



Prison Service Pay Review Body

Supplementary Report on
Northern Ireland
December 2013

Chair: Dr Peter Knight CBE



Prison Service

Pay Review Body

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on

Northern Ireland

2013

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Presented to the
Minister of Justice (Northern Ireland)
2013

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List of abbreviations

CPO	custody prison officer <i>also</i> custody officer
MLA	Member of the Legislative Assembly (Northern Ireland)
NCO	night custody officer
NIO	Northern Ireland Office
NIPS	Northern Ireland Prison Service
NIPSP	Northern Ireland Prison Service Payment
NIRS	Northern Ireland Residents' Supplement
PECCS	Prisoner Escorting and Court Custody Service
PGA	Prison Governors' Association
POA	The Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers
PSNI	Police Service of Northern Ireland
PSPRB	Prison Service Pay Review Body

Chapter 1: Introduction

The issue

- 1.1 In its written evidence for our last Northern Ireland report¹, the POA² asked us to recommend an emergency allowance for prison staff “to assist with the additional cost of protecting themselves and their families against the attacks and threats of paramilitary groups”.
- 1.2 We raised the issue with all the parties³ in oral evidence sessions. The Northern Ireland Prison Service (NIPS) told us it wanted more time to obtain and present evidence and consider the developing security context. We concluded that reimbursement of security costs might be an issue outside our remit and we would not make a recommendation while NIPS was considering its response. We stated in our report that we were happy to return to the matter if the parties wished:

“However, we can consider the matter further should additional information become available. We are prepared to act quickly and outside our usual pay review round if necessary.”
(paragraph 3.22).

- 1.3 On 2 May 2013 the Minister of Justice, David Ford MLA, wrote to us in response to the submission of our 2013 report, accepting our formal recommendations in full. (Copies of relevant correspondence are at Appendix A.) In that letter, the Minister said he had concluded that the payment of an allowance would not be appropriate. He expressed the view that NIPS salaries already compared favourably to most salaries for prison staff in England and Wales and therefore already reflected the special circumstances associated with working in Northern Ireland.

¹ The Prison Service Pay Review Body’s Ninth Report on Northern Ireland 2013 is available at:

<https://www.gov.uk/government/publications/psprb-northern-ireland-report-number-9-2013>

² The Professional Trades Union for Prison, Correctional and Secure Psychiatric Workers.

³ The parties are the Northern Ireland Prison Service, the POA (NI) and the Prison Governors’ Association (PGA).

The remit to consider an allowance

- 1.4 The Minister of Justice wrote to us again on 1 July 2013 having developed his thoughts on the question of an allowance. The Minister's letter discussed "whether an additional payment should be made to some or all prison staff" and asked for our advice on that specific issue. The Minister noted that custody officers in Northern Ireland had lower starting salaries than equivalent prison staff in England and Wales. The Minister said that NIPS would develop proposals to discuss with us. Our terms of reference (at Appendix B) require us to consider specific issues when requested to by the Department of Justice. We responded to confirm our involvement on 22 July.
- 1.5 On 2 September, Finlay Spratt, the chairman of the POA in Northern Ireland, wrote to us repeating the union's claim for an emergency allowance. In parallel, during our scheduled visits to Northern Ireland establishments on 3 September, staff raised security issues with us. We were left in no doubt that staff felt they faced particular security risks and that this was affecting their motivation and morale.
- 1.6 We wrote to all parties on 9 September stating that, having been approached by the parties, we were now prepared to consider the issue ahead of our main 2014 report. We proposed taking written and oral evidence and submitting a report by 6 December. The parties acknowledged our proposal and agreed to provide evidence.

Our evidence base and work programme

- 1.7 Our chair wrote to the parties on 17 September inviting them to submit written evidence by 16 October 2013. We asked the parties to address the issue of the allowance by answering a set of questions (included in Appendix A) covering the purpose of an allowance, its calculation and related areas such as background about the present security situation.

- 1.8 We heard oral evidence in Belfast on 4 November 2013 from:
- NIPS officials led by Director General Sue McAllister;
 - Finlay Spratt and June Robinson representing the POA; and
 - Pat Maguire and Pat Gray representing the PGA.

These sessions allowed us to question the parties on their written submissions and the evidence of others.

- 1.9 Our decisions and recommendations below are based on the parties' written submissions in response to our questions, on oral evidence from the parties and also on the discussions we held during our visits to the three prison establishments in Northern Ireland on 3 September 2013.

Our report

- 1.10 In Chapter 2 we set out the evidence we collected and summarise the main proposals made by the parties. In Chapter 3 we set out our analysis of the evidence and our recommendations.

Chapter 2: Context and evidence

Introduction

2.1 This chapter provides data on the staffing position in Northern Ireland and then sets out the evidence and background information that we have considered in reaching our conclusions. The chapter also provides the history of similar allowances for prison staff, information about the existing security measures available to staff and details of allowances paid to other staff groups to reflect the specific circumstances in Northern Ireland. The chapter concludes with the parties' proposals.

Remit group

2.2 NIPS provided us with staffing data as part of its written evidence. These data divide staff into two broad groups: staff on 'pre-2002' terms; and those on 'post-2002' terms including recruits to the custody prison officer grade (also called custody officer or CPO) created in 2012. These staffing figures are reproduced in Table 2.1 below.

Table 2.1: Operational staff in post – August 2013

Grade	No. of Staff 31-Aug-13
Governor grades (closed) (Pre 2002)	23
Governor 1	2
Governor 2	4
Governor 3	1
Governor 4	10
Governor 5	6
Principal officers	17
(Pre 2002)	17
(Post 2002)	0
Senior officers	112
(Pre 2002)	105
(Post 2002)	7
Main grade officers	606
(Pre 2002)	406
(Post 2002)	200
Custody prison officers (Post 2002)	530
Other staff groups (all Post 2002)	197
Night custody officers	107
Operational support grades	12
Principal prisoner custody officers	4
Senior prisoner custody officers	11
Prisoner custody officers	63
Total	1,485
Staff group	
Staff on 'pre-2002' salaries, terms & conditions	551
Staff on other ('post-2002' and more recent) terms & conditions	934
Total	1,485

2.3 In the year to March 2013, 181 people left the Service, 12 per cent of the staff in post. This was the second year running when turnover was 12 per cent, partly as a consequence of 137 staff leaving through the current voluntary early retirement scheme. Historically, turnover has been 5 per cent or less each year.

2.4 The NIPS paybill for remit staff was £68.1 million in 2012-13.⁴

History of allowances and pay

2.5 In 1971, the Prison Service in Northern Ireland introduced an emergency allowance for governor and officer grades. This was for a number of reasons including: the lack of accommodation in cells; verbal and physical abuse by inmates; exceptional physical discomfort of working in hastily constructed, temporary prisons; long hours of work; overcrowding; and staff shortages.

2.6 During 1988 and 1989, the “Way Forward” package of reforms was developed and introduced, along with “Management Restructuring” for governor grades. This new package reformed remuneration for the Service, ending a number of allowances that staff had received previously, including the emergency allowance. The “Way Forward” package introduced the Northern Ireland Prison Service Payment (NIPSP) which was a new allowance for officer and governor grades. The NIPSP did not directly replace the emergency allowance but was generally considered to compensate staff for the difficult and dangerous environment in Northern Ireland. The NIPSP was £4,075 when introduced in 1988 and increased to £4,299 in 1989.

2.7 Six years later, during 1994 and 1995, further changes took place. A Framework Agreement introduced new reforms and replaced the NIPSP and overtime payments with a Residual Allowance for officer grades. This Residual Allowance was reduced on a phased basis and absorbed into base pay. Table 2.2 shows the example that the Framework Agreement gave for the phasing out of the Residual Allowance.

⁴ This is a reduction from £74.2 million in 2011-12.

Table 2.2: The Framework Agreement example of phasing out the NIPSP and the Residual Allowance

	Basic Pay	Overtime	NIPSP	Pensionable Pay	Gross Pay
	£	£	£	£	£
Now	12,278	2,204	5,378 (46 hrs)	12,278	19,860
Residual Allowance					
31 Oct 94	13,936		5,686 (44 hrs)	13,936	19,622
1 Apr 95	16,263		3,850 (43 hrs)	16,263	20,113
1 Apr 96	18,600		1,955 (41 hrs)	18,600	20,554
1 Apr 97	20,946		Nil (39 hrs)	20,946	20,946

2.8 NIPS evidence to us stated that the Residual Allowance was £4,033 reducing to £1,344 when it was subsumed into basic pay. NIPS said that its figures related to the average residual allowance payable to those staff who moved to a 39 hour week at that time.

2.9 Although the NIPSP was effectively consolidated into officer grades' salaries from 1997, it continued to be paid to governor grades. The NIPSP was uplifted each year as part of the annual pay settlement until consolidation occurred in 2006. These payments are shown in Table 2.3.

Table 2.3: Rates of the NIPSP for governor grades

<i>Grade</i>	<i>Payment in 2002-03 £ per annum</i>	<i>From 1 April 2003 £ per annum</i>	<i>From 1 April 2004 £ per annum</i>	<i>From 1 April 2005 £ per annum</i>
Governor 1	3,887	3,945	4,004	4,084
Governor 2	3,756	3,812	3,869	3,946
Governor 3	3,521	3,574	3,628	3,701
Governor 4	4,272	4,336	4,401	4,489
Governor 5	4,341	4,406	4,472	4,561

2.10 All the parties confirmed that Prison Service staff on pre-2002 pay and conditions had the NIPSP, generally considered to compensate staff for

the difficult and dangerous environment in Northern Ireland, already incorporated in their base pay.

The security situation

2.11 Northern Ireland differs from the rest of the United Kingdom in many respects, including the features of the economy, the labour market and the security situation. The renewed terrorist activities of paramilitary organisations in Northern Ireland affect all residents, but obviously certain groups working in the criminal justice system are particularly exposed. NIPS provided us with some information about risk and perceived risk to its staff for the last four years.

Impact on Prison Service staff

2.12 All the parties referred in their evidence to the murder last year of Prison Officer David Black, as did many of the staff we met in establishments. His death was the first murder of a prison officer in 20 years and highlighted the risk that NIPS staff face.

2.13 In addition, the point was made that risks extend to prison staff's families who need to exercise caution in their daily lives. Like officers themselves, family members must take measures such as checking their vehicles daily for improvised explosive devices and vetting visitors to their homes. More rarely, officers and their families may have to move home following specific threats.

Existing measures

2.14 NIPS staff already have access to the following schemes and equipment:

- the NIO Home Protection Scheme – for those under 'Substantial' or 'Severe' threat;
- the NIPS Protection Scheme – offering all staff security measures up to the value of £600 with free installation and maintenance (but not running costs);

- the NI Housing Executive Special Purchase of Evacuated Dwellings Scheme – for those staff who need to move home on the recommendation of the Chief Constable;
- the NIPS Assisted Home Removal Scheme – a scheme that helps meet the costs associated with moving home; and
- the provision of personal protection weapons and other security equipment such as fire blankets and extinguishers, and under-car mirrors.

Around a third of NIPS staff take up some or all of the assistance on offer.

Allowances for other staff groups

2.15 There are other staff groups in Northern Ireland who receive an allowance related to risk or to their working environment.

Police Service Transitional Allowance

2.16 The Police Service of Northern Ireland (PSNI) Transitional Allowance is formally paid to compensate for the restrictions on the area, or specific premises, in which an officer can live. It was last reviewed as part of the 2011 *Independent Review of Police Officers' and staff Remuneration and Conditions*⁵ (the 'Winsor Review') which confirmed this purpose. However, we were told that police officers generally consider it "danger money" and its history strongly relates it to the risks police officers face in Northern Ireland generally. The allowance is currently £3,102 per annum (as of 1 September 2013) and is non-pensionable.

Armed Forces Residents' Supplement

2.17 The Northern Ireland Residents' Supplement (NIRS) is paid to Armed Forces personnel in recognition of the particular circumstances that they and their families face while based in Northern Ireland. As well as increased security threats, Armed Forces personnel living conditions

⁵ This can be found at: <http://www.review.police.uk/>

are more restricted compared with counterparts on the mainland, as there are 'out-of-bounds' areas, difficulties in integrating dependants and a ban on wearing uniforms in public. The NIRS is £7.36 per day (equating to £2,686.40 per year); it was last increased on 1 April 2013. It is non-pensionable.

Other allowances

2.18 NIPS civil servants posted to work in prisons receive an allowance to reflect their working environment. A flat rate allowance of £1,250, the Prison Environmental Allowance, was introduced on 1 August 2009 "to reflect [that] this is an adverse environment not normally associated with their profession or work and, where necessary, associating with prisoners." This replaced the previous Emergency Allowances (higher and lower rates), the Environmental Teachers Allowance, and the Inconvenience of Locality Allowance. The rate has remained unchanged since its introduction.

Proposals from the parties

NIPS

2.19 NIPS proposed in its written submission a "NIPS Operational Payment" of:

- £800 for custody officers; and
- £400 for night custody officers (NCOs) and Prisoner Escorting and Court Custody Service (PECCS) staff.

NIPS proposed this new allowance be paid from 1 January 2014 and be non-pensionable. NIPS limited its proposals to these grades on the basis that salaries for other operational grades are higher than for their counterparts in Great Britain and "NIPS would contend that this is a reflection of the security differences that exist between GB and NI."

2.20 NIPS considered the purpose of the allowance mainly in terms of acknowledging the security threat. It proposed that the amounts should be reduced if the threat level reduces. In oral evidence, NIPS

acknowledged that its proposed dual-rate approach was, in part, to address salary differentials for the new grades. Also, NIPS stated in oral evidence that it saw the Northern Ireland remit as separate from England and Wales and that there should not be read-across.

POA

2.21 The POA said that an allowance would be to compensate for additional cost, for example, extended journeys and costs of security measures, as well as “an acknowledgement of the risk” posed to Prison Officers and their families by paramilitary organisations. The POA declined to put a price on the allowance because the union saw that as similar to pricing the cost of a life. The POA did not consider it appropriate to compare Northern Ireland salaries with those in England and Wales because the jobs and the circumstances were different.

PGA

2.22 The PGA also felt that the purpose of an allowance was to reflect the distinct, additional risks faced by NIPS staff and their families. The union commented that a small element of a payment would relate to recruitment and noted that NIPS already provides security measures. Like the POA, the union did not propose an amount but saw the PSNI Transitional Allowance as a possible model. Like the other parties, the PGA commented that Northern Ireland was a separate remit and that the allowance should not be calculated by reference to England and Wales salaries.

Chapter 3: Analysis and recommendations

Introduction

3.1 In this chapter we discuss the written and oral evidence we received from the parties, set out our analysis of the issues and make our recommendations. As in all our reports, we are bound by our standing terms of reference which are reproduced at Appendix B.

Positions of the parties

3.2 We have summarised the written evidence of the parties in Chapter 2 above. When we questioned the parties at oral evidence, there was some development in their positions. In particular, we were able to establish agreement on the following points:

- comparison with England and Wales rates of pay was not relevant. Our Northern Ireland remit is entirely separate from that for England and Wales because they are different labour markets with different circumstances. All the parties agreed that there was no read-across between the two jurisdictions and that jobs could differ significantly, despite similar titles;
- the issue under consideration should be strictly confined to whether there was a case for an allowance for Northern Ireland staff because of the paramilitary threat. NIPS accepted that it would not be right to try to deal with other issues, notably whether current pay levels for certain grades needed to be increased, as part of this review of the case for an allowance. We shall be happy to return to those other issues in our main annual review;
- logically, if an allowance were to be paid, it should be paid at the same level to all those staff who did not have the 'pre-2002' allowance consolidated into their basic pay;

- if there was a case for an allowance, then it ought to comprise two components: an element of reimbursement for extra costs incurred, principally electricity for security lighting and additional fuel costs for varying the route to and from work; and an element to recognise the additional stress on officers from living under threat;
- the POA agreed that the security measures made available by NIPS were helpful and appropriate;
- unlike the police and armed forces in Northern Ireland who are at risk both on and off duty, the threat from paramilitaries against prison officers is confined to when they are off duty and travelling to and from work. As the POA put it in their written evidence to us:

“Whilst Prison Officers are at work they face no more risk than their counterparts in GB but once they leave their work location they become vulnerable to terrorist attacks travelling to and from work and whilst at home.”

Our analysis

3.3 There is clear evidence of a real threat to NIPS operational staff. The murder of Prison Officer Black in 2012 was incontrovertible proof of that. Further evidence comes from the frequent security warnings issued to NIPS operational staff, the fact that NIPS makes available security measures to staff, and information on the assessed level of threat. We are satisfied that the threat is genuine and affects NIPS operational staff and their families and, like the POA, we commend NIPS for the security measures it already makes available at no cost to staff. From the perspective of those staff and families, the precise level

of the threat is irrelevant. Any threat of deadly violence will affect people's lives and behaviour.

3.4 We are in complete agreement with the parties that there is no case for comparing levels of pay in England and Wales, and in Northern Ireland. They are two separate labour markets and our task is to look at them individually and identify the appropriate pay levels in each jurisdiction.

3.5 As noted above, the threat to NIPS operational staff is while they are off duty, whereas members of PSNI and the armed forces are also at risk while on duty. So we do not consider that NIPS staff should receive the same allowance as members of PSNI or the armed forces.

3.6 Nevertheless, having considered the evidence and arguments very carefully we conclude that an allowance is justified at present. We found two reasons particularly persuasive:

- First, NIPS operational staff are unlike most other Northern Ireland workers. They have to live with the threat from paramilitary organisations while outside their place of work, as do their families, simply because of the jobs they do. In our judgement, based on representations from the POA and PGA and our own meetings with prison officers, this is likely to have an adverse effect on their motivation. The PGA suggests it may also affect recruitment and retention although we have not yet seen evidence of that. We believe payment of an allowance to 'post-2002' staff would be management's recognition of that threat and would help to counter the adverse effect on motivation.
- Secondly, we believe the fact that 'pre-2002' staff have a consolidated allowance but 'post-2002' staff have no corresponding payment might constitute unfair discrimination.

However, NIPS will need to carry out an equality impact assessment to verify this.

- 3.7 We consider that a non-consolidated, non-pensionable allowance is appropriate because the parties and we all agree that payment should be withdrawn if there is no longer a threat to prison service staff. In that eventuality any remaining 'pre-2002' staff might retain the residue of their consolidated allowance, but this would be the result of decisions taken in the past.

Purpose of the allowance

- 3.8 We see the purpose of an allowance as twofold: recognition of the particular situation in which NIPS staff and their families live because of the jobs they do, and to compensate them for additional costs they incur, for example in varying their routes to and from work, because of the paramilitary threat.

Level of the allowance

- 3.9 Neither of the above elements can be accurately costed. Some officers do not take up the security measures so will not have to pay for extra electricity for lighting. The cost of varying the route to and from work will depend very much on individual circumstances. Nor is there any obvious way of calibrating a payment in recognition of risk. The level of an allowance is therefore a matter of judgement, but we believe that the threat is the same for all so the amount of an allowance should be the same.
- 3.10 Our terms of reference require us to have regard to the funds available to NIPS. In its written evidence NIPS said "no additional money will be forthcoming from the Department of Justice or the NI Executive to meet the cost of any additional expenditure. Consequently, if an allowance is to be paid, NIPS will have to meet the cost from within existing resources."

3.11 NIPS costed its initial proposal to us (£800 for custody officers, £400 for NCOs and PECCS staff) at £644,000 a year. As explained above, we think it logical that an allowance should be paid to all staff other than those who already have a consolidated allowance. Under NIPS's target staff complement there will be 1,089⁶ such operational staff.⁷ We recommend that they receive a non-consolidated, non-pensionable allowance of £1,320 per year, paid monthly from 1 January 2014, the date proposed by both NIPS and the POA, until such time as the security situation in Northern Ireland improves to the extent that the allowance is no longer justified. We calculate that this will cost NIPS £1.6 million a year and we believe this figure to be affordable, not least because we expect payment of an allowance to lead to an improvement in staff motivation and morale.

Recommendation 1: We recommend that all NIPS operational staff not in receipt of a 'pre-2002' consolidated payment receive a non-consolidated, non-pensionable supplementary risk allowance of £1,320 per year, paid monthly from 1 January 2014 until such time as the security situation in Northern Ireland improves to the extent that the allowance is no longer justified.

Review of the allowance

3.12 Like the parties themselves, we hope that the time will soon come when the allowance is no longer needed because NIPS operational staff and their families are no longer under threat. In practice we do not expect the situation to change rapidly, so we propose that we should review the allowance every two years or when there is a significant change in the level of threat. We will also consider as part of our annual Northern Ireland review whether to recommend uprating the allowance to reflect movements in basic pay.

⁶ This is the latest figure provided to us by NIPS. It differs from the figure in Table 2.1 and that in the Minister's letter of 1 July 2013.

⁷ The grades concerned are all these indicated as 'Post 2002' in Table 2.1.

Recommendation 2: We recommend that we should review the allowance every two years or when there is a significant change in the level of threat. We will also consider as part of our annual Northern Ireland review whether to recommend updating the allowance to reflect movements in basic pay.

Appendix A: Correspondence between the Minister of Justice, Northern Ireland and the PSPRB Chair

FROM THE OFFICE OF THE JUSTICE MINISTER



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2 May 2013

Dear Dr Knight

Thank you very much for the report of the Prison Service Pay Review Body for the remit groups in the Northern Ireland Prison Service.

I am writing to thank you and your colleagues for your work in producing such a detailed report. I am aware how much time and commitment all the members of the Body give to issues relating to the Northern Ireland Prison Service and I want to assure you it is much appreciated.

I confirm that I have decided to meet the recommendations in full; publication will be by way of presentation to the Assembly on 2 May.

I appreciate the offer to consider further the payment of an Environmental Allowance suggested by the Prison Officers' Association. However, I have decided that it would not be appropriate to pay such an allowance as I believe that NIPS salary scales, which are higher than the national rates of pay in England and Wales already reflect the special circumstances associated with working in Northern Ireland. Although the

FROM THE OFFICE OF THE JUSTICE MINISTER



Police Service of Northern Ireland receive a transitional allowance, their pay scales are determined at a national level and mirror the salaries of officers working in Great Britain.

I have asked Ronnie Armour to write to you directly on this issue.

*Yours
David Ford*

DAVID FORD MLA
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



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Our ref: SUB/966/2013

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July 2013

Dear Dr Knight

When you wrote to me earlier this year enclosing your Report for 2013, you indicated a willingness to consider again the issues surrounding the POA request for the payment of an Environmental Allowance.

By way of background, the POA submitted their request because an allowance is paid to police officers working in Northern Ireland. That allowance is paid to reflect the lifestyle challenges faced by police officers in Northern Ireland because of the residual terrorist threat. As you may know, police officers in Northern Ireland are on the same salary scales as those working in England and Wales: the allowance is in addition to basic salary.

The POA note the fact that an Emergency Allowance was previously paid to prison staff but had been consolidated into their salary as part of a wider pay settlement. In view of this, the POA believe that we should pay a new Environmental Allowance to all staff employed since 2002, ie those staff who did not have the previous allowance consolidated into their salary. In practice we will have 1081 staff in this category by the end of our ongoing recruitment processes.

FROM THE OFFICE OF THE JUSTICE MINISTER



In deciding how to proceed with this issue I have been mindful of the fact that an allowance is paid to police officers in order to distinguish between them and their GB counterparts. In considering the POA request I am conscious that in some of our prison grades a distinction already exists.

Consequently, I believe there are two key issues in considering whether an additional payment should be made to some or all prison staff. The first is principle: should an amount be paid in the context of the pay differentials that exist within some of the Prison Service grades. The second is affordability: if an additional payment were to be made how would it be funded?

If we were to pay an additional amount, there is an argument that we should consider a payment of around £1,250 per officer. This would be similar to the amount paid to General Service (administrative) staff working in our prisons to reflect the environmental challenges they face. Where individuals are already earning, or have the potential to earn, £1,250 more than their GB counterparts I would not intend to pay them an additional amount. For example, the scale maxima for Senior Officers, Main Grade Officers and OSG are £1,273, £1,175 and £1,341 higher than in the rest of GB. Consequently we would not intend to pay them an additional amount.

In seeking your advice, I would welcome your views on how best to deal with those in the new Custody Officer grade. As you know, Management and the POA agreed a salary scale as part of their overall Reform Programme Agreement of May 2012. In proposing the salary scale Management were conscious that the Custody Officer Job Description included elements from both the OSG and PO Band 3. Management were also conscious of the financial constraints NIPS faces as an organisation. Consequently the salary scale is higher than the OSG and lower than the Band 3 level that is affordable for NIPS. As you know, the POA now argue that the scale should be set at the Band 3 rate.

FROM THE OFFICE OF THE JUSTICE MINISTER



In view of this and in terms of dealing with the Custody Officer claim for an Environmental Allowance, I would be minded to seek to deal with this issue through addressing the pay differential between NI Custody Officers and GB Band 3 staff. I have asked NIPS to develop some proposals which I have asked Sue McAllister and Ronnie Armour to discuss with you.

Naturally I would welcome your views on the proposals we have outlined. I very much appreciate your help in relation to this matter and look forward to receiving your views in due course.

Yours
David Ford

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Minister of Justice



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22 July 2013

Dear Mr Ford

Thank you for your letter of 1 July 2013. We would be happy to consider the issue of an environmental allowance. I note your point that many of the Northern Ireland pay scales are already substantially higher than those of their England and Wales counterparts, but that this is not necessarily the case for the new Custody Officer grade.

The review body would be happy to consider proposals developed by the Northern Ireland Prison Service for addressing the pay differential between Northern Ireland Custody Officers and England and Wales Band 3 staff. As we indicated in our last report, we saw the issue as something that we could return to if additional information became available. We will, of course, also be seeking evidence from the POA and the PGA as appropriate.

Dr Peter Knight CBE
Chair, Prison Service Pay Review Body





Office of Manpower Economics

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David Ford MLA
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9 September 2013

Dear Minister

In our 2013 Report on Northern Ireland the Prison Service Pay Review Body (PSPRB) considered the question of whether an "environmental/emergency allowance" should be paid to prison service staff who had joined since 2002. We made no recommendation as NIPS wished to consider the matter further and we thought the parties might resolve the issue themselves. We concluded that:

"... we can consider the matter further should additional information become available. We are prepared to act quickly and outside our usual pay review round if necessary."

Since the Report was accepted I have received additional information which I summarise as follows:

- i. A letter from Ronnie Armour to Finlay Spratt dated 1 May 2013 providing a comparison of the pay of Northern Ireland prison service staff and their counterparts in England and Wales. The letter concludes that no allowance should be paid. This was confirmed in your letter to me dated 2 May 2013.
- ii. You wrote to me again on 1 July. In that letter you identified two key issues: "The first is principle: should an allowance be paid in the context of the pay differentials that exist within some of the prison grades. The second is affordability: if an additional payment were to be made how would it be funded?"

The letter sought PSPRB's advice and specifically invited our views on the new Custody Officer grade. You said you had asked NIPS to develop some proposals to be discussed with PSPRB. I replied on 22 July saying that the PSPRB would be happy to consider NIPS's proposals.



- iii. Finlay Spratt wrote to me on 2 September, repeating the POA's claim for a payment for post-2002 staff of £3,071 to match the payment to members of the Police Service of Northern Ireland and challenging the argument that the pay differentials between prison service staff in Northern Ireland and those in England and Wales were a relevant consideration. His letter further detailed the concerns of prison service staff in Northern Ireland about the security situation and listed some of the measures they are obliged to take to protect themselves against attack by paramilitaries.

On 3 September the PSPRB visited HMPs Hydebank Wood, Maghaberry and Magilligan, and the PECCS and held discussions with groups of staff. There is no doubt that staff feel they face particular security risks.

I can confirm that, in the light of the correspondence I have received and the concerns expressed by prison service staff in their recent discussions with us, the PSPRB will act quickly to undertake a comprehensive review of this issue. We propose to issue a separate report ahead of our annual report on the normal pay round. Our objective will be to complete this review in time to report no later than 6 December 2013.

This is a complex and sensitive issue. We shall need written evidence and, almost certainly, to provide an opportunity for further oral evidence. I shall write to you in the next few days to set out what evidence we require and the date by which we need to receive it.

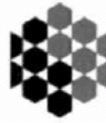
I am writing in identical terms to Finlay Spratt and to Pat Maguire, Chairman (NI) of the Prison Governors' Association.



Dr Peter Knight CBE
Chairman



FROM THE OFFICE OF THE JUSTICE MINISTER



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Our ref: COR/983/2013

Dr Peter Knight CBE
Chair
Prison Service Pay Review Body
Office of Manpower Economics
Via email: neil.goodson@bis.gsi.gov.uk

14 September 2013

See Dr Knight

**PRISON SERVICE PAY REVIEW BODY – POA REQUEST FOR
ENVIROMENTAL/EMERGENCY ALLOWANCE**

Thank you for your letter of 9 September 2013 in relation to the issue of an environmental/emergency allowance for prison service staff appointed since 2002.

I await your further letter which will set out the evidence required and the associated timescale to allow the Pay Review Body to undertake a comprehensive review of this issue.

I note that you have written to the POA and PGA in identical terms.

DAVID FORD MLA
Minister of Justice



Office of Manpower Economics

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17 September 2013

Dear Minister,

NI ALLOWANCE

Further to my letter of 9 September, I attach a note of the areas on which the PSPRB wishes to obtain evidence. I appreciate that your Department and the other parties may not be able to answer all the questions but I should be grateful if you would provide as much relevant information as possible, by 16 October. The PSPRB will, through its secretariat, seek to obtain information from independent sources on matters such as the nature and level of allowances paid to other public servants in Northern Ireland in order to help us make recommendations for the Prison Service.

I am writing in identical terms to Finlay Spratt and to Pat Maguire, Chairman (NI) of the Prison Governors' Association.

Yours sincerely,
U. Masson

MP Dr Peter Knight CBE
Chairman
[approved by Dr Knight and signed in his absence]



PSPRB WRITTEN EVIDENCE REQUIREMENTS – NI ALLOWANCE

1. Nature of the risk and purpose of an allowance

In order to be able to judge the case for an allowance and its level, PSPRB needs to understand both the nature and severity of the threat and precisely what an allowance is designed to achieve or recompense. We should therefore welcome evidence on the following points:

1.1 Why is an allowance justified or necessary specifically for Prison Service staff in Northern Ireland? What is the additional risk faced by Prison Service staff in Northern Ireland compared to those in Great Britain? Can this be quantified or estimated? Does the risk extend to family members?

1.2 If Prison Service staff in Northern Ireland face additional risk from terrorism, how does that risk compare with the risk faced by other Northern Ireland public servants such as the police, armed forces, fire service, civil servants etc.

1.3 What is the allowance intended to compensate for? Is it to cover actual expenditure on measures to reduce risk, such as extended journeys to and from work, or is it simply to acknowledge risk? Is the additional risk faced by Prison Service staff in Northern Ireland limited to when they are off duty (including travelling to and from work) or do they face additional risks while at work compared to Prison Service staff in Great Britain?

1.4 Is the level of risk different for different members of the Prison Service, e.g. for different grades, for those dealing with paramilitary prisoners, for those working at particular prisons or living in particular areas? Is there a case for limiting an allowance to certain staff, or for varying the level of an allowance, to reflect different levels of risk?

1.5 Which members of NIPS already have an allowance consolidated into their pay? Why was the allowance consolidated in 2002? What agreement was reached

at that time in relation to staff appointed after consolidation of the allowance for existing staff? Which members of staff do you think deserve a new allowance and why?

2. Calculation of an allowance

If the case for an allowance is made, PSPRB needs information to enable it to price that allowance and possibly to calibrate it for different situations.

2.1 If an allowance is justified, how should it be calculated? If an allowance is needed to compensate for additional costs, what are those costs? How have they been measured or estimated?

2.2 To what extent should the salary differentials between NIPS staff and their counterparts in England and Wales be taken into account? Do the NIPS scales already reflect the special circumstances of Northern Ireland? Can an allowance to Custody Officers be reasonably met by addressing the pay differential between the NI Custody Officers and Band 3 staff in England and Wales?

2.3 What measures does NIPS already provide to protect staff, e.g. security measures, cost of moving where there is a specific threat? What is the current level of take-up by NIPS staff of security measures offered by NIPS and how does that compare with take-up in earlier years? How has the cost of those measures changed over recent years?

2.4 Is there a need for some form of payment to enable lower paid NIPS staff to move to safer areas? If so, what should be the criteria for granting such a payment and how should it be calculated? Could it take the form of a loan?

3. Analogous allowances

3.1 Which other public sector workers in Northern Ireland receive allowances analogous to that sought by the POA for Prison Service staff who were appointed after 2002?

3.2 What is the justification for each of those allowances and how are they set or calculated? Are those allowances subject either to review in prescribed circumstances or to any conditions which mean they will end if the security situation improves in a defined way? Are they pensionable?

4. Affordability

PSPRB's terms of reference require us to take account, among other things, of the funds available to NIPS.

4.1 If we find that an additional allowance is justified, how could this be funded?

5. Review

Any recommendation for an allowance will be on the basis of the current risk assessment. Obviously the security situation may change over time.

5.1 If PSPRB recommends an allowance, should such a recommendation be reviewed periodically, for example as part of the annual pay round, and what criteria should PSPRB apply in deciding whether to amend or revoke the recommendation?

Appendix B: 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.