)) and the Prison Governors' Association (Northern Ireland) (PGA(NI)). However, no agreement was reached with the trade unions and instead NIPS imposed a 2021 pay award in February 2022. This imposed award amounted to a headline 1% consolidated pay increase for all grades except for pre-2002 grades who received a 1% non-consolidated payment. NIPS also made changes to the pay scales for a number of

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<sup>4</sup> Prison Service Pay Review Body, (2020). *PSPRB Twelfth report on Northern Ireland: 2020*. (online) Available at: <https://www.gov.uk/government/publications/psprb-twelfth-report-on-northern-ireland-2020> [accessed on 30 November 2022].

officer, support and the Prisoner Escorting and Court Custody Service (PECCS) grades. It also increased the SRA by 1%.

1.6 Had we received a remit letter in 2021, our report would undoubtedly have highlighted the courage, commitment and professionalism of NIPS staff at all levels during the unprecedented challenges of the coronavirus (Covid-19) pandemic. We remain immensely impressed with how NIPS kept prisoners, staff and visitors safe whilst maintaining as normal a prison regime as possible. As we emerge with justifiable hope from a global pandemic, we are confronted with another set of unprecedented challenges in the context of the war in Ukraine, the macro-economic environment, and the highest UK inflation rate since the PSPRB was established in 2001.

### **Our remit this year**

1.7 The former Minister of Justice Northern Ireland, Naomi Long MLA, wrote to our Chair on 1 April 2022 asking us to commence our work for the 2022-23 pay round. The letter (see Appendix A) did not restrict our remit, allowing us to make recommendations on the entirety of our remit. The Minister of Justice's letter asked us to take account of the Northern Ireland public sector pay guidance and to ensure that increases to pay and allowances were confined to the budget set for pay by the Department of Justice for operational prison grades. However, at the time of reaching our decisions the pay guidance for 2022-23 has not yet been published.

1.8 We make our recommendations this year amidst a particularly difficult political environment in Northern Ireland. On 5 May 2022, elections to the Northern Ireland Assembly were held following the resignation of the First Minister. To date however, there has been no political agreement on forming a new Assembly or Executive. Under the terms of the Northern Ireland (Ministers, Elections and Petitions of Concern) Act 2022<sup>5</sup>, the previous Executive and Ministers remained in post, but only in a caretaker capacity until 28 October 2022. This means that, at the time of reaching our decisions, there was no agreed Northern Ireland budget nor public sector pay policy in place, making long-term planning very challenging. Negotiations are currently ongoing around the formation of an Executive. The Secretary of State

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<sup>5</sup> Legislation.gov.uk, (2022). *Northern Ireland (Minister, Elections and Petitions of Concern) Act 2022*. (online) Available at: <https://www.legislation.gov.uk/ukpga/2022/2/introduction/enacted> [accessed on 30 November 2022].

for Northern Ireland announced<sup>6</sup> that these will continue until 19 January when further decisions will be made in relation to Assembly elections in Northern Ireland.

### **Our timetable**

1.9 For a pay award to be implemented at the start of a pay year (April to March) we need to have the parties' written evidence by the beginning of October in the preceding year so that we can submit our report in March before the start of the relevant pay year. Unfortunately, we have not been able to follow such a timetable since our 2013 report due to a combination of late remits and negotiations between the parties. We firmly believe that staff deserve to be paid in a timely manner, and repeated delays in initiating and completing the pay round only serves to cause frustration and demotivation for everyone concerned. We wish to see a return, as soon as practicably possible, to a timetable that enables each annual pay award to be implemented on time. We return to this matter in Chapter four.

### **Our evidence base**

1.10 Our secretariat invited all the parties who represent our remit group to submit written evidence to us. We received written submissions from NIPS and we were pleased that, for the first time since 2013, we also received evidence from the POA(NI). We held oral evidence with the parties via video conferencing and heard representations from:

- The then Minister of Justice Northern Ireland, Naomi Long MLA, and NIPS officials led by its Director General, Ronnie Armour;
- The POA(NI), represented by Ivor Dunne, Northern Ireland Area Chair, Maurice Ferguson, Northern Ireland Area Vice Chair, and members of the Northern Ireland area committee; and
- The PGA(NI), led by Richard Taylor, Northern Ireland Area Chair, and Mark Holmes, Northern Ireland committee member.

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<sup>6</sup> GOV.uk, (2022). *Secretary of State for Northern Ireland – Statement on Executive Formation*. (online) Available at: <https://www.gov.uk/government/news/secretary-of-state-for-northern-ireland-statement-on-executive-formation> [accessed on 30 November 2022].

1.11 We also continue to receive written representations from the Community trade union.

1.12 In formulating our recommendations for this report we considered evidence from a range of different sources. These include:

- Written and oral evidence from the parties;
- Economic and pay data from a range of sources, including the Office for National Statistics;
- Statistical data on our remit group provided by NIPS, including background and pay information, which is shared with the parties; and
- Information gathered from our June 2022 in-person visits (see para 1.13).

### **Visits**

1.13 In June 2022 we undertook an in-person visit programme to Northern Ireland. This is the first time we have been able to visit since January 2020 due to the pandemic. We visited staff at Maghaberry and Magilligan prisons, Hydebank Wood College and PECCS staff at both Laganside Court and at Maghaberry prison. We continue to view these visits as an invaluable opportunity to engage directly with our remit group and to see their working environment, enabling us to gain a greater understanding of their day-to-day duties and concerns. The visits also provide us with a basis upon which to test the written and oral evidence that we have received. We are grateful to those staff who took the time to meet with us and provide their views on a variety of issues. We know that arranging our visits requires considerable effort and we thank all those involved.

### **Our 2022 report**

1.14 This report follows a similar format to past reports. Chapter two sets out the economic, financial and environmental context, detailed information on our remit group, and summarises the evidence we received. In Chapter three we set out our analysis of the evidence and our recommendations on pay and allowances for 2022. Finally, we comment on wider issues and those we believe the parties should give further attention to for our 2023 report in Chapter four.





## **Chapter 2: Context and evidence**

### **Introduction**

2.1 This chapter sets out the context for our recommendations. It provides information on the economic situation and describes both the financial and environmental context in which the Northern Ireland Prison Service (NIPS) made its proposals and how these informed the recommendations we have made. This chapter presents background information and evidence on our remit group in terms of equality and diversity, recruitment and retention, and motivation and morale. It concludes with a summary of the main points that arose from our in-person visits in June 2022 and the parties' proposals to us this year.

### **Economic context**

2.2 In our reports, we consider economic evidence from a range of sources. In reaching our decisions this year, we have been conscious that we are making recommendations for pay effective from 1 April 2022 due to the late running timetable for this pay round. We have therefore noted economic data from 2021-22, as well as examining the most recent economic performance and forecasts available to us at the time of making our recommendations in late October 2022.

### *Economic growth*

2.3 There has been rapid change and uncertainty across the economy in recent years, largely due to the coronavirus (Covid-19) pandemic and more recently because of the war in Ukraine, which has caused further economic and financial shocks. The Northern Ireland economy was affected slightly less than the United Kingdom as a whole by the Covid-19 pandemic, possibly helped by the greater share of public services within the Northern Ireland economy<sup>7</sup>. Smaller falls in economic activity during the first wave of the pandemic and stronger recovery meant that the Northern Ireland economy regained its pre-pandemic size in the second quarter of

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<sup>7</sup> Economics Observatory, (2022). *Update: What has been the economic impact of the Northern Ireland Protocol?* (online) Available at: <https://www.economicsobservatory.com/update-what-has-been-the-economic-impact-of-the-northern-ireland-protocol> [accessed on 30 November 2022].

2021<sup>8</sup>. However, latest figures show that the level of economic activity in Northern Ireland decreased by 0.1% over the quarter to June 2022, having increased by 2.4% over the year to June 2022. United Kingdom gross domestic product decreased at the same rate over the quarter to June 2022 and increased by 2.9% in the year to June 2022<sup>9</sup>.

### *Inflation*

2.4 There are no official, Northern Ireland specific, measures of either the cost of living or inflation. The United Kingdom wide inflation rate, as measured by the Consumer Prices Index (CPI), rose to 9.0% in the 12 months to April 2022<sup>10</sup>. The latest inflation figures for the 12 months to September 2022, show CPI and CPI including owner occupier's housing costs rates at 10.1% and 8.8% respectively<sup>11</sup>. Inflation has been pushed up this year by rising energy costs which, along with supply shortages, have pushed up the prices of food and other goods.

2.5 The Bank of England forecast CPI inflation to average 13.1% in the fourth quarter of 2022, pushed up by further energy price rises, but then to fall to around 5.5% by the end of 2023<sup>12</sup>.

### *Labour market*

2.6 The majority of indicators, as shown below, continue to report improvements over this year, although recent data on redundancies, pay rolled earnings and monthly earnings have shown a worsening position in the short-term. The Northern Ireland Statistics and Research Agency reported that 150 redundancies occurred in

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<sup>8</sup> NISRA, (2022). *NI Economy & Labour Market*. (online) Available at: <https://www.nisra.gov.uk/publications/economic-overview-dashboard> [accessed on 30 November 2022].

The main economic indicator for the level of economic activity in Northern Ireland is the Northern Ireland Composite Economic Index. This is an experimental quarterly measure of the performance of the Northern Ireland economy based on the available official statistics.

<sup>9</sup> NISRA, (2022). *NI Composite Economic Index*. (online) Available at: <https://www.nisra.gov.uk/statistics/economic-output-statistics/ni-composite-economic-index> [accessed on 30 November 2022].

<sup>10</sup> ONS, (2022). *Consumer price inflation, UK: April 2022*. (online) Available at: <https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/april2022> [accessed on 30 November 2022].

<sup>11</sup> ONS, (2022). *Consumer price inflation, UK: September 2022*. (online) Available at: <https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/september2022> [accessed on 30 November 2022].

<sup>12</sup> Bank of England, (2022). *Monetary Policy Report – August 2022*. (online) Available at: <https://www.bankofengland.co.uk/monetary-policy-report/2022/august-2022> [accessed on 30 November 2022].

Northern Ireland in September 2022, following no or low redundancies over the summer months. This took the annual total to 1,100, which was 76.7% less than in the previous year<sup>13</sup>.

2.7 Employment rates in Northern Ireland continue to remain below the rest of the United Kingdom. The Northern Ireland employment rate for June to August 2022 decreased over the quarter but increased over the year to 69.9% in August 2022. For the same period, the United Kingdom employment rate was 75.5%. The unemployment rate (those looking for and available for work) was also lower in Northern Ireland increasing over the quarter to 3.0%, compared to 3.5% for the United Kingdom as a whole. Economic inactivity<sup>14</sup>, however, remains higher in Northern Ireland at 27.8% in June to August 2022, compared to 21.7% for the United Kingdom<sup>15</sup>.

### *Earnings*

2.8 Median employee pay has seen some volatility in recent years due to the pandemic but has been on a general upward trend since April 2020. In September 2022, Northern Ireland employees had a median monthly pay<sup>16</sup> of £1,944, a decrease over the month but an increase of 5.5% over the year. Northern Ireland tends to have lower median earnings compared to the United Kingdom as a whole. The United Kingdom recorded a median monthly pay of £2,131 in September 2022, an increase of 0.7% from the previous month and an increase of 6.3% from September 2021<sup>17</sup>.

2.9 Pay settlements data show a median 4.2% pay award in the three months to the end of August 2022 for the United Kingdom as a whole. In the 12 months to the

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<sup>13</sup> NISRA, (2022). *Northern Ireland Labour Market Report*. (online) Available at: <https://datavis.nisra.gov.uk/economy-and-labour-market/labour-market-report-october-2022.html#> [accessed on 30 November 2022].

<sup>14</sup> People are defined as 'economically inactive' when they are not in employment and have not been seeking work within the last four weeks and/or are unable to start work within the next two weeks.

<sup>15</sup> NISRA, (2022). *Northern Ireland Labour Market Report*. (online) Available at: <https://datavis.nisra.gov.uk/economy-and-labour-market/labour-market-report-october-2022.html#> [accessed on 30 November 2022].

<sup>16</sup> HMRC Pay As You Earn (PAYE) Real Time Information covers all income from PAYE. This includes: bonuses; overtime; shift premium; allowances; arrears; employees on trainee or junior rates of pay; employees whose earnings were affected by absence; payrollled redundancy payments; payrollled signing-on fees; and payrollled expenses.

<sup>17</sup> NISRA, (2022). *Northern Ireland Labour Market Report*. (online) Available at: <https://datavis.nisra.gov.uk/economy-and-labour-market/labour-market-report-october-2022.html#> [accessed on 30 November 2022].

end of August 2022, the median award was 4.0%; over this period a quarter of pay awards were 5.0% or above and a quarter were 3.0% or below<sup>18</sup>.

2.10 The best available source on the level of public and private sector earnings in Northern Ireland is the Annual Survey of Hours and Earnings (ASHE). The latest data relates to the year to April 2021 and is therefore likely to include some pandemic-related effects. Median earnings for all employees over that period were 8.2% lower in Northern Ireland compared the United Kingdom as a whole but this gap is different for the public and private sectors. Private sector median earnings for the period were 15.4% lower in Northern Ireland than the United Kingdom as a whole, while public sector median earnings were only 0.1% lower<sup>19</sup>. In Northern Ireland, median gross earnings for full-time workers in the public sector were £34,033 in the year to April 2021, 33% higher than the private sector at £25,531<sup>20</sup>.

### *National Living Wage*

2.11 The National Living Wage (NLW) is based on recommendations made to Government by the Low Pay Commission. The NLW applies to workers aged 23 and over, with separate rates for younger workers. From 1 April 2022, the NLW for workers aged 23 and over increased by 6.6% to £9.50 an hour<sup>21</sup>. The Government's target is, economic conditions permitting, for the NLW to reach two-thirds of median earnings by 2024. We assessed the differentials between the lowest-paid NIPS grades and the NLW. We found that pay for the Prisoner Custody Officer (PCO), Custody Prison Officer (CPO), Operational Support Grade (OSG) and Night Custody Officer (NCO) grades were estimated to all be at least 18% above the NLW in 2021-22<sup>22</sup>.

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<sup>18</sup> Office of Manpower Economics (OME) analysis of unpublished XperTHR data.

<sup>19</sup> OME analysis of NISRA, (2021). *Annual Survey of Hours and Earnings*. (online) Available at: <https://www.nisra.gov.uk/statistics/labour-market-and-social-welfare/annual-survey-hours-and-earnings> and ONS (2021) *Employee earnings in the UK: 2021* (online) Available at: <https://www.ons.gov.uk/releases/employeeearningsintheuk2021> [accessed on 30 November 2022].

<sup>20</sup> These data relate to employees on adult rates who have been in the same job for more than a year. Estimates include employees who had been furloughed under the Coronavirus Job Retention Scheme. NISRA, (2021). *ASHE tables in ODS*. (online) Available at: <https://www.nisra.gov.uk/publications/ashe-tables-ods> [accessed on 30 November 2022].

<sup>21</sup> GOV.uk, (2022). *National Minimum Wage and National Living Wage rates*. (online) Available at: <https://www.gov.uk/national-minimum-wage-rates> [accessed on 30 November 2022].

<sup>22</sup> This analysis compared the NLW for workers aged 23 and over against hourly base pay (excluding the Supplementary Risk Allowance (SRA)) from 1 April 2021 to 31 March 2022, for NIPS grades.

## **Financial context**

2.12 As set out in Chapter one, at the time of writing this report there was no agreed Northern Ireland budget or public sector pay policy in place. This budget uncertainty makes long-term strategic planning very challenging for all Northern Ireland departments. Departments in Northern Ireland have been provided with a Contingency Planning Envelope as an interim measure. This allowed NIPS to pay contractual progression increments in July 2022. In its written evidence, NIPS drew our attention to His Majesty's Treasury (HMT) published pay guidance for 2022-23. This stated that departments could make average pay awards of up to 2% with additional flexibility to pay a further 1% where it could be demonstrated that awards had been targeted to address specific workforce priorities and pay strategies. NIPS informed us that it would seek formal pay remit approval from the Department of Finance (DoF) once the Prison Service Pay Review Body (PSPRB) has made its recommendations.

### *The grading review*

2.13 In June 2022, NIPS completed and published its grading review. The purpose of the grading review was to establish the grade relativities for operational prison grade roles across all business areas. All grades within our remit were in scope of the review. We have continually stressed the importance of bringing the grading review to a conclusion and were therefore pleased to be able to consider its outcome during this pay round.

2.14 NIPS produced a series of recommendations following the completion of the grading review. These recommendations include:

- The creation of a new five band grading structure (Band 1 to 5) for uniformed staff;
- A new management grade within the Prisoner Escorting and Court Custody Services (PECCS) combining the roles of Principal Prisoner Custody Officer (PPCO) and Senior Prisoner Custody Officer (SPCO);
- A new pay scale for OSGs;
- A working group to be set up to discuss internal promotion routes between PECCS and operational prison staff;

- Discussions to take place between NIPS and the POA (Northern Ireland) POA(NI) on options going forward for pre-2002 staff; and
- A number of other considerations and changes that fall outside of our remit.

2.15 The grading review made no recommendations to change the governor grades, concluding that there were sufficient gaps between the existing grades.

### *Affordability*

2.16 In its evidence to us, NIPS stated that the key priority behind its proposals this year was to address the differentials between grades. It noted that initial informal discussions had been held with the DoF, who made clear that it saw no rationale for consolidated increases for pre-2002 staff following the outcome of the grading review because this would increase pay differentials<sup>23</sup>. During oral evidence, the then Minister of Justice in Northern Ireland, Naomi Long MLA, stressed the importance that the Government of Northern Ireland would place on reducing differentials when considering how to respond to our recommendations this year. She said that the DoF would look more favourably at recommendations that addressed the differentials. NIPS stated in its written evidence that the alternative to the approach it proposed was to tackle the differentials in a graduated manner but that it did not think this was fair or good for motivation and morale.

2.17 NIPS costed its proposals for 2022-23 for our remit group at approximately £2.4 million excluding progression. It stated that this represented the absolute maximum of available funding and far exceeded what the anticipated Northern Ireland public sector pay policy would be for the 2022-23 pay round but followed the then Minister of Justice's priorities for the pay award. These priorities were stated to be: to ensure the pay award is affordable; to make substantial progress on relativities; and to continue to focus on the lower paid.

2.18 In oral evidence this year, we questioned the then Minister of Justice and NIPS on the affordability of its proposals in the absence of prior approval from the DoF and lack of an agreed Northern Ireland budget. The Minister of Justice informed

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<sup>23</sup> We note that, at April 2022, around 12% of our remit group were in the pre-2002 grades. Within these grades, around 33% of Band 5 Senior Officers were pre-2002 and 13% of Band 3 prison officer grades were pre-2002 Main Grade Officers.

us that the total cost of the NIPS proposals was affordable and was consistent with the pay guidance from HMT, allowing for average pay awards of up to 2.5%.

### *Cost of living*

2.19 During our visit programme we heard about the impact the rising cost of living was having on our remit group. In a number of discussion groups staff told us that their colleagues were taking steps to limit the impact of the rising cost of living. Examples included taking leave towards the end of the month to preserve the fuel needed to commute to work. This issue was exacerbated by the lack of public transport to most workplaces in the Service.

### **The composition of our remit group**

2.20 There were 1,255 staff (on a headcount basis) in our remit group at 1 April 2022, a decrease of 66 staff (-5%) compared to 1 April 2021. Table 2.1 provides figures for the period from 2018 to 2022. The key points are:

- Governor grade and Senior Officer (SO) staff numbers have remained relatively stable since 2018;
- Main Grade Officer (MGO) staff numbers decreased by 30% between 2018 and 2022;
- CPOs are the most populous grade within the Prison Service, accounting for 47% of staff. CPO staff numbers have increased by 14% since 2018 but decreased by 5% in the year to April 2022;
- NCO staff numbers have increased by 20% between 2018 and 2022;
- OSG numbers have gradually declined over time because this grade is not recruited-to; and
- PECCS numbers were 8% lower in April 2022 compared to 2021 and are at 2018 levels.

**Table 2.1: Northern Ireland Prison Service staff numbers (headcount), 1 April 2018 to 2022<sup>24</sup>.**

<b>Grade</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Director of Prisons/Governor in Charge/Head of Function	12	12	15	14	13
Head of Unit	25	22	19	23	27
Senior Officer	117	110	99	122	117
Main Grade Officer	308	287	263	245	216
Custody Prison Officer	516	565	597	620	590
Night Custody Officer	110	107	103	123	132
Operational Support Grade	14	9	8	8	8
Prisoner Escorting and Court Custody Service	153	149	156	166	152
<b>Total</b>	<b>1,255</b>	<b>1,261</b>	<b>1,260</b>	<b>1,321</b>	<b>1,255</b>

### *Staff characteristics*

2.21 As a public body we have a public sector equality duty and are required by our terms of reference to consider, as a minimum, the relevant legal obligations on the Prison Service with regard to equality and diversity.

2.22 In our last report in 2020 we asked NIPS to provide further data on staff with certain protected characteristics so that we would be aware of how our recommendations affect different groups of individuals. We were pleased to receive this from NIPS and have used this data throughout our report. NIPS informed us in its written evidence this year that it was committed to providing equality of opportunity and this policy was central to its strategy to recruit, retain and promote the best available people to provide a high-quality service to the people of Northern Ireland.

2.23 We monitor the diversity of our remit group using the latest available staffing data on an annual basis. The most recent figures as at 1 April 2022 show that 67% of our remit group were male and 33% were female. These figures are unchanged from 2021. As can be seen in Table 2.2, PECCS had the highest proportion of

<sup>24</sup> OME analysis of NIPS workforce data.



female staff compared to other grades at 46%. MGOs had the lowest proportion of female staff, at 19% in 2022.

**Table 2.2: Staff in post by grade and gender (headcount), at 1 April 2022<sup>25</sup>.**

<b>Grade</b>	<b>Male</b>	<b>Female</b>	<b>Male (%)</b>	<b>Female (%)</b>
Governor grades	26	14	65%	35%
Senior Officer	81	36	69%	31%
Main Grade Officer	174	42	81%	19%
Custody Prison Officer	375	215	64%	36%
Night Custody Officer	99	33	75%	25%
Operational Support Grade	5	3	63%	38%
Prisoner Escorting and Court Custody Service	82	70	54%	46%
<b>Total</b>	<b>842</b>	<b>413</b>	<b>67%</b>	<b>33%</b>

2.24 At 1 April 2022, 74% of the remit group defined themselves as coming from a Protestant community background, compared to 14% who defined themselves as coming from a Catholic community background. According to the 2021 Census, 42% of the population in Northern Ireland was Catholic<sup>26</sup>. As Table 2.3 shows, governor grades had the highest proportion of staff who identified as Protestant at 83%. CPOs had the lowest proportion, at 69%.

<sup>25</sup> OME analysis of NIPS workforce data.

<sup>26</sup> NISRA, (2022). *Census 2021 main statistics religion tables*. (online) Available at: <https://www.nisra.gov.uk/publications/census-2021-main-statistics-religion-tables> [accessed on 30 November 2022].

**Table 2.3: Percentage of staff in post by community background, at 1 April 2022<sup>27</sup>.**

<b>Grade</b>	<b>Protestant</b>	<b>Catholic</b>	<b>Not Determined/ Not Known</b>
Governor grades and Senior Officer	83%	14%	3%
Main Grade Officer	81%	9%	11%
Custody Prison Officer	69%	18%	12%
Operational Support Grade/Night Custody Officer	76%	11%	13%
Prisoner Escorting and Court Custody Service	74%	11%	15%
<b>Total</b>	<b>74%</b>	<b>14%</b>	<b>11%</b>

2.25 The age profile of our remit group remains largely unchanged this year. For the governor grades, the age groups 51-55 and 56-60 were the most populous as at 1 April 2022. For operational staff below the governor grades, the age groups 51-55, 31-35 and 26-30 were the most populous. In oral evidence, NIPS informed us that in five to six years a significant proportion of its governor grade experience would be lost due to retirement. It said however, that its governor grade succession planning was on track and there had been recent promotions into the Governor in Charge grades that had resulted in an increase in younger appointees.

2.26 We also note that, as at 1 April 2022, 79% of staff were 'White', with the remaining 21% of staff categorised as 'Other/Not Known'. According to the 2021 Census, 97% of the population in Northern Ireland were 'White'<sup>28</sup>.

2.27 During oral evidence, the then Minister of Justice informed us that at March 2022 there was a 10.9% gap in median pay in favour of male staff compared to female staff and a 7.3% gap in median pay in favour of Protestant staff compared to Catholic staff. Across the Northern Ireland Civil Service (NICS), during the same time period, median pay for female staff was 7.4% lower than for male staff. There was also a 7.4% gap in favour of Protestant staff compared to Catholic staff and a 7.4%

<sup>27</sup> OME analysis of NIPS workforce data.

<sup>28</sup> NISRA, (2022). *Census 2021 main statistics ethnicity tables*. (online) Available at: <https://www.nisra.gov.uk/publications/census-2021-main-statistics-ethnicity-tables> [accessed on 30 November 2022].

gap in favour of non-disabled staff compared to disabled staff<sup>29</sup>. The Minister of Justice recognised that the Service needed to deal with these equality and diversity issues.

2.28 A key theme in NIPS's proposals this year has been to address differentials through further restructuring of pay scales and non-consolidated awards for pre-2002 staff. It has provided us with proposals that would remove the pay differential between pre-2002 and post-2002 SO grades, equalising total pay (when the Supplementary Risk Allowance (SRA) is included). Its proposals would also equalise total pay between CPOs, post-2002 MGOs and pre-2002 MGOs (when the SRA included). NIPS informed us of its concern during oral evidence that, now that the grading review was complete, the Service could be at risk of an equal pay claim. It said that the grading review had confirmed that CPOs and MGOs carried out the same duties. NIPS accepted that its proposals would not find favour with pre-2002 staff but said that the Service had to act decisively to tackle the differentials this year. NIPS also commented that the Equality Commission for Northern Ireland had stated that too many grade structures and overlaps could increase equal pay vulnerabilities.

2.29 In reaching our recommendations this year, we have used the data available to us to identify potential impacts on equality. In Chapters three and four we share our thinking and the conclusions we reached on these issues, as well as a number of areas we wish to consider in future years.

## **Environmental context**

### *Covid-19*

2.30 During the past two years, the work of operational prison staff has been dominated by the Covid-19 pandemic. For staff in our remit group this has presented an extraordinary challenge. Contingency plans were put in place to slow the spread of Covid-19 and prioritise the safety of prisoners, staff and visitors. Operational prison staff did not have the option to work from home during this period of time. Despite the risk to themselves and their families they continued to attend establishments to maintain order, to ensure the safety of the prisoners in their care, and to protect the public. We heard from staff on our visits this year of the toll this

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<sup>29</sup> NISRA, (2022). *Pay in the Northern Ireland Civil Service Statistical Bulletin Year Ending March 2022*. (online) Available at: <https://www.nisra.gov.uk/publications/pay-northern-ireland-civil-service-statistical-bulletin-year-ending-march-2022> [accessed on 30 November 2022].

took on them and the sense of 'burnout' amongst our remit group. We remain very impressed by the courage, dedication and professionalism of all of the staff in our remit group who faced these unprecedented challenges and who continue to work in difficult conditions, behind prison walls and out of sight of the public.

2.31 During the pandemic, the Service secured additional funding for overtime and additional payments. These included overtime bonuses (including a temporary increase to the overtime rate by £5 per hour), a Contamination Environmental allowance, Hospital Escort payments and a Public Holiday Payment. NIPS informed us in written evidence that the cost of these payments totalled £7.7 million over the two years to January 2022.

### *Prison reforms*

2.32 In July 2018, NIPS launched its Prisons 2020 strategy. The strategy aimed to ensure NIPS was structured and resourced to provide an efficient, effective, modern and affordable service, focused on the development of staff and capable of rehabilitating those in custody. Prisons 2020 was concluded in early 2022 (delayed slightly by the pandemic). Some of the highlights relating to our remit group that NIPS included in its written evidence to us were:

- 98% of staff were now in post;
- The SRA and the Police Service of Northern Ireland's Transitional Allowance (NITA) had been equalised;
- There had been a 15.9% increase in CPO pay and a 5.1% increase in starting pay for NCOs since the launch of Prisons 2020. PCOs had seen their pay increase by 11.4% over that period;
- A wellbeing programme had been made available to all staff;
- A Future Leaders Scheme (FLS) for SOs and a number of governor grade development programmes were established;
- Davies House at HMP Maghaberry opened and planning of a new female facility at Hydebank Wood commenced; and
- A new fleet of PECCS vehicles was added.

2.33 NIPS informed us in its written evidence that it was now embarking on a Prisons 25 by 25 strategy which will run from 2022 until 2025, building on the Prisons 2020 strategy. We look forward to hearing more about this initiative next year.

#### *Prison population*

2.34 In the 12 months to March 2022 the average daily prison population across establishments was 1,494, 3% higher than the previous year<sup>30</sup>. This equates to around 1.2 prisoners per remit group staff member across establishments. In England and Wales, there were around 2.3 prisoners per remit group staff member at 31 March 2022<sup>31</sup>.

2.35 The then Minister of Justice informed us that, at the time of oral evidence, the prisoner population had now risen to 1,700 – an increase of almost 20% - due to the courts working through backlogs caused by the pandemic. As a result, NIPS had been given approval by the Minister of Justice to recruit additional staff, pending further discussion on funding.

#### *His Majesty's Inspectorate of Prisons*

2.36 By invitation of the Criminal Justice Inspectorate Northern Ireland (CJINI), His Majesty's Inspectorate of Prisons (HMIP) inspected HMP Magilligan from 21 May to 10 June 2021<sup>32</sup>. At the time of the unannounced inspection, the prison was beginning to emerge from Covid-19 restrictions. HMIP noted that staff should take great credit for the way they had protected prisoners and colleagues over the pandemic. The prison had adopted an early and brave decision and had kept prisoners unlocked during much of the day whilst still managing the effects of the Covid-19 restrictions. This was in contrast to the situation in England and Wales where most prisoners had been locked in cells for long periods of the day.

2.37 The report noted that the prison was offering a stable and safe environment that saw very little violence despite concerns about access to illicit substances and high rates of positive drug tests. HMIP found that the prison had a good approach to

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<sup>30</sup> Department of Justice, (2022). *The Northern Ireland Prison Population 2021-22*. (online) Available at: <https://www.justice-ni.gov.uk/publications/northern-ireland-prison-population-2021-22> [accessed on 30 November 2022].

<sup>31</sup> OME analysis of unpublished His Majesty's Prison and Probation Service data, at 31 March 2022.

<sup>32</sup> Criminal Justice Inspection Northern Ireland, (2022). *An unannounced inspection of Magilligan Prison*. (online) Available at: <https://www.cjini.org/TheInspections/Inspection-Reports/2022/Jan-Mar/Magilligan-Prison-2022> [accessed on 30 November 2022].

safeguarding vulnerable prisoners and allowed a positive oversight of personal care. The Inspectorate stated that much of the accommodation at the prison needed refurbishment and standards of cleanliness should have been better. It added that this was mitigated by the tidiness of prisoners' own cells.

2.38 In March 2022 the CJINI and HMIP undertook an inspection of the detention of persons in the custody of the court in Northern Ireland<sup>33</sup>. The inspection covered the Northern Ireland Courts and Tribunal Service, Police Service of Northern Ireland (PSNI) and NIPS via PECCS. The Inspectorate noted that PECCS played a vital role in keeping those detained in the courts safe and ensuring their needs were met. It stated that PECCS faced challenges within its workforces in respect of: recruitment and retention; pay and conditions; the number of available staff; and the need to ensure management structures led to more effective decision making.

2.39 The Inspectorate reported that training for new and existing PECCS staff was not sufficient, nor was the relevant technology available. However, it noted that the PECCS vehicle fleet was modern and suitable for its purpose. The report highlighted that some courts had no secure parking which placed staff and detainees at risk of undue attention.

#### *Assaults on staff*

2.40 The total number of assaults on staff was higher in 2021-22 at 77 compared to 40 in 2020-21, an increase of 93%. This increase to 77 assaults across establishments is similar to the level of assaults in 2018-19 but lower than the peak of 123 assaults in 2014-15. By establishment, HMP Maghaberry had the highest number of assaults.

#### *The security risk in Northern Ireland*

2.41 In March 2022, the Secretary of State for Northern Ireland announced that the Northern Ireland-related terrorism threat level had been lowered from severe to substantial. The Secretary of State noted that this was the first time the threat level in

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<sup>33</sup> Criminal Justice Inspection Northern Ireland, (2022). *Court Custody: The detention of persons in the custody of the court in Northern Ireland*. (online) Available at: <https://www.cjini.org/TheInspections/Inspection-Reports/2022/Jan-Mar/Court-Custody-2022> [access on 30 November 2022].

Northern Ireland had been changed in over a decade and commended the progress Northern Ireland had made towards a more peaceful, prosperous and safer society<sup>34</sup>.

2.42 We continued to hear evidence this year both from the parties and from staff in our remit group about the very real threat that still exists for staff working in the Service. This affects their everyday lives and the decisions they make, such as the location of their home. We also heard concerns from PECCS about the high public visibility of their role, the lack of secure parking and the resulting danger when they are walking to and from their various workplaces. Many prison staff suggested to us that the longer they stayed in their job, the harder it was for them to leave due to security risks.

### **Recruitment and retention**

2.43 As set out in our terms of reference, the ability of NIPS to recruit, retain and motivate suitably able and qualified staff is a key factor that we must consider when reaching our recommendations. During oral evidence NIPS told us that recruitment into the Service had improved and it was expecting to reach target staffing levels (TSL) in March 2023. The Service had recently been given approval to recruit 40 additional CPOs and 16 NCOs. However, NIPS informed us that it would need to recruit around 100 staff in the next year and a further 80 the year after to remain at its TSL.

2.44 During our visit programme, staff frequently shared the perception that it could take significant amounts of time to recruit new staff into the Service, in some cases taking upwards of two years. This created a risk that candidates would find other jobs during this time. Many staff felt that recruitment should be returned to NIPS as NICS recruitment processes were not adequate for recruiting to operational prison roles. The unions echoed these concerns in oral evidence, stating that the recruitment process was too complex, vetting took too long, and the whole process needed to be streamlined. The Prison Governors' Association (Northern Ireland (PGA(NI))) stated that the recruitment process should be values based, not competency based, to make selection decisions based on the values and behaviours the Service wanted and needed. When we questioned NIPS on this during oral

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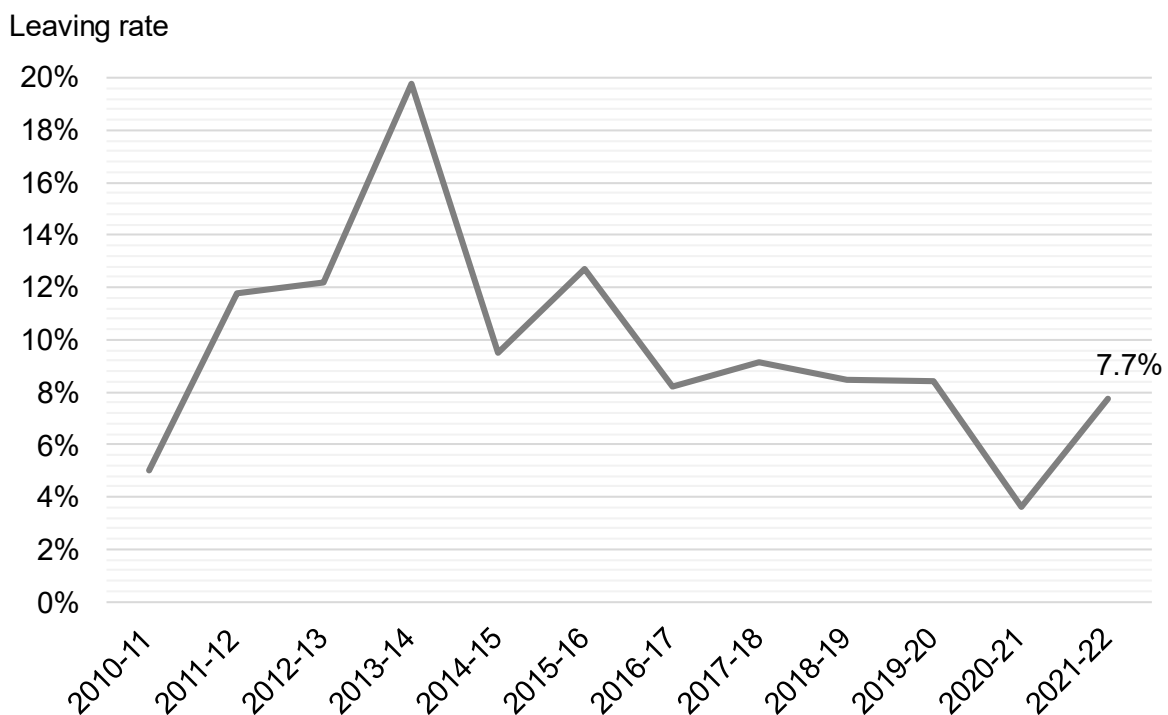
<sup>34</sup> GOV.uk, (2022). *Northern Ireland-related Terrorism threat level lowered*. (online) Available at: <https://www.gov.uk/government/news/northern-ireland-security-update> [accessed on 30 November 2022].

evidence, it acknowledged that there had been issues with vetting backlogs and occupational health medical referrals taking too long. NIPS confirmed that its aim was for the process to take no longer than six months from application to being trained.

*Leaving rates*

2.45 NIPS informed us in written evidence that recruitment and retention has historically not been an issue for the Service but acknowledged there had been an increase in turnover in recent years. In the year to April 2022, 97 staff left the Service, equating to a leaving rate of 7.7%. Figure 2.1 shows this is an increase from 2020-21 but we note that this was a period when the pandemic led to a historically low numbers of leavers. The main reason for leaving in 2021-22 was resignation (43% of leavers), followed by medical retirement (27%) then retirement (20%). Across all grades, leavers with 0-4 years of service were the most numerous.

**Figure 2.1: Overall leaving rate of remit group staff, 2010-11 to 2021-22 (year to April)<sup>35</sup>.**



2.46 Table 2.4 shows the leaving rates for the most populous grades. MGOs had the highest leaving rates in 2021-22 at 11.1%, followed by PECCS grades at 8.6%.

<sup>35</sup> OME analysis of NIPS workforce data.



NIPS informed us in its evidence that it sees the need to focus money on the recruitment level grades – CPO, NCO and PCO.

**Table 2.4: Leaving rates by grade, 2018-19 to 2021-22 (year to April)<sup>36</sup>.**

<b>Grade</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>
Main Grade Officer	7.3%	9.1%	5.7%	11.1%
Custody Prison Officer	7.6%	6.9%	3.7%	6.9%
Night Custody Officer	6.5%	9.7%	3.3%	6.1%
<b>Total officers and support grades</b>	<b>7.2%</b>	<b>8.3%</b>	<b>3.9%</b>	<b>7.5%</b>
Prisoner Escorting and Court Custody Service	17.4%	10.9%	1.2%	8.6%
<b>All grades</b>	<b>8.5%</b>	<b>8.4%</b>	<b>3.6%</b>	<b>7.7%</b>

2.47 During our visits, we heard that staff frequently leave to go to comparable jobs within the PSNI, Border Force or Fire Service which, it was perceived, offer better levels of pay and progression. Younger staff often saw the job as a platform for better future jobs outside the Prison Service. We also heard examples of staff leaving due to the lack of career progression, particularly for OSGs, NCOs and PECCS staff. The POA(NI) informed us in oral evidence that there was a “crisis in staff retention” and there were constant shortfalls, made worse by sickness absence, that needed to be covered both in the short and long term. The PGA(NI) shared examples with us of PECCS staff leaving to drive supermarket delivery vans for similar money but without the level of risk and of CPOs leaving to become bus drivers for a starting salary of £2,000 a year more.

2.48 The PGA(NI) further raised concerns with us about the reluctance of SOs to apply for promotion to the governor grades. The union stated that SOs did not want to apply because, in some cases, applicants could lose up to £400 a month in overtime. It also believed the requirement to travel a significant number of miles to get to work was also having an adverse impact on the numbers applying for promotion. On our visits we heard from governor grades that some were considering non-operational jobs within the NICS that were less stressful, without on-call duties and offered more opportunities to work from home.

<sup>36</sup> OME analysis of NIPS workforce data.

### *Exit interviews*

2.49 We have consistently encouraged NIPS to consider introducing formal exit interviews for all staff who leave the Service as these can provide valuable data about why staff are leaving and where they are going to. We were disappointed once again this year to hear from NIPS that NICS did not have a policy in place to conduct exit interviews and that staff were too busy to undertake these interviews. During oral evidence, NIPS accepted that it would be helpful for the Service to conduct exit interviews although they informed us that this would not happen in this financial year. We urge NIPS to implement exit interviews because it is important to understand in a structured and consistent way the reasons why staff leave. We return to this issue in Chapter four.

### **Pay comparisons**

2.50 In the context of relative pay comparisons we used the Office for National Statistics' (ONS) ASHE data to assess the relative position of pay for operational staff, focusing on the most populous NIPS grades. We also conducted additional comparator analysis to compare pay for specific job roles in Northern Ireland which could be seen to be competitor roles for certain NIPS grades<sup>37</sup>.

2.51 Our ASHE analysis is based on comparing NIPS prison officer pay (including the SRA) with gross annual earnings across the Northern Ireland economy. The latest available full year of ASHE data was 2020-21 at the time of writing. Therefore, the prison salary information used in this section relates to pay from the financial year 2020-21 and does not cover current (2021-22) pay rates. There is more uncertainty around the ASHE estimates for 2019-20 and 2020-21, given that the data covers the pandemic period and the ONS recommends looking at longer-term trends<sup>38</sup>. Median gross earnings for full-time workers in Northern Ireland were £29,109 in 2020-21. Our findings from the analysis showed that:

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<sup>37</sup> We note that, whilst the SRA is not part of base pay for the recruited-to grades, it has been included in the comparator analysis, to reflect the remuneration staff can expect to receive.

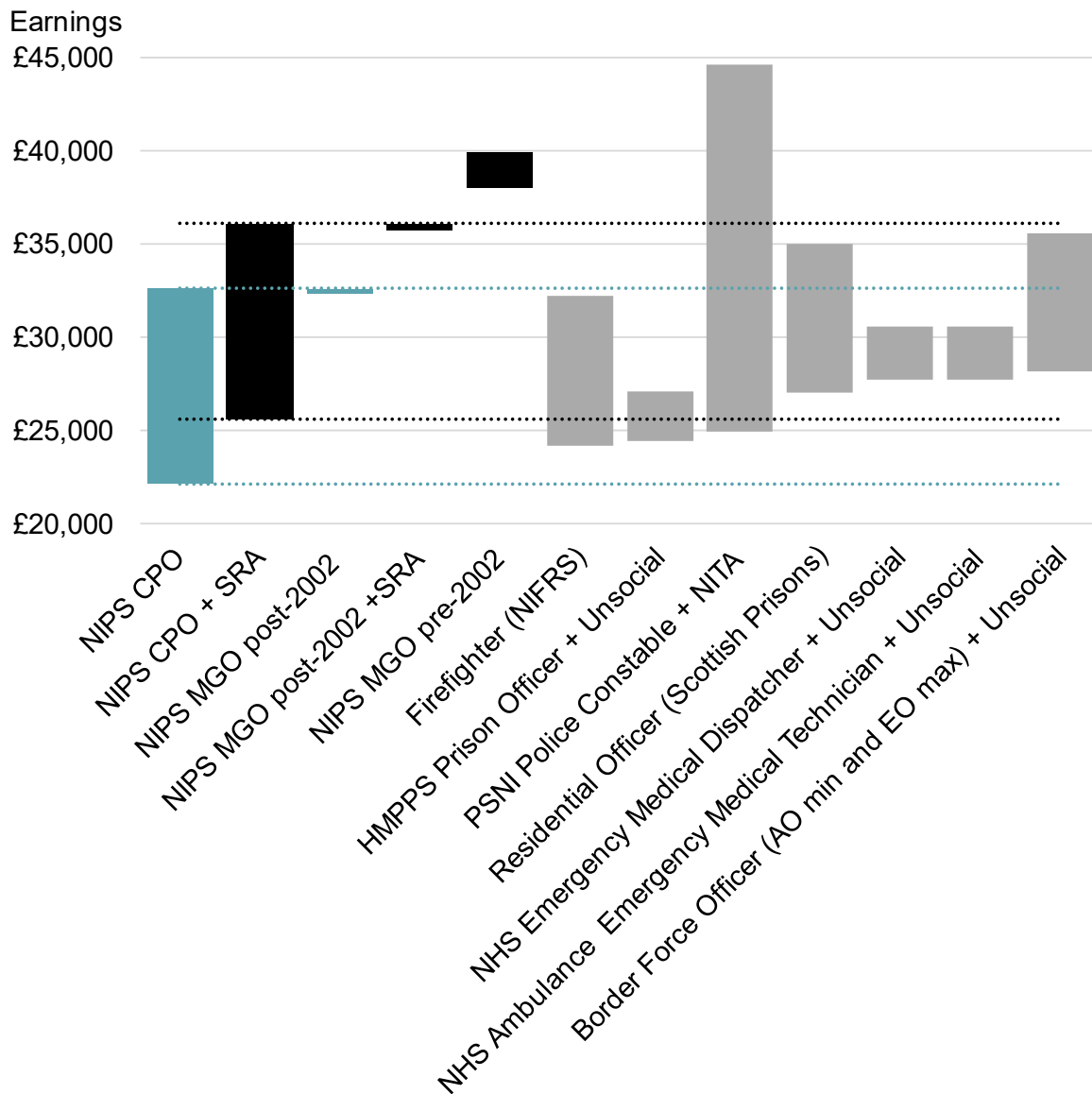
<sup>38</sup> ONS, (2022), *Employee earnings in the UK: 2022*. (online) Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletin/annualsurveyofhoursandearnings/2022> [accessed on 30 November 2022].

- The pay scale for SOs has been located around the 75th percentile of economy-wide earnings from 2018-19 to 2020-21. Slight improvements from 2014-15 to 2020-21 have, in part, been driven by increases in the SRA;
- The relative position of post-2002 MGO pay has been comparatively stable in recent years, at some 23% above economy-wide median earnings between 2017-18 and 2020-21;
- Following restructuring of the CPO scale in 2015-16 where its relative position improved compared to economy-wide earnings, the scale maximum has remained at some 7-10% above economy-wide median earnings. The relative position of the CPO minimum has also improved, partly due to structural increases; and
- PECCS PCO pay has been below median economy-wide earnings, however its relative position was improved in 2018-19, when an additional point was added to the scale. In 2020-21, the pay scale maximum was 11% below median earnings, compared to 19% in 2015-16.

2.52 In terms of occupational comparisons, using current 2021-22 pay scales, our analysis of the most populous grades showed that the PECCS, MGO and CPO grades compared favourably to their comparators. As Figure 2.2 shows, pre-2002 MGO pay exceeded that of all of the comparators examined, as did the post-2002 MGO spot rate if SRA was included. The CPO scale maximum including SRA was also above the comparator maximums. If SRA was excluded, the CPO maximum exceeded or overlapped with the higher end of the comparator ranges. If SRA was not included in the comparison the CPO minimum however was below all of the comparator ranges. We can expect the competitiveness of CPO pay to increase with any restructuring where new points are added to the scale and lower points removed. This links to NIPS's longer term aspiration of shortening the 10 point CPO pay scale to five points.

**Figure 2.2: CPO and MGO pay compared to comparator pay ranges, 2021-**

**22<sup>39,40,41</sup>.**



<sup>39</sup> OME analysis adapted from Incomes Data Research (IDR), (2019). *Prison Pay Comparability Study*. (online) Available at: <https://www.gov.uk/government/publications/prison-pay-comparability-study> [accessed on 30 November 2022].

<sup>40</sup> All data relate to 2021-22. NIPS: unpublished payroll data from 1 April 2021. The SRA payment has been weighted to align with the 1 April to 31 March pay period. NIFRS: NIFRS, (2021). *Pay settlement 2021*. (online) Available at: <https://www.fbu.org.uk/pay-rates/pay-settlement-2021> [accessed on 30 November 2022]. HMPPS: unpublished HMPPS payroll data from 1 April 2021. PSNI: PSNI, (2021). *Your Pay Scale, with effect from 01/09/2021*. (online) Available at: <https://www.joinpsni.co.uk/police-officer/your-pay-scale>. [accessed on 30 November 2022]. Scottish Prison Service: based on unpublished Scottish Prison Service payroll data from 1 April 2021. NHS, (2021). *Agenda for change – pay rates from 1 April 2021*. (online) Available at: <https://www.healthcareers.nhs.uk/working-health/working-nhs/nhs-pay-and-benefits/agenda-change-pay-rates/agenda-change-pay-rates> [accessed on 30 November 2022]. Home Office Border Force: unpublished Home Office payroll data from 1 July 2021.

## **Motivation and morale**

2.53 The overall picture from the range of evidence we received indicates that the level of motivation and morale is generally low across the Service. It was evident from our visits that the pandemic has exhausted staff and there was a real sense of burnout across all grades. Staff in the lowest paid grades said they felt forgotten and undervalued by the Service, in particular PECCS staff. The 2021-22 imposed pay award had also appeared to damage trust between the staff and NIPS management, particularly with the pre-2002 staff who saw their 2021-22 non-consolidated awards as an attempt to “push them out” of the Service.

2.54 During oral evidence the POA(NI) stated that motivation and morale were at an all-time low. The PGA(NI) informed us that there had been a lot of praise for junior staff during the pandemic, but they said this had not been reflected in pay. It said the pandemic had caused a lot of additional work for its members. In its evidence to us NIPS acknowledged that there were issues with motivation and morale within the Service and that staff felt burnout after the pandemic.

## *Sickness absence*

2.55 We were very concerned this year to see that the number of working days lost per member of staff per year was 28 in the 12 months to June 2022, an increase from 17.7 working days in 2020-21. In 2021-22 the most common reason for absence was ‘Anxiety/Stress/Depression/Other Psychiatric Illnesses’, with 38.8% of absence due to this. Of all prison grade staff, 30% had had a long-term absence, the average duration of which was 67.1 working days. In total, 81% of all working days lost by prison grade staff were due to long-term absences.

2.56 We consider sickness absence in our report as it is often an indicator of low motivation and morale and can significantly affect staffing levels. We made it a priority to question the then Minister of Justice on sickness absence in oral evidence to understand what NIPS’s plans were to tackle this problem. The Minister of Justice informed us that there was a published strategy on support for sickness absence and peer mentoring that was currently being rolled out. In addition, NIPS has gained access to the resources of the Police Rehabilitation and Retraining Trust to support

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<sup>41</sup> The salary points for NHS and Border Force both include an estimate of unsocial hours. These estimates were based on IDR’s calculations in the 2019 report.

physical and mental wellbeing of staff to build resilience, along with the opening of a new wellbeing hub. The Minister of Justice highlighted that the management of stress in the Prison Service was different from the wider NICS, although it was still governed by Executive wide policies which needed to be made more NIPS appropriate or specific. NIPS stated however, that it was committed to driving down sickness absence and recently it said it had started to see levels decrease.

### *Overtime*

2.57 In our last report in 2020 we noted our concern about overtime payments, which had increased by 15% in 2018-19 and again by 5% in 2019-20. We were pleased this year to see that overtime payments across establishments from April to March 2021-22 had decreased by 12% compared to the previous year. However, we found on our visits that overtime was often a source of concern for staff and was having a detrimental impact on motivation and morale. We heard from staff about a perceived culture of enforced overtime in NIPS, particularly in relation to PECCS staff, which was adding to the feeling of staff burnout. Staff also told us that they were treated as Civil Servants when it suited NIPS but then treated differently on issues such as overtime or on-call rates, as these were better in the NICS. The lack of an enhanced overtime rate of pay was noted by many staff and the unions.

2.58 During oral evidence, the POA(NI) and PGA(NI) informed us that there was now an issue with attracting uniformed staff to undertake overtime and that staff often only worked it out of loyalty to their colleagues. We return to this matter in Chapter three.

### *Prisoner Escorting and Court Custody Service*

2.59 During our visits to see PECCS staff at both Laganside Court and the HMP Maghaberry base we were once again struck by the low levels of motivation and morale. In our last three reports we have commented on how the lack of internal promotion routes for PECCS staff wishing to apply for prison-based roles was affecting motivation and morale among this group. NIPS has repeatedly committed to resolve this issue and we are very disappointed to report that it still has not done so.

2.60 Staff told us on our visits that they had volunteered to help NIPS during the pandemic, filling operational prison roles while the courts were closed. However, this

was no longer an option due to staffing shortfalls in PECCS. They felt that there was an obvious divide between PECCS and prison staff. Staff said that simple things such as including them in social events, the Governor conducting end of service conversations with them and providing free parking for them at their workplace would go a long way towards boosting morale.

2.61 When we raised this apparently straightforward issue with the former Justice Minister in oral evidence, she stated that she also wanted to see PECCS repositioned so that these staff could progress through the wider Service, to help with motivation and boost morale. Although we welcome this commitment and the creation of a new management grade within PECCS, we remain frustrated by the length of time it is taking to resolve these issues. NIPS informed us in its written evidence this year that its own equality of opportunity policy states that all eligible persons shall have “equal opportunity for employment and advancement within NIPS”. Given the relatively higher proportion of female staff working in PECCS we feel that this is an issue that should be given greater priority by NIPS to maximise the opportunity for greater diversity within the Service.

2.62 We wish to assure our remit group that we will continue to monitor this issue and ask NIPS to report back on the progress it has made. We ask that NIPS fully resolve this issue within the next 12 to 18 months.

### **Evidence from visits**

2.63 In June 2022, we were pleased to be able to undertake in-person visits to Maghaberry and Magilligan prisons, Hydebank Wood College and PECCS. As in previous years, we have grouped the issues raised in the discussion groups into main categories for ease of reference, although many span more than one group.

2.64 The main pay issues raised with us on our visits were:

- Staff were unhappy about the 2021-22 pay award being imposed by NIPS and with the level of the pay award more generally. However, some CPOs had welcomed pay equalisation with the post-2002 MGOs;
- PECCS staff were unhappy with their levels of pay. They stated that because they did the same training as CPOs and had worked in prisons over the Covid-19 pandemic, they should earn the same salary. PECCS staff also said

that transporting prisoners carried considerable responsibilities and also created very considerable risks due to their visibility as Prison Service staff. These risks were much higher than for NICS staff counterparts, but the pay of PECCS staff was lower;

- The senior PECCS grades noted that their pay was only slightly higher than the staff they managed and said the NIPS pay offer for 2021-22 which had been rejected by the POA(NI) would have been welcomed by their grades. Although some staff did not like the combination of the two grades proposed by NIPS. There was no pay incentive to promote to SPCO or PPCO;
- There was particular anger from pre-2002 grades at the non-consolidated nature of the 2021-22 NIPS pay award. As well as affecting motivation and morale, this adversely affected the value of their pension;
- Staff were frustrated at what they saw as NIPS continually “moving the goal posts” and “messing around” with the pay scales adding additional points to the top, making it more difficult to reach the maximum;
- The pay system was too complicated and there were too many grades;
- CPOs wanted shorter pay scales like the other grades;
- The cost of living was routinely noted by staff and that they had taken a real-terms pay cut, given the rate of inflation;
- Some governor grades accepted that pay awards should be targeted at the more junior grades because those grades were struggling more with the cost of living. However, governor grades considered that they should still receive a consolidated pay increase;
- There needed to be greater differentials in pay between grades to incentivise promotion;
- Governor grades said the pay level for Head of Unit was not an incentive to promote, given SOs could, by working overtime, earn more; and
- All staff said that the Review Body should recommend a consolidated award for all grades, including pre-2002 staff, and that this should be at least or near to inflation.

2.65 The main issues relating to allowances were:



- The lack of an enhanced overtime rate of pay was noted by a significant number of staff and should be paid at either time-and-a-half or double-time. Many staff mentioned that NICS counterparts had enhanced rates of overtime;
- The governor on-call allowance was not considered high enough to compensate for the disruption to family life outside of their core hours;
- Some suggested that the SRA should be consolidated into base pay to remove the risk that it could be removed or reduced; and
- The PECCS drivers' allowance was not an incentive to drive cellular vehicles in view of the additional prisoner safety responsibilities and the risks involved. Many PECCS staff could earn significantly more driving heavy goods vehicles.

2.66 The main issues in regard to recruitment and retention were:

- PCOs stated that recent job adverts on social media for that grade had been “mocked” by the public for being “so low”;
- In general, staff said there were several vacancies at most grades across the Service, made worse by sickness absence levels;
- The Service needed to resolve the lack of career progression for OSG, NCO and PECCS staff;
- Staff said that when the PSNI recruited there was an “exodus” of CPOs, mainly due to better pay and career progression opportunities available within the PSNI;
- The Border Force and Fire Service were frequently noted as employers that staff left NIPS to join for higher pay;
- Younger staff saw the Service as a “stepping stone” to better future jobs outside the Prison Service;
- Although the last FLS promotion process was full, it was reported that NIPS were having difficulties in filling the current FLS promotion process. There was also a concern that promotion to the governor grades was now only via the FLS which had discouraged many capable SOs;
- We heard from governor grades that some were looking at Grade 7 NICS roles as these were less stressful, based “behind a desk” and without on-call duties; and

- It was felt that the NICS recruitment process was not adequate for operational prison roles and it should be returned to NIPS control. The time taken to appoint recruits was too long and potential recruits often found other jobs during the process.

2.67 The main motivation and morale issues were:

- Staff said motivation and morale were low across the Service. Staff were praised during Covid-19 pandemic but that had been quickly forgotten. The pandemic had exhausted staff and there was real burnout;
- Staff felt that there was a general lack of appreciation, with staff noting a general apathy and lack of trust in the managers of the Service;
- Staff routinely said they were treated as civil servants when it suited but were treated differently when it did not. They gave an example of better overtime and on-call rates within NICS which they were not entitled to;
- Pre-2002 staff said they were particularly demotivated and saw non-consolidated payments as an indication that NIPS did not fully value them. This resulted in them feeling like they wanted to leave the Service.
- OSGs said they felt forgotten and undervalued by the Prison Service;
- PECCS staff also said they were forgotten by the Service and treated like a “poor relation” who were useful when it suited and that legitimate concerns were ignored by NIPS;
- Some staff said there was a culture of enforced overtime in NIPS; and
- Governor grades said they routinely worked longer than their contracted hourly week.

2.68 Following publication of the grading review staff raised the following points:

- OSGs were unhappy at being graded as the lowest band. PCOs said they had been “pigeon-holed” into the lower end of the bandings;
- Staff said there was little mention of the pre-2002 grades in the grading review;
- There was a concern that the SRA had been included in some salary levels when determining relative pay. The SRA was an allowance and therefore

could be taken away. Only base pay should be used for comparator purposes, internally and against external comparators; and

- SPCO and PPCO grades had been left in “limbo” following the grading review which recommended combining those grades. The proposed new grade would remove promotion opportunities for other PECCS staff.

2.69 Other issues raised on our visits were:

- Prison staff could park for free at a number of their workplaces, unlike PECCS staff. This was an additional financial burden for the lowest paid staff in NIPS;
- There was still an issue that several grades had to apply for NIPS and NICS roles externally and could not do so internally;
- Some staff also mentioned the 2012 Staff Deployment Agreement in which they said it was agreed to move from a 39 to a 37 hour week. Staff were unhappy that this had not happened yet despite making efficiency savings to fund it; and
- The performance management system did not function as it should and poor performance was not dealt with.

### **The parties' proposals**

2.70 The parties were not able to reach an agreed position this year and therefore they all submitted written or oral evidence to us. The key points in the written evidence we received are noted below.

2.71 NIPS made the following proposals in its written evidence:

- A 2% consolidated increase to all governor grade pay scales and the Director of Prisons post;
- Increasing the post-2002 SO pay scale maximum to the pre-2002 SO spot rate, by adding one additional pay point to the post-2002 SO pay scale whilst removing the 2021 minimum;
- £1,100 non-consolidated payment for pre-2002 SOs and pre-2002 MGOs;
- Restructuring the post-2002 MGO spot rate to a new three point pay scale by adding an additional two pay points to the top of the current spot rate;

- Restructuring of the CPO pay scale by removing two pay points from the minimum and adding a further two pay points to the maximum. Moving the Certificate of Competency from pay point two to pay point three;
- An additional pay point to be added to the current maxima of the NCO and PCO pay scales with the 2021 minima removed;
- Introduction of a three point pay scale for OSGs, currently a spot rate;
- Introduction of a new PECCS management grade to replace the SPCO and PPCO grades;
- An increase to the SRA of 5% from 1 September 2022 to £3,669 a year;
- Increasing the daily PECCS drivers' allowance rates when driving from: £4 to £5 for up to 4 cell vehicles; £6 to £10 for 6 and 8 cell vehicles; and £8 to £15 for 12 cell vehicles; and
- Introduction of a Public Holiday Payment of an additional non-consolidated £5 for staff rostered to work, or who work overtime, on the following days – 25 and 26 December and 1 January – to be paid to all uniformed grades.

2.72 NIPS costed its proposals at 7.6% (£4.5 million) including progression and 4% (£2.4 million) excluding progression.

2.73 As we noted in Chapter one, this is the first year we have had written evidence from the POA(NI) since 2013. The union made the following proposals:

- A consolidated percentage pay increase for all grades of the Retail Prices Index plus 3%;
- The dog grooming allowance to increase to £7,000 for one dog with a further £500 for each additional dog cared for;
- An increase to the PECCS drivers' allowance to £5 for up to 4 cell vehicles, £10 for 6 and 8 cell vehicles, and £15 for 12 cell vehicles;
- Introduction of an overtime rate of an additional 50% of a prison officer's hourly rate;
- A specialism allowance of £500 for each specialism volunteered for;
- The Trades Officer on-call allowance to be increased in line with the Governor on-call rates;
- Introduction of a 37 hour week as per the 2012 Staff Deployment Agreement;

- A refund of, or allowance to, cover parking charges for PECCS staff parking in Belfast for Laganside Court; and
- A pension age of 60 years for all grades.

2.74 The PGA(NI) chose not to submit written proposals to us this year.

2.75 We also received written submissions from the Community union. It made the following proposals:

- A consolidated pay increase matching the rate of inflation to be applied to all pay scales and incremental points with effect from 1 April 2022;
- To stop the practice of paying non-consolidated pay awards and reimburse all previous non-consolidated awards into pay for MGOs affected since 2012;
- The SRA to be made pensionable;
- The PECCS drivers' allowance to be made pensionable and extended to include all PECCS driving duties;
- The introduction of A Long Day Attendance, A Managing and Minimising Physical Restraint and a Night Duty allowance from 1 April 2022; and
- All officers who carry out a specialism to be given a pensionable annual allowance of £500 (per specialism).

2.76 The Community union also made a number of proposals to us on the grading review, exit interviews and the introduction of a 37 hour week as per the 2012 Staff Deployment Agreement



## **Chapter 3: Our recommendations on pay for 2022-23**

### **Introduction**

3.1 This chapter summarises our analysis of the evidence and sets out our recommendations on pay for 2022-23.

3.2 In reaching our recommendations this year we have taken account of the evidence provided by the former Minister of Justice Northern Ireland and the Northern Ireland Prison Service (NIPS), along with evidence provided by the POA (Northern Ireland) (POA(NI)), the Prison Governors' Association (Northern Ireland) (PGA(NI)), the Community union and the evidence we heard from staff in our remit group during our visits. In accordance with our terms of reference we have also analysed evidence on recruitment and retention, motivation and morale, equality and diversity and the competitiveness of the Prison Service's employment package in Northern Ireland using data from a range of sources, including the Office for National Statistics Annual Survey of Hours and Earnings. We have also considered the wider economic context and the affordability of our proposals.

### **Analysis**

3.3 In assessing the evidence available to us this year, we are aware that the Prison Service has been operating in an unprecedented and challenging context for the past two years. The coronavirus (Covid-19) pandemic, and the subsequent rise in prisoner numbers across a prison estate with limited capacity, have had a significant impact on prison staff in our remit group. As we said in Chapter one, the way in which NIPS and its staff responded to this challenge, in particular its efforts to avoid locking prisoners in their cells for long periods of time during the pandemic, should be recognised and commended. However, there is evidence that motivation and morale have deteriorated as a result. This has led to many in this staffing group feeling physically and emotionally tired, largely forgotten by the general public, undervalued by their organisation and unrewarded in terms of pay. This has exacerbated and added to the long-term concerns of staff, particularly within the Prisoner Escorting and Court Custody Service (PECCS) group, where some staff continue to feel excluded, marginalised and trapped in jobs with no, or very limited, routes for internal progression.

3.4 When looking at the Service as a whole however, we see a relatively positive picture. NIPS is still not at its target staffing level and has seen a small increase in staff leaving rates this year, but overall, the Service appears to be in a stable operating position. It has not suffered the recruitment and retention issues that its counterpart in England and Wales has over recent years. As set out in our pay and workforce analysis in Chapter two, we also consider staff to be relatively well paid against comparator roles in the market, and we expect that restructuring will further improve the competitiveness of prison officer pay. The Service also continues to receive largely positive inspection reports and we were pleased to read about the work of the remit group being recognised in these publications.

3.5 In considering our recommendations, we have struggled once again with the pay proposals put before us by NIPS. On our visits this year, a consistent theme from staff was the frustration about the complicated pay system and their clear and repeated articulated perception of constant “tinkering” with the pay scales. Staff told us that they felt NIPS was continually “moving the goal posts” and that it was increasingly difficult to reach the maximum of the pay scale. NIPS informed us in oral evidence that it aimed to get to a position where there are five pay points in each band, but this is inconsistent with the proposals it has presented to us this year. A good example of this is at the Custody Prison Officer (CPO) grade where NIPS have proposed keeping a ten point pay scale this year.

3.6 Alongside this, our job is made more difficult by the continuing absence of a pay policy and by the apparent lack of pre-approval from the Department of Finance of the proposals put before us, as well as the uncertainty around the timetable each year. We have been concerned in the past that the Prison Service Pay Review Body (PSPRB) is seen as a means to endorse changes that NIPS would like to implement when it is not able to reach an agreement with the trade unions. Whereas less popular recommendations we have made to NIPS have been rejected or amended. We also note that relationships between NIPS management and the unions appear to have suffered in the past year due to the imposition of the 2021 pay award.

3.7 As an independent Pay Review Body, our role is to make evidence-based recommendations following consideration and analysis of the entirety of information put before us. The Government of the United Kingdom has made a commitment to



the International Labour Organization only to depart from our recommendations in “exceptional circumstances”. We therefore ask the Government of Northern Ireland to carefully consider the recommendations we make this year, and the clear and substantial evidence on which they are based.

### **Uniformed and governor grade pay award**

3.8 We are mindful that we are making our recommendations against a difficult economic backdrop. Increases in fuel prices and household energy bills are having a direct impact on our remit group and are contributing to rates of inflation more generally which, in the 21 years of its existence, the PSPRB has never seen before. We recognise the impact that this increased cost of living is having on all staff in our remit group and, in particular, those on the lowest incomes who are often hit the hardest by these rises. This has been a particular focus when reaching our decisions this year. Nevertheless, as our previous reports indicate, we must look at a wide range of factors each year of which inflation is only one. In accordance with our terms of reference we need to take account of other relevant factors, including the latest official statistics on earnings growth and pay settlements, and the latest trends in recruitment and retention.

3.9 In formulating our recommendations this year, we set out four key areas for consideration: whether there should be a common headline rate; whether we were persuaded by the argument to recommend non-consolidated awards; how far we should go to equalise the pay differentials; and the principle of affordability. In discussing each, we were conscious that not all of these issues are compatible, and we therefore had to find an appropriate balance between them and prioritise what we wanted to achieve this year. From the outset, our two main priorities were that all staff should receive a consolidated uplift to base pay, and to keep up the momentum towards aligning both the pre-2002 and post-2002 grades.

3.10 In determining the headline award, we considered the wider economic context including current and forecast rates of inflation and data on earnings growth and pay settlements across the whole economy, workforce data, including trends in recruitment and retention and the relative market position of operational Prison Service pay. We modelled a range of options, and our overall conclusion was that a pay award in line with inflation was neither affordable nor in line with pay movements

and the realities of market facing pay. However, we also felt that the NIPS proposals to award all post-2002 grades a minimum of 2% did not go far enough. This is especially so in the face of the rising cost of living, the impact this is having on the morale and motivation of staff, and the level of pay awards more broadly in the economy.

3.11 We next considered how much progress we could make to address differentials in light of our decision to give all staff a consolidated increase this year. We have previously resisted any major adjustments to pay scales without first being informed by the outcome of the grading review and other compelling evidence. On completion of the grading review this year, we recognise the strength of feeling from NIPS and the former Minister of Justice that now is the time to start making substantive progress to resolve those issues. However, we have two main concerns about the proposals put forward to us this year.

3.12 Firstly, what we see as the year-on-year constant adjustments to pay scales for which, for the most part, we have struggled to see the evidence and rationale. For example, the NIPS proposals involve substantial increases for the PECCS managerial grades, the justification for which is not entirely clear. We have, however, decided to treat the scale changes proposed by NIPS as a single proposition in order to avoid compounding the issue by tinkering with them ourselves. We do not believe however, that the proposed changes have been made with a clearly articulated, longer-term strategy in mind, nor with sufficient regard for the costs they would inevitably bring in the long-term. As we have noted in paragraph 3.5, we also have concerns about the impact that further modification of the pay scales will have on our remit group, who continue to tell us on visits that they find these changes frustrating.

3.13 The second concern we have is with the proposed use of only non-consolidated payments for the pre-2002 staff, who still make up around 12% of the Service. We have previously taken a strong line against such awards as we believe they have a detrimental impact on staff morale, particularly for this group of experienced staff who may already feel undervalued. We also recognise that non-consolidated payments have a consequential impact upon pensions. We have therefore had to find an appropriate balance between the two priorities we have set out, at the same time as recognising the severe financial constraints NIPS are

operating under, given the lack of a budget or public sector pay policy. This has involved some difficult decisions as we have not wanted to unpick the recommendations resulting from the grading review, but we believe we have arrived at a package of recommendations that make good progress to address the issues the Service is facing, whilst ensuring all those in our remit group receive a meaningful but affordable award.

3.14 We therefore recommend that all pay scales and spot rates are restructured in line with NIPS's proposals but with a consolidated uplift of at least 4% in base pay for all staff in the post-2002 grades. For clarity, this means that any member of staff in these grades receiving an increase of less than 4% in their base pay under NIPS's proposals should instead have their base pay uplifted by at least 4%. This award will deliver base pay rises that, as a minimum, broadly keep pace with average pay settlements across the rest of the economy.

**Recommendation 1:** We recommend that with effect from 1 April 2022, pay scales and spot rates are adjusted as set out in Appendix D, delivering a consolidated base pay uplift of at least 4% for all staff in the post-2002 grades.

#### *Pre-2002 grades*

3.15 Despite our reservations about the complexity of, and the lack of justification for some of the proposals presented by NIPS, we could see that they went a long way towards removing existing differentials whilst streamlining and simplifying the pay structure. We agree with NIPS that steps must be taken to close the gap between the pre-2002 and post-2002 grades<sup>42</sup>, not only to address the differentials in pay but also because we recognise the impact differential pay has on staff morale. We therefore wanted to make the maximum possible progress towards pay equality, whilst ensuring all staff received an uplift in pensionable pay.

3.16 We therefore recommend that the £1,100 non-consolidated payment proposed by NIPS for the pre-2002 grades should be consolidated into base pay. This gives pre-2002 staff consolidated awards of at least 2.5%. We further recommend that staff in these grades receive a non-consolidated payment, bringing

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<sup>42</sup> Given that the SRA is paid as a separate allowance, we do not consider it as part of base pay for comparison purposes between NIPS grades.

their total award to 4%. We believe this strikes an appropriate balance between the following factors: rising cost of living pressures; financial constraints confronting NIPS; progress towards closing pay gaps; and ensuring that all staff receive a consolidated increase to base pay. We recognise that another effect of a consolidated award this year for the pre-2002 grades will be a degree of overlap between pay scales. However, this should resolve itself as and when the other changes necessary to address the differentials between the relevant pre-and-post 2002 grades have been implemented. Under our recommendations this year, all staff irrespective of grade, will receive a minimum 4% uplift to total pay, exclusive of the SRA, overtime and other allowances.

**Recommendation 2:** From 1 April 2022, we recommend that pay scales and spot rates are adjusted as set out in Appendix D, delivering a consolidated base pay uplift of £1,100 for all staff in the pre-2002 grades. We further recommend that staff in these grades receive a non-consolidated payment of £500 for pre-2002 Main Grade Officer and £650 for pre-2002 Senior Officer to bring their total award to 4%.

3.17 We have assessed data on staff characteristics by grade and have found that the pre-2002 grades tend to have a higher proportion of older, male and Protestant staff compared to other grades. When making our decisions this year we have aimed to minimise the extent to which staff with certain characteristics are affected differentially, whilst still achieving the key aim, which we share with NIPS, of making significant progress in addressing the differentials between those staff who do the same job.

### **Future pay scale changes**

3.18 As set out in this chapter, we had some reservations about endorsing the entirety of NIPS's proposals this year, in particular the number of complex pay scale changes which included lengthening pay scales for future years. In previous reports we have noted our concern about similar changes NIPS has made in recent years. These included some pay scales being shortened, only to be lengthened the following year, and some pay scales moved to spot rates, only to be moved back to pay scales. The proposal this year for CPOs in particular runs contrary to NIPS's own ambition to move to five points per pay scale and to the advice it has shared

from the Equality Commission for Northern Ireland to shorten pay scales. This indicates to us that there seems to be, and to have been, a lack of a clear long-term strategy for the pay structure as a whole.

3.19 We therefore ask NIPS to present to us in evidence next year a pay strategy which sets out how the Service will transition to its intended pay structure and in what timeframe. This strategy should address all the structural issues in the current system and should enable individuals to progress to the top of their scale within five years, unless there is evidence from the grading review or elsewhere to indicate otherwise. We expect this pay structure to be informed by evidence and a clear long-term strategy, taking into account Equality Commission for Northern Ireland advice, that brings with it the end of constant future adjustments to pay scales.

**Recommendation 3:** We recommend that NIPS, for the next pay round, present to us its comprehensive pay strategy to address the structural issues in the pay system.

### **Allowances and payments**

3.20 We were presented with several proposals this year from the parties to amend or introduce new allowances and payments. On consideration of the evidence, we observed that many allowances had not been reviewed for some time. We do not believe that allowances, in particular those with a cash value, should be simply left unchanged while declining in real value. We therefore felt there was a need for a systematic and regular review of all allowances. It is our belief that every allowance should, as a minimum, be reviewed every five years. This does not preclude considering an allowance in a shorter time frame if one of the parties considers there has been a material change, but a rolling review creates the mechanism to allow for more rigorous and regular reviews. We return to this matter in Chapter four.

3.21 We will begin next year by looking at overtime, on-call allowances (see para 3.29) and the dirty protest allowance. NIPS informed us in oral evidence that the latter had “fallen behind” as it had not been looked at since 2011.

3.22 We would welcome views from all parties in evidence next year on which allowances we should prioritise for review in future years.

### *Supplementary Risk Allowance*

3.23 In our 2019 report we recommended that the Supplementary Risk Allowance (SRA) and the Police Service of Northern Ireland Transitional Allowance (NITA) should be aligned to reflect the unique and real threat that, as a result of their jobs, both police and prison staff face from violent dissident republican groups. This year, NIPS proposed that the SRA should continue to be paid at a comparable rate to the NITA and asked for the SRA to therefore be increased by 5% from £3,492 to £3,669 a year from 1 September 2022. At the time of reaching our decisions, the Police Remuneration Review Body's 2022 Northern Ireland report had not been published.

3.24 We received no evidence this year to warrant a change in our position and we therefore believe it is still appropriate for staff in the police and prison services in Northern Ireland to be paid the same allowance rate for the security risks they face. Our principle remains that the SRA and the NITA should be fully aligned.

**Recommendation 4:** We recommend that the Supplementary Risk Allowance should, from 1 September 2022, be aligned with the Police Service of Northern Ireland Transitional Allowance rate.

### *Prisoner Escorting and Court Custody Service drivers' allowance*

3.25 In its evidence to us, NIPS presented proposals to increase the PECCS drivers' allowance. The detailed proposal was:

- Tier 1 (1 to 4 cell vehicles) – an increase from £4 to £5 a day when driving;
- Tier 2 (6 and 8 cell vehicles) – an increase from £6 to £10 a day when driving; and
- Tier 3 (12 cell vehicles) – an increase from £8 to £15 a day when driving.

3.26 As noted in Chapter two, NIPS tried to reach agreement with the POA(NI) on a package of recommendations this year. As part of those negotiations, NIPS proposed to uprate the PECCS drivers' allowance to rates requested from the union. Although NIPS and the POA(NI) were ultimately not able to present a joint package of proposals, the POA(NI) nonetheless informed us in oral evidence that it agreed with NIPS on the proposed rates for the PECCS drivers' allowance. It also informed

us that there were currently issues recruiting drivers, particularly to drive the 12 cell vehicles.

3.27 As we have set out in previous reports, we have always been wary about unpicking proposals which both NIPS and the unions support. We therefore endorse NIPS's proposed increases to Tiers 1 to 3 of the PECCS drivers' allowance. We note that this will further improve the earnings potential for PECCS grades.

**Recommendation 5:** We recommend that the three tier daily, non-pensionable drivers' allowance for PECCS staff when driving rises in line with NIPS's proposals with effect from 1 April 2022. The daily rate for each tier is set out in Appendix E.

#### *Overtime and on-call allowances*

3.28 We were presented with a number of proposals from the parties this year covering overtime and on-call allowances. These included:

- The NIPS proposal to introduce a Public Holiday Payment of £5 per hour for working on 25 and 26 December and 1 January for uniformed grades;
- The POA(NI) proposal to increase the Trades Officer on-call allowance in line with the Governor on-call rates;
- The PGA(NI) proposal to increase the Governor on-call allowance in line with the Trades Officer on-call allowance;
- The POA(NI) proposal to introduce an overtime rate of an officer's hourly rate plus 50% (time-and-a-half); and
- The PGA(NI) proposal for Head of Unit and Head of Function to be paid overtime or be able to take Time Off In Lieu when working on-call and for a system to be implemented to record governor grade hours worked.

3.29 We considered each of these proposals in turn but felt that there was insufficient evidence presented to us to endorse any of the proposals. We are an evidence-based body and the lack of sufficient information on the purpose of each allowance and whether or not it is achieving that purpose meant we could not reach evidence-based conclusions. In particular, we could not see the rationale behind the proposal to introduce Public Holiday Payments for only three of each year's total

bank/public holidays. We also had concerns about recommending a rate of overtime of time-and-a-half which could potentially exacerbate pay inequalities given the differing hourly rates. We concluded that there was a need for a more systematic, in-depth review of overtime and on-call arrangements so we can understand what the consequences would be on pay equalities if existing rates were to change.

3.30 We understand the strength of feeling that the current arrangements in place do not adequately compensate staff, particularly when compared to the higher rate of overtime for staff in the Northern Ireland Civil Service, and the impact that this is having on motivation and morale. However, in order for us to make recommendations on such allowances, proper systems must be in place to record such hours so that patterns of overtime can be seen and costed. This system should also be able to capture and present a complete, granular picture of overtime trends including information on establishments, peaks and outliers, and the staff who are claiming overtime so this can also be broken down by protected characteristics. When we questioned NIPS on the systems it currently has in place, we were informed that it would need to go through paper records for each individual member of staff to produce a breakdown by grade of the type of overtime claimed.

3.31 We therefore commit to review both the overtime and on-call allowances fully next year. We understand from NIPS that it is intending to enter into discussions with the unions on this, which we welcome. As part of these discussions, we would encourage the parties to look again in more detail at the payment of these allowances and relevant record keeping, and provide us with the appropriate evidence and rationale to support any proposals by the parties for change. We return to this matter in Chapter four.

#### *Dog grooming allowance*

3.32 This year, the POA(NI) asked that we increase the dog grooming allowance from £4,526 to £7,000 for one dog, plus £500 for each additional dog. As we have set out earlier in this chapter, we believe allowances should be regularly reviewed, particularly those with a cash value, to ensure they still compensate staff for undertaking a particular duty. We understand the dog grooming allowance has not been reviewed for some time and we were therefore keen to understand from the POA(NI) why it had proposed such a significant increase to the allowance and what



aspects of dog-related care and costs this covered. The POA(NI) informed us during oral evidence that this was a 24/7 job, and the proposed increase would compensate staff for the work they needed to do outside of their contracted hours, such as exercise and grooming. The union highlighted that there were certain requirements for dogs, such as standardised cages and bigger vehicles to transport them in and this also presented a risk as it made it more noticeable that the handler worked for the police or prison services.

3.33 Although we welcomed the chance to discuss this allowance in more detail with the POA(NI), we were left unconvinced that there was evidence to support such a considerable increase. We note that in England and Wales the allowance for the Care and Maintenance of Dogs is set at £2,434 per annum for those with responsibility for a single dog and £3,043 for multiple dogs. This is in line with the Police dog handler's allowance. We accept that the security risks in Northern Ireland are greater than in England and Wales, but the NIPS dog grooming allowance is already set £2,000 higher than the police rate (including PSNI). Furthermore, the SRA paid to recruited-to grades is already intended to recognise the unique security context in Northern Ireland, and for not-recruited-to grades there is already an element of a security allowance consolidated into their base pay. We therefore do not endorse the proposal to increase the dog grooming allowance further for the time being.

#### *Additional specialisms*

3.34 We received proposals this year from the POA(NI) and the Community union, on individuals who volunteer to carry out additional specialist roles<sup>43</sup> over and above those set out in their job description. The unions asked for an annual allowance of £500 per specialism volunteered for, to compensate for the emotional and psychological demands it places on staff, as well as the disruption to family life. The POA(NI) told us that the Service was struggling to recruit for some of these roles, such as Advanced Control and Restraint trained officers. In discussions with NIPS at oral evidence, it informed us that it did not want allowances to be introduced for additional specialisms.

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<sup>43</sup> Roles include but are not limited to: Negotiator, Control and Restraint (C&R) Instructor, C&R Advanced Staff, Level 3 First Aiders, Emergency Control Room and Critical Incident Staff Management.

3.35 We received no further evidence from any of the parties on additional specialisms, nor any evidence other than anecdotal feedback that there was a lack of volunteers to undertake these roles. We therefore did not see a compelling case to deviate from the position we have taken in our 2022 England and Wales report. We do not recommend the introduction of a payment for these tasks. We continue to believe that staff are attracted to undertake these additional roles for personal development and to aid career progression. However, we recognise that staff undertaking these duties often do so over and above their day-to-day duties with no perceived financial incentive. We remind all parties that we remain willing to consider any allowance should they think it is required and where evidence to support such an allowance is provided to us.

#### *Other allowances and payments*

3.36 We received many other proposals for increases to allowances and payments this year including: a Night Duty allowance; a Long Day Attendance allowance; a Management and Minimising Physical Restraint allowance; and a PECCS staff parking allowance. Although we were sympathetic to some of these requests, we ultimately prioritised the available funds this year, investing them where the evidence demonstrated they were most needed. We therefore do not recommend changes to any other allowances and payments this year.

#### **Cost of our recommendations**

3.37 We estimate that our recommendations will result in a cost increase of approximately 4.7% (£2.7 million), excluding pay progression<sup>44,45</sup>. This is around 1% higher than our estimate of the cost of NIPS's proposals.

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<sup>44</sup> This percentages takes account of revalorisation, restructuring, oncosts, and the SRA, but excludes any increases to other allowances.

<sup>45</sup> We have estimated that our recommendations will result in a cost increase of 7.1% (£4.0 million) including pay progression. We note that staff have already been progressed up 2021-22 pay scales.

## **Chapter 4: Looking ahead**

### **Introduction**

4.1 In this final chapter we offer our thoughts and comments on a range of issues, including data requests, that we ask the parties to address for our next report. We wish to remind the parties that we are an evidence-based body, and this information is essential to enable us to discharge our statutory duty. It also allows us to identify and understand trends and emerging issues so we may consider strategies to deal with them.

### **The grading review**

4.2 Following the completion of the grading review in June 2022, the Northern Ireland Prison Service (NIPS) informed us that it was establishing a working group to take forward several recommendations that relate to our remit. These include:

- Proposal 5 – discussions between NIPS and the POA (Northern Ireland (POA(NI))) on future options for the pre-2002 staffing group;
- Proposal 7 – discussions on the Prisoner Escorting and Court Custody Service (PECCS) new management grade and its impact;
- Proposal 8 – transfer arrangements for the new PECCS management grade, including information on those remaining on previous grades;
- Proposals 9 and 11 – discussions for PECCS grades and Night Custody Officers (NCOs) to be able to transfer internally to prison-based roles (discussed in more detail at paragraphs 4.4 to 4.6); and
- Proposal 13 – working group discussions on allowing Operational Support Grades (OSGs) to apply to re-grade to Prisoner Custody Officer (PCO) or NCO.

4.3 We ask that NIPS provide us with an update on each of these work strands for our next report. We would also like to see for our next report, NIPS's plans for it to reach its desired five point pay scale for each grade, given the CPO scale currently remains 10 pay points in length and some scales have fewer than five pay points. We would also welcome any evidence from the parties on the progress made on the proposals and details of any agreements reached.

### **Internal promotion routes for existing staff**

4.4 We note that one of the recommendations from the grading review concerns the ability for PECCS and NCO grades to transfer internally to prison-based roles. This is an issue we have commented on in our past three reports. NIPS has repeatedly assured us that it would be resolved. Although we understand staffing levels within PECCS are a key factor in achieving this, we simply do not think it is acceptable that a solution has not been implemented.

4.5 NIPS assured us once again this year in oral evidence that it expects internal routes for PCOs to apply for Custody Prison Officer (CPO) roles to be in place very shortly and that it was planning to launch an expression of interest exercise, although it made no firm commitment. We therefore expect that all grades will have internal promotion routes in place within the next 12 to 18 months. We also note that, as per proposal 9 of the grading review, NIPS are looking at allowing staff in the new PECCS management grade to apply internally to the Senior Officer (SO) rank. We believe this should also include any Senior Prisoner Custody Officers and Principal Prisoner Custody Officers who choose not to opt in to the new PECCS management grade.

4.6 We see greater opportunities, including promotion, for these PECCS roles, who tend to recruit more female and Catholic members of staff, as a way NIPS can help improve the diversity of its prison officer ranks. In time they may progress through internal promotion routes to governor grades. We believe that the failure to provide internal promotion routes is a missed opportunity to manage resourcing effectively, to deploy staff flexibly and to encourage staff to reach their full potential. We further note that PECCS staff were used flexibly to cover prison roles during the coronavirus (Covid-19) pandemic when courts were closed to cover prison roles. We intend to monitor this issue closely and report back on it in our future reports and ask NIPS and the unions to provide evidence to us on how this initiative progresses. We would also like information on how many staff have expressed an interest to become CPOs and SOs.

### **Equality and diversity**

4.7 Our terms of reference and our statutory public duty require us to consider the relevant legal obligations regarding equality and diversity legislation. In Northern

Ireland this includes community background. This year, the NIPS proposals focused heavily on closing differentials in order to address equal pay issues. This highlights the critical importance of receiving the most up-to-date statistical information from NIPS on our remit group, especially in respect of equality and diversity. We need to ensure that we are making recommendations that are fully informed by the most up-to-date data.

4.8 We recognise that the former Minister of Justice, placed great importance on this and was a keen advocate on improving the diversity of our remit group.

Therefore, as a matter of routine, we expect to receive data, broken down by each grade, on all protected characteristics. We would also be interested to hear from NIPS on the outcome of any affirmative action initiatives it has that seek to increase the recruitment, retention, development, and promotion of all staff from under-represented groups in the Service.

### **Allowances**

4.9 This year we have committed to a rolling review of all allowances. We plan to start this review next year by focusing on the dirty protest payment and all on-call and overtime rates. To enable proper consideration of these allowances and payments, we ask NIPS to provide us with information on the purpose of the allowance, data on the staff in receipt (including by protected characteristics), information on recruitment and retention difficulties in relation to the role, and any external comparator information. We also expect a clear, evidence-based rationale from any of the parties who submit either a request for change or where no changes are proposed.

4.10 As set out in Chapter three, we remain willing to consider any allowance outside its rolling review timetable if there has been a material change although we request that evidence is submitted to us, in line with the above, to explain the rationale. We would also welcome views from the parties about which allowances should take priority for review in future years.

### **Our timetable**

4.11 We are once again submitting our report long after the effective pay date of 1 April. We recognise that the political uncertainty in Northern Ireland has created particular difficulties for NIPS this year. However, we reiterate our request from

previous reports that we would like to see our pay round return to a timetable that allows staff to receive the benefit of a pay award as from April in the pay year to which the award relates. We recognise that we are some way from this timetable at present and this therefore may require incremental steps. We remain willing to work with the parties to achieve this and are open to considering multi-year pay awards if the parties have discussed and agreed these.

### **Further evidence requests**

4.12 There are several other areas that affect recruitment and retention, and motivation and morale. We would find it useful to receive data on these. They include:

- Exit interviews – we asked in our 2018 and 2019 reports for these to be completed, particularly for PCO and CPO grades. In our 2020 report we were disappointed to be told that it was a matter for the Northern Ireland Civil Service. This year NIPS accepted that it would be helpful to complete these but not for this year. We therefore ask NIPS to provide us evidence next year on the progress it has made on the introduction of exit interviews and a clear timetable for implementation so that we and NIPS are better able to understand the reasons why staff leave.
- Sickness absence and medical retirement – we have concerns about the apparent lack of action on tackling short-and-longer-term sickness absence and the number of staff leaving through medical retirement. Both sickness absence levels and medical retirements within NIPS are very high compared to other Northern Ireland public sector workforces and have risen significantly this year. We heard first hand on our visits how the number of staff on sickness absence is having an adverse effect on the ability of prisons to deliver regimes and of the resulting additional pressures on those staff remaining at work. This not only presents a considerable financial cost to the Service but it can also impact negatively on staff motivation and morale. We would therefore like to see evidence from NIPS on the cost of both sickness absence (short-and-long-term) and medical retirements, and on its plans for reducing and addressing the current high levels. We would also welcome comments from the other parties on these issues.

- Specialisms – this year, the POA(NI) proposed that we introduce a new allowance for additional specialisms. We heard anecdotally from staff and the unions that for some specialisms it was proving hard to find volunteers. To consider this issue in more detail, we ask to be provided with information and data on the process to fill these positions, the number of volunteers for these roles and any shortfalls, along with data on recruitment and retention issues.

## **Conclusion**

4.13 We consider that our recommendations this year offer a fair balance between providing all staff with a consolidated pay increase and making significant progress in tackling the differentials that exist between grades. We believe they recognise the challenging circumstances in which staff continue to work and the reality of the financial context in which they are living. However, we are clear that in the near future, the constant changes to the pay system must come to an end to provide certainty to staff about their pay. We look forward to continuing to work collaboratively with all of the parties to achieve this in the future.





# **Appendix A: Minister of Justice Northern Ireland's 2022 activation letter**

FROM THE OFFICE OF THE JUSTICE MINISTER



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Our ref: SUB-0178-2022

Mr Tim Flesher  
Chair, Prison Service Pay Review Body  
Office of Manpower Economics  
8<sup>th</sup> Floor, Fleetbank House  
2-6 Salisbury Square  
LONDON  
EC4Y 8JX

1 April 2022

Dear Tim

## **THE NORTHERN IRELAND PRISON SERVICE 2022/23 PAY ROUND**

I am writing to formally request the engagement of the Prison Service Pay Review Body to provide a Report and recommendations in respect of 2022 pay for operational staff in the Northern Ireland Prison Service for the 12 month period from 1 April 2022 to 31 March 2023.

I would ask the Pay Review Body to:

- be cognisant of Northern Ireland Public Sector Pay guidance; and

- ensure that any increases to pay and allowances are confined within the budget set out for pay by the Department of Justice for operational prison grades.

However, I am conscious that Northern Ireland Departmental budgets are not yet set, and Northern Ireland public sector pay guidance has yet to be published. The Justice Minister and officials welcome the opportunity to discuss what is achievable, as part of the evidence sessions, at which stage the parameters for the 2022 pay round will be shared. Your independence and expertise in delivering an affordable and effective pay strategy is welcomed.

NIPS Officials will liaise with the Secretariat to agree the timescales, and will work with the Review Body to deliver against the key aims for NIPS.

I thank you and your members for your continued commitment and support to the Northern Ireland Prison Service.

I am copying this letter to Ronnie Armour, Director General, Northern Ireland Prison Service.

Yours sincerely,

A handwritten signature in black ink that reads "Naomi R Long". The signature is written in a cursive style with a large initial 'N'.

**NAOMI LONG MLA**  
**Minister of Justice**

*Please ensure that you quote our reference number in any future related correspondence.*

## **Appendix B: PSPRB Chair's response to the 2022 activation letter**



**Office of Manpower  
Economics**

PRISON SERVICE PAY REVIEW BODY  
3<sup>RD</sup> FLOOR  
WINDSOR HOUSE  
50 VICTORIA STREET  
LONDON  
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E-mail

[PSPRB@beis.gov.uk](mailto:PSPRB@beis.gov.uk)

Naomi Long MLA  
Minister of Justice  
Stormont Estate  
Belfast  
BT4 3SG

12 April 2022

Dear Minister,

### **PRISON SERVICE PAY REVIEW BODY 2022 NORTHERN IRELAND REPORT**

Thank you for your letter dated 1 April, asking the Prison Service Pay Review Body to re-engage for the 2022-23 pay round.

I have now asked our secretariat to liaise with Ronnie Armour and his team with the aim of commissioning evidence and producing a Northern Ireland report for 2022 as soon as is practicable. We hope with the relaxation of Covid-19 restrictions, the Review Body will be able to visit Northern Ireland in June to re-engage with the parties and to visit the establishments to ensure our understanding of the issues are up to date. Subject to finalising a detailed timetable, the Review Body is working towards submitting a report to you by the end of this year.

I am copying this letter to Ronnie Armour, Director General of the Northern Ireland Prison Service, and to the organisations that represent our remit group – the POA(NI) and the Prison Governors' Association(NI).

Yours sincerely

*Tim Flesher*  
*Chair, Prison Service Pay Review Body*

## **Appendix C: PSPRB Chair's letter to the Minister of Justice Northern Ireland regarding report submission timetable**



Office of Manpower  
Economics

PRISON SERVICE PAY REVIEW BODY  
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Naomi Long MLA  
Minister of Justice, Northern Ireland  
Minister's Office Block B  
Castle Buildings  
Stormont Estate  
Belfast  
BT4 3SG

12 October 2022

Dear Minister,

### **PRISON SERVICE PAY REVIEW BODY 2022 NORTHERN IRELAND REPORT**

I am writing to thank you for taking the time to attend oral evidence with the Prison Service Pay Review Body on Wednesday 5 October to provide evidence to us on the pay and remuneration for operational prison staff for the 2022-23 Northern Ireland pay round.

Now we have concluded oral evidence with the parties, I can confirm that the Review Body is working towards submitting our 2022 Northern Ireland report to the Government at the end of December this year.

I am copying this letter to the Director General at the Northern Ireland Prison Service.

Yours sincerely

*Tim Flesher*  
Chair, Prison Service Pay Review Body

## **Appendix D: Current and recommended pay levels<sup>46</sup>**

### **Governor grades**

Current and recommended pay (£ per annum) from 1 April 2022.

#### **Band 10 – Director of Prisons**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
87,572	91,075
86,562	90,025

#### **Band 9 – Governor in Charge (Maghaberry)**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
84,451	87,830
83,830	87,184
82,467	85,766
81,098	84,342
79,734	82,924

#### **Band 8 – Governor in Charge (other posts)**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
78,866	82,021
77,497	80,597
76,129	79,175
74,755	77,746
73,387	76,323

#### **Band 7 – Governor Head of Function**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
61,777	64,249
60,842	63,276
59,913	62,310
58,979	61,339
58,045	60,367

#### **Band 6 – Governor Head of Unit**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
55,272	57,483
54,459	56,638
53,651	55,798
52,843	54,957
52,035	54,117

<sup>46</sup> All pay bands referred to have been taken from NIPS's grading review.

## Officer and support grades<sup>47</sup>

Current and recommended pay (£ per annum) from 1 April 2022.

The Northern Ireland Prison Service (NIPS) informed us that pre-2002 staff can individually choose to transfer to the equivalent post-2002 maximum and receive the Supplementary Risk Allowance (SRA) at a time of their choosing. Staff will need to take into account any pension implications in doing so. If the request is received prior to implementation of the 2022 pay award, this change will be backdated to 1 April 2022 (the 2021 SRA rate will be payable from 1 April, and the 2022 SRA rate will be payable from 1 September). Any requests subsequent to implementation of the pay award will be effective from the date of request and actioned in the next available pay processing month i.e. the change will be from a present date only. This is an option for each individual and therefore will not be implemented automatically.

### Band 5 – pre-2002 Senior Officer

Current pay scale	From 1 April 2022	Non-consolidated payment from 1 April 2022
43,632	44,732	650

### Band 5 – post-2002 Senior Officer

Current pay scale	From 1 April 2022
No pay point	44,406
41,765	43,436
40,853	42,488
39,941	41,539
39,029	40,591
38,117	Point removed

### Band 3 – pre-2002 Main Grade Officer<sup>48</sup>

Current pay scale	From 1 April 2022	Non-consolidated payment from 1 April 2022
39,972	41,072	500
39,189	40,289	468
38,806	39,906	453
38,424	39,524	437
38,046	39,146	422

<sup>47</sup> All rates shown for officer and support grades are based on a 39 hour working week, except for Night Custody Officer that works a 44 hour week.

<sup>48</sup> We note that all pre-2002 Main Grade Officers are currently on the pay scale maximum.

### Band 3 – post-2002 Main Grade Officer

Current pay scale	From 1 April 2022
No pay point	36,791
No pay point	35,363
32,629	33,935

### Band 3 – Custody Prison Officer

We note that NIPS said its policy on the Certificate of Competence for Custody Prison Officers (CPOs) has been revised. CPOs in post on 1 April 2022 with at least 90 days satisfactory performance in the grade will receive a progression step on the 2021 pay scale and revalorisation across to the 2022 pay scale. There will be no incremental progression upon attainment of the Certificate of Competence. Any CPO who has not completed their Certificate of Competence by the time they have progressed to point three of the pay scale will be held on that point until the Certificate of Competence is successfully attained. They will then continue to progress, subject to satisfactory performance, upon implementation of the next pay award, with effect from the following April.

Current pay scale	From 1 April 2022
No pay point	36,791
No pay point	35,363
32,629	33,935
31,556	32,819
30,483	31,703
29,410	30,587
28,337	29,471
27,264	28,355
26,191	27,239
25,118	26,123
24,045 <sup>49</sup>	Point removed
22,149	Point removed

### Band 2 – Night Custody Officer

Current pay scale	From 1 April 2022
No pay point	29,248
27,359	28,454
26,569	27,632
25,779	26,811
24,990	25,990
24,211	Point removed

<sup>49</sup> Certificate of competence from 1 April 2021.

### **Band 1 – Operational Support Grade**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
No pay point	23,637
No pay point	23,336
22,149	23,035

### **Prisoner Escorting and Court Custody Service grades**

Current and recommended pay (£ per annum) from 1 April 2022.

### **Band 4 – PECCS Management Grade (40 hours)<sup>50</sup>**

<b>From 1 April 2022</b>
37,758
36,958
36,158
35,358
34,558

### **Band 4 – Principal Prisoner Custody Officer (40 hours)**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
29,567	30,750
28,867	30,022
28,166	29,293
27,466	28,565
26,760	27,831

### **Band 4 – Senior Prisoner Custody Officer (40 hours)**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
25,853	26,888
25,029	26,031
24,205	25,174

<sup>50</sup> The PECCS Management Grade is a new grade which Principal Prisoner Custody Officers (PPCO) and Senior Prisoner Custody Officers (SPCO) have the option to opt in to. Therefore, there is no current pay scale, only a pay scale from 1 April 2022. Due to opt-in not having taken place, the PPCO and SPCO pay scales have been retained for this report as staff may choose to remain on those grades. The name of this grade may change following discussions between NIPS and the POA(NI).



**Band 2 – Prisoner Custody Officer (40 hours)**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
No pay point	26,589
24,872	25,867
24,154	25,121
23,436	24,374
22,718	23,627
22,010	Point removed

**Band 2 – Prisoner Custody Officer (35 hours)**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
No pay point	23,266
21,763	22,634
21,135	21,981
20,507	21,328
19,878	20,674
19,259	Point removed

**Band 2 – Prisoner Custody Officer (20 hours)**

<b>Current pay scale</b>	<b>From 1 April 2022</b>
No pay point	13,295
12,436	12,934
12,077	12,561
11,718	12,187
11,359	11,814
11,005	Point removed

## **Appendix E: Current and recommended allowances and payments**

We make two recommendations this year on allowances: an increase to the Supplementary Risk Allowance to match that of the Police Service of Northern Ireland's Transitional Allowance (NITA) and an increase to the Prisoner Escorting and Court Custody Service drivers' allowance rates.

### **Supplementary Risk Allowance<sup>51</sup>**

<b>Current level a year</b>	<b>Recommended a year from 1 September 2022</b>
3,492	NITA rate <sup>52</sup>

### **Specialist allowances<sup>53</sup>**

<b>Allowance</b>	<b>Current level per year</b>	<b>Recommended level per year from 1 April 2022</b>
Dog Handler	723	723
Physical Education Instructor	723	723
Works Officer	949	949
Laundry Officer	1,062	1,062
Instructor	1,490	1,490

### **Other allowances<sup>54</sup>**

<b>Allowance</b>	<b>Current level per year</b>	<b>Recommended level per year from 1 April 2022</b>
Dog grooming allowance	4,526	4,526
Boot allowance	92.80	92.80
Clothing allowance	603.65	603.65

<sup>51</sup> The Supplementary Risk Allowance is paid to all officer, support and PECCS grades, except for pre-2002 Senior Officer and pre-2002 Main Grade Officer grades, that already had a previous historical equivalent risk allowance consolidated into base pay. This allowance is non-pensionable.

<sup>52</sup> This will be the level of the NITA as at 1 September 2022.

<sup>53</sup> Specialist allowances are not paid to new staff entering these specialisms. Those in receipt of allowances continue to receive them on a protected basis while they remain in their specialism. These allowances are pensionable.

<sup>54</sup> Paid to all officer grade staff who meet the criteria for payment. These allowances are non-pensionable.

### Dirty Protest payments

Period	Current level per day	Recommended level per day from 1 April 2022
Of up to 4 hours	8.00	8.00
Of 4 hours or more	16.00	16.00

### Governor grade on-call allowance<sup>55</sup>

Period	Current level per day	Recommended level per day from 1 April 2022
Weekdays	15.00	15.00
Weekends and Privilege Holidays	21.00	21.00
Public and Bank Holidays	40.00	40.00

### Prisoner Escorting and Court Custody Service drivers' allowance<sup>56</sup>

Tier	Current level per day	Recommended level per day from 1 April 2022
Tier 1: 1 to 4 cell vehicles	4.00	5.00
Tier 2: 6 and 8 cell vehicles	6.00	10.00
Tier 3: 12 cell vehicles	8.00	15.00

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<sup>55</sup> Paid for on-call continuously from the end of one shift to the start of the next. This allowance is pensionable.

<sup>56</sup> The PECCS drivers' allowance is only payable when a period of driving has been undertaken on that day. This allowance is non-pensionable.

## ***Appendix F: Imposed Northern Ireland Prison Service 2021 pay award***

- A headline 1% consolidated pay increase all staff, except pre-2002 grades.
- A £400 non-consolidated payment for pre-2002 Main Grade Officer and £436 non-consolidated payment for pre-2002 Senior Officer (SO).
- A five point pay scale for Prisoner Custody Officers replacing the previous three point pay scale.
- A five point pay scale for Night Custody Officer replacing the previous four point pay scale.
- A ten point pay scale for Custody Prison Officer replacing the previous eight point pay scale, with a new maximum to match the spot rate of the revalorised post-2002 MGO.
- A three point pay scale for Senior Prisoner Custody Officer replacing the previous four point pay scale.
- A five point pay scale for post-2002 SO replacing the previous six point pay scale.
- Contractual incremental progression for all eligible staff.
- The Supplementary Risk Allowance to increase by 1% from £3,456 a year to £3,492 a year from 1 September 2021.

## **Appendix G: Summary of pay awards from 2013 to 2020**

- **2020** – *Prison Service Pay Review Body (PSPRB)* – a consolidated 2% increase for all grades. Changes to all governor grade pay scales. Introduction of the Director of Prisons grade into the PSPRB remit. The Supplementary Risk Allowance (SRA) increased to the level of the Police Service of Northern Ireland’s Transitional Allowance (NITA). Increase to the weekend and privilege holiday governor on-call rate.
- **2019** – *PSPRB* – a consolidated £500 increase to all uniformed grades and a 2% increase to all governor grades from 1 April. SRA increased to the level of the NITA and aligned from 1 September. Increases to all governor on-call rates.
- **2018** – *PSPRB* – a consolidate pay increase of at least 2%. Changes to Night Custody Officer (NCO), Custody Prison Officer (CPO), Governor in Charge (other posts) and Governor in Charge (Maghaberry) pay scales. SRA increased by £250 a year, increases to all governor on-call rates and the introduction of a Prisoner Escorting and Court Custody Service drivers’ allowance. NIPS reduced the 2% consolidated pay increase to 1.5% consolidated for pre-2002 MGO and pre-2002 SO grades.
- **2017** – *NIPS imposed award* – a 1% non-consolidated payment for all staff on pay maxima. Changes to Prisoner Custody Officer (PCO), Senior Prisoner Custody Officer (SPCO), CPO, post-2002 Senior Officer (SO), Head of Unit and Governor in Charge (other posts) pay scales. SRA increased by £240 a year and introduction of Governor on-call allowance rates.
- **2016** – *NIPS imposed award* – a 1% non-consolidated payment for all grades. SRA increased by £460 a year.
- **2015** – *joint agreement* – a 1 % consolidated award to all grades. Changes to the CPO pay scale and introduction of Governor in Charge (Maghaberry) pay scale to replace the Governor 1 pay scale. No increase to the SRA.
- **2014** – *joint agreement* – a 1% consolidated pay increase to all uniformed grades, along with changes to the CPO and post-2002 SO pay scales. A consolidated 1% pay increase to the Governor 1 pay scale. Introduction of Governor in Charge (other posts), Governor Head of Function and Governor

Head of Unit pay scales to replace the Governor 2 to 5 and pre- and post-2002 Principal Officer grades. Prison Officer Offender Supervisor grade abolished. SRA increased by £680 a year.

- **2013 supplementary** – *PSPRB* – introduction of the SRA set at £1,320 a year for those staff without a previously consolidated environmental risk allowance.
- **2013** – *PSPRB* – a 1% consolidated increase to post-2002 SO and Principal Prisoner Custody Officer grades. A consolidated £0.09 per hour increase to the PCO hourly rate and £0.10 per hour increase to the Senior Prisoner Custody Officer hourly rate. All staff at maxima of all other grades received a 1% non-consolidated payment. Introduction of the Custody Prison Officer and Prison Officer Offender Supervisor pay scales.