



Ministry  
of Justice

**Workforce Monitoring Report  
2016/17**  
Ministry of Justice

Published March 2018

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## Foreword

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I am pleased to introduce the Ministry of Justice's Annual Workforce Monitoring Report for 2016/17.

In common with other public bodies, we must have due regard to the three aims of the Public Sector Equality Duty (part of the Equality Act (2010)). These are to:

- eliminate unlawful discrimination, harassment and victimisation
- advance equality of opportunity, and
- foster good relations

This means we must consider equality related issues within our employment practice; service delivery; commissioning; policy making and in our strategic decision making.

The data within this report supports this along with our own equality, diversity and inclusion (ED&I) strategic priorities (see page 7):

- Inclusive workplace
- Diverse workforce
- Fair and accessible services

These three priorities are underpinned by our MoJ values: Purpose, Humanity, Openness and Together, and our core to delivering our vision to be *'a world class justice system that works for everyone'*.

The report provides a wealth of data and analysis (accessible via the links on pages 35 and 36) about our workforce that helps us understand how representative we are as a Department and where we need to focus our attention, as we work to build a fair and inclusive work environment and a workforce that at every level reflects the diverse communities we serve.

As MoJ's Board level Diversity Champion I am keen to support and strengthen the positive initiatives and existing good practice across the Ministry, and to tackle areas where we know we must do better. This includes improving the quality of our staff data and using it intelligently to pinpoint where we need to make interventions to improve the recruitment, progression and retention of talented diverse individuals, and to create an inclusive and open environment, where everyone is treated with humanity and respect.

Through drawing on the expertise and insight of our staff networks, Trades Unions and Project Race initiative and by harnessing the local knowledge, commitment and influence of our MoJ diversity champions, we continue to encourage new and innovative ways to approach our challenges and opportunities. We continually seek to develop our capability for embedding equality, diversity and inclusion in how we act as an employer and in how we design and deliver our services. This report provides an important evidence base to inform our decision making and wider work across MoJ.

**Justin Russell**  
**Director General**  
**Prison Reform & Youth Justice Policy**  
**MoJ Overall Diversity Champion**



## Summary

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This report and accompanying tables provide data on diversity declaration rates and the workforce profile of the Ministry of Justice (MoJ), including its agencies, in 2016/17.

As at March 2017, there were 67,306 staff (on a headcount basis) in the MoJ.

Key results show that:

- In March 2017, 77% of MoJ staff had declared their ethnicity and 64% had declared their disability status. These declaration rates are similar to the previous year; in March 2016 77% of staff declared their ethnicity, and 63% of staff declared their disability status. In March 2017, for both protected characteristics, declaration rates were higher among middle and lower management grades (i.e. 83% of staff from grades EO/HEO/SEO declared their ethnicity, and 65% declared their disability status) than Senior Civil Service (SCS) (where 67% declared their ethnicity, and 60% declared their disability status). This was also the case in March 2016, when declaration rates were higher among administrative and middle and lower management grades than more senior management grades and the SCS.
- Declaration rates for sexual orientation and religion and belief were too low to enable meaningful analysis (34% and 32% respectively), although these had increased by four percentage points each from the previous year (March 2016) when declaration rates were 30% and 28% respectively.
- Just over half (54%) of staff were female and 46% were male in March 2017. This matched the wider civil service, however in March 2017 the proportion of females at SCS level within the wider civil service (March 2017) was 41% compared to 46% within MoJ.
- The MoJ has seen a steady increase in the proportion of female staff including at SCS level: the proportion of females in the SCS increased from 38% in March 2013 to 46% in March 2017.
- The highest proportion of MoJ staff were in the age categories 50-59 (30%) and 40-49 (26%); this was a similar case across the wider civil service (50-59 (32%) and 40-49 (26%)). Just under a quarter of MoJ staff (23%) were aged 30-39, 13% were aged under 30 and 8% were aged 60 or over (March 2017).
- Of staff who had declared their ethnicity, 12% were from a Black and Minority Ethnic background (BME), on par with the overall civil service average in the same period (March 2017). The proportion of BME staff was higher at lower grades: 12% of staff in each of the administrative and middle and lower management grades (AA/AO and EO/HEO/SEO) were from a BME background. A smaller proportion (9%) of staff from grades G7/G6 were from a BME background, and 8% of SCS staff were from a BME background compared to 7% of SCS in the wider civil service (March 2017), unchanged from March 2016.
- In March 2017, 7% of MoJ staff were declared disabled, compared to 10% of staff across the overall civil service. There were slightly higher proportions of declared disabled staff across non-SCS grades (6%) than SCS (5%).

# Introduction

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This report and accompanying tables provide data on diversity declaration rates and the workforce profile of the Ministry of Justice (MoJ), including its agencies, in 2016/17. One of these agencies is Her Majesty's Prison and Probation Service (HMPPS), previously known as the National Offender Management Service (NOMS). This report refers to NOMS throughout, as the name change occurred after March 2017.<sup>1</sup>

The report focuses on those protected characteristics for which data are collected and are available to a sufficient level to enable statistically reliable reporting. These characteristics include gender, age, disability and ethnicity.<sup>2</sup>

The MoJ collects and monitors staff diversity data in order to check how representative we are (by comparing our workforce against UK demographics), and to examine the success and impact of our employment policies and processes, including identifying areas where these appear to be impacting disproportionately on certain groups of staff.

Collecting, monitoring and publishing diversity data also supports our ability to show 'due regard' to the Public Sector Equality Duty, a legal requirement under the Equality Act 2010.

Information is provided on staff data with reference to protected characteristics in the following areas:

- Declaration rates (for ethnicity, disability, sexual orientation and religion or belief)
- Total number of staff in post
- Joiners
- Leavers
- Staff appraisals
- Sickness absence
- Temporary recruitment allowance
- Special bonuses
- Complaints (grievances, investigations, conducts and discipline)

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<sup>1</sup> The MoJ and its agencies comprise: MoJ HQ, the National Offender Management Service (NOMS) (now Her Majesty's Prison and Probation Service (HMPPS)) but referred to as NOMS throughout this report, Her Majesty's Courts and Tribunal Service (HMCTS), the Legal Aid Agency (LAA), the Office of the Public Guardian (OPG) and the Criminal Injuries Compensation Authority (CICA). CICA joined MoJ headquarters in 2016/17.

<sup>2</sup> See glossary of terms for full list of protected characteristics.

## **Glossary of terms**

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### **Protected characteristics**

The Equality Act 2010 sets out nine protected characteristic groups: age, disability, gender realignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity. For the purposes of this report references to protected characteristic groups refer to a subset of these groups: age, gender, ethnicity and disability.

### **‘As at March 2017’ or 2016/17**

The data presented include both snapshots of the position as at 31 March 2017 (referred to as ‘at March 2017’), as well as summary statistics covering the period from 1 April 2016 to 31 March 2017 (referred to as ‘2016/17’ and in charts as ‘2017’).

### **Declaration rates**

Declaration rates refer to the percentage of all staff who have provided information on their ethnicity or disability status. The rate is calculated as a proportion of all staff and excludes staff for whom we have no information or prefer not to provide that information. Statistics reported on ethnicity or disability are based on data where declaration rates are 60% or higher. To report on figures where declaration rates are lower would not be statistically reliable because they might not provide a representative picture for all staff.

### **BME**

The BME acronym is used to represent the Black and Minority Ethnic group. Parts of the MoJ use the acronym BAME (Black, Asian and Minority Ethnic). Where BME is used this represents all staff in these groups.

## Equality, diversity and inclusion objectives

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The MoJ is working hard to achieve a more inclusive workplace where staff are encouraged to be themselves and deliver their best at work.

We are also determined to build a workforce that is more representative of the UK's diverse communities and communities of interest.

We know that by achieving these two objectives, we will be best placed to support our third objective: the delivery of fair and accessible services to all those who use them, and to those who come into contact with the criminal justice system.

These workforce data and analysis contained within this report, along with other management information and additional data, help us understand what we need to do to achieve our three strategic equality, diversity and inclusion objectives.



## Declaration rates

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High declaration rates ensure a reliable picture of the profile of the MoJ's workforce and provide us with a better understanding of how policies and practices may impact on different groups. We are therefore keen to improve staff declaration rates for all diversity characteristics. Ethnicity and disability are particularly important because we have workforce representation targets in place for these two groups.

Information about protected characteristics is volunteered by staff. The MoJ collects information about gender, age, ethnicity, disability, religion and sexual orientation. Figure 1 shows the declaration rates for these characteristics (i.e. percentage of staff who have declared a protected characteristic). Staff who have not declared a protected characteristic, either through not having had the opportunity or by stating that they would 'prefer not to say', are excluded from calculations of representation rates. We work on the assumption that staff who do not declare are distributed in the same proportions as those who have declared. This introduces a level of uncertainty into the calculated rates that increases as the proportion of staff making a positive declaration (i.e. the declaration rate) falls. When the declaration rate falls below 60% representation, rates and other calculations depending on the protected characteristic cannot be made.

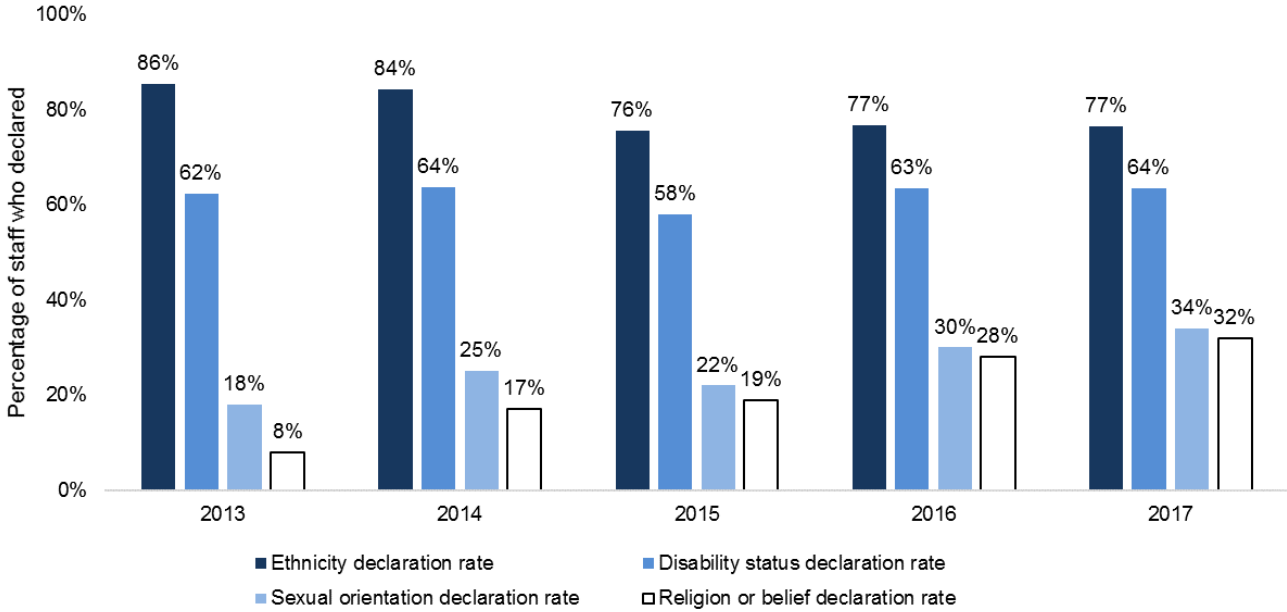
As at March 2017, 77% of MoJ staff had declared their ethnicity. The overall declaration rate for ethnicity has declined since 2013 (86%, Figure 1). Declaration rates for ethnicity were higher among administrative and middle and lower management grades (83% in EO/HEO/SEO grades), than senior management grades (67% in SCS).

As at March 2017, the declaration rate for disability status was 64% in the MoJ. Declaration rates for disability have remained relatively stable over the past five years (Figure 1). As with ethnicity, declaration rates for disability status were slightly higher in lower grades than in higher grades: 65% in EO/HEO/SEO and 60% in SCS.

As at March 2017, the declaration rate for sexual orientation was 34%. For religion or belief, it was 32%. Although both these rates have increased by four percentage points since March 2016, rates are still too low to provide representative analysis.



Figure 1: Declaration rates for MoJ workforce, as at 31 March 2013 to 2017



## Workforce profile<sup>3</sup>

This section covers the overall workforce profile, and focuses on data for non-SCS staff. The profile of SCS staff is provided in a separate section (page 14).

### Gender

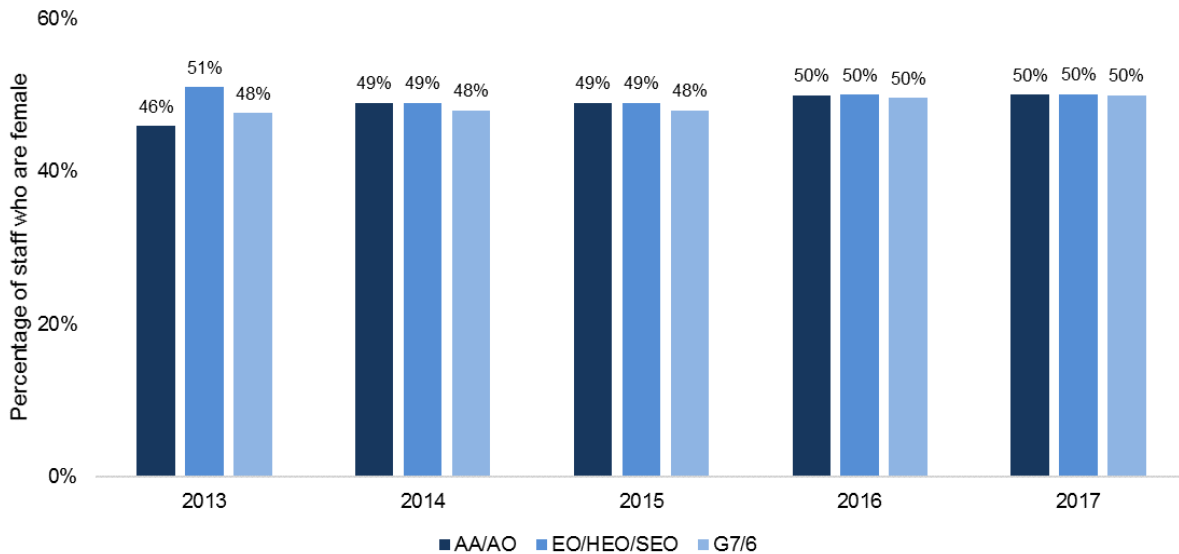
As at March 2017, there were 67,306 staff <sup>4</sup> (on a headcount basis) in the MoJ. Just over half (54%) of staff were female and 46% were male. The MoJ overall has seen a steady increase in the proportion of female staff. For example, the number of female staff within MoJ increased from 31,724 in 2013 to 36,122 in 2017; a pattern that was also reflected across the civil service.<sup>5</sup>

Below SCS level, females represented half of staff in all grades. The proportion of females in administrative grades (AA/AO) and higher management grades (G7/6) have steadily increased since 2013 (Figure 2).

Her Majesty's Courts and Tribunal Service (HMCTS) had the largest proportion of female staff (72%); significantly higher than other MoJ business groups. NOMS<sup>6</sup> had the lowest proportion of female staff (47%), whereas the proportion of female staff in other business groups ranged from 55% in both MOJ HQ and CICA, to 56% female staff in LAA and 57% in OPG.

See accompanying tables 1a and 1b in Annex A.

**Figure 2: Proportion of female staff in MoJ by non-SCS grade, as at 31 March 2013 to 2017**



<sup>3</sup> For non-SCS staff. SCS profile is provided in a separate section.

<sup>4</sup> This includes all staff excluding contracts and contingency labour.

<sup>5</sup> ONS Statistical Bulletin: Civil Service statistics 2017: <https://www.ons.gov.uk/releases/civilservicestatistics2017>

<sup>6</sup> On 1<sup>st</sup> April 2017, Her Majesty's Prison and Probation Service replaced NOMS. Given the data for this publication relate to the period till 31<sup>st</sup> March 2017, the statistics in this annual report will be referred to as those of the NOMS workforce.

## Age

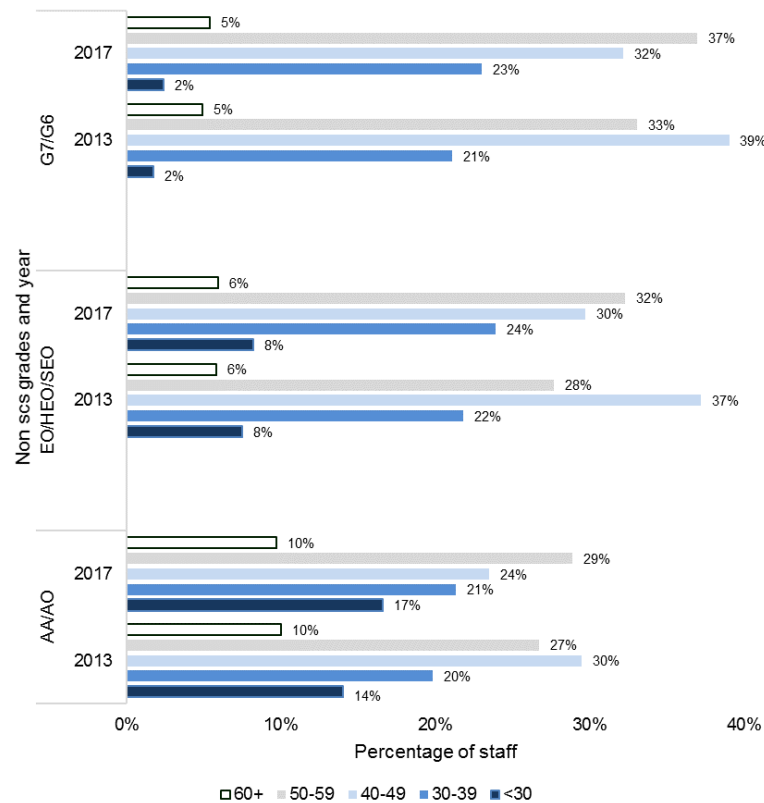
As at March 2017, the highest proportion of MoJ staff were in the 50-59 (30%) and 40-49 (26%) age categories. Just under a quarter (23%) were aged 30-39, whilst 13% were aged under 30 and 8% were aged 60 or over. These proportions are similar to the overall 2017 civil service age profile, where the majority of staff were found within the 50-59 and 40-49 age categories, and the smallest proportion of staff are found within the under 30 and 60 or over age categories.

Higher management grades (G7/G6) included a larger proportion of staff in older age categories than more junior grades, apart from in the 60 or over age category. For example, as at March 2017, 75% of staff at higher management (G7/G6) grades were aged 40 or over compared with staff at administrative grades (AA/AO) and middle and lower management grades (EO/HEO/SEO) where 62% and 68% of staff respectively were aged 40 or over. Since 2013, age distribution by grade has remained fairly steady with the exception of the proportion of staff in age category 40-49 where there has been a steady decline within all grades. (Figure 3 and table 1b in Annex A)

The age profile of staff varied between business groups. The majority of OPG staff were in the lower age categories; just under a third (32%) of staff were aged under 30 and 31% were aged 30-39. HMCTS and NOMS had a higher proportion of staff in age category 50-59 (32% and 30% respectively) than in other age groups.

See accompanying table 1a in Annex A.

**Figure 3: Age demographics by non-SCS grade in MoJ, as at 31 March 2013 and March 2017**



## Ethnicity

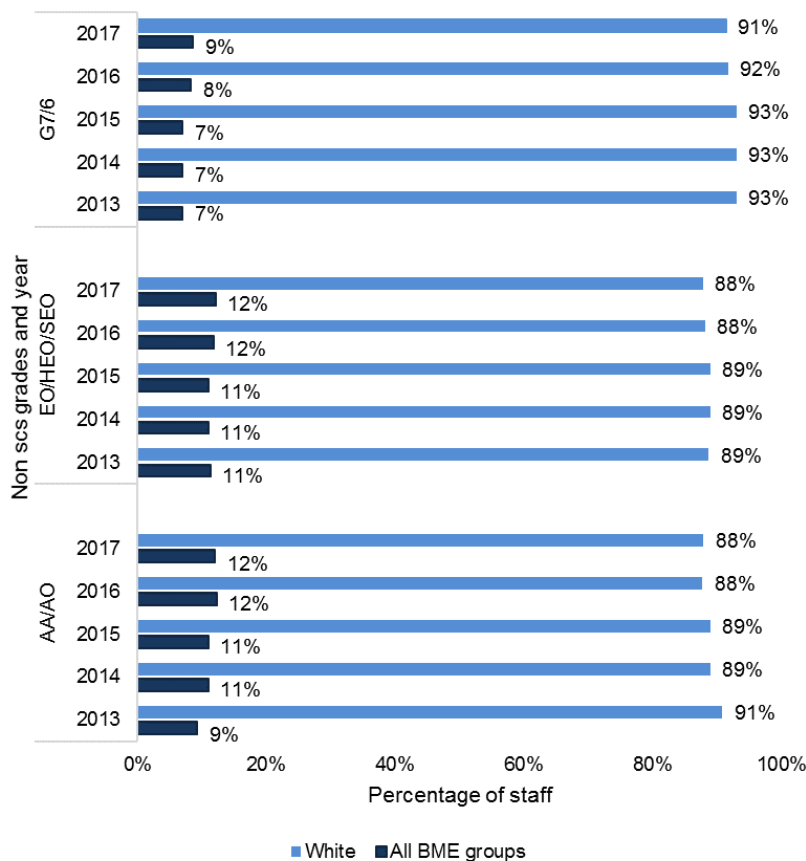
As at March 2017, of staff who had declared their ethnicity 12% were from a Black and Minority Ethnic (BME) background, on par with the overall civil service average in the same period (March 2017). The largest groups were Asian or Asian British (5%) and Black or Black British (5%).

As at March 2017, the proportion of BME staff was higher at lower grades; 12% of staff at both AA/AO grades and EO/HEO/SEO grades belonged to a BME group. A smaller proportion (9%) of higher grades G7/G6 were from a BME background.<sup>7</sup> Since 2013, BME representation has increased by two percentage points (10% in 2013 to 12% in 2017). (Figure 4)

BME representation differed between MoJ business groups. Just over half (54%) of staff in OPG were from a BME background compared to a quarter (25%) in MoJ HQ, 18% in LAA, 18% in HMCTS and 8% in NOMS.

See accompanying tables 1a and 1b in Annex A.

**Figure 4: Ethnicity by non-SCS grade in MoJ, as at 31 March 2013 to 2017**



<sup>7</sup> 82% of MoJ staff occupy grades at AA/AO and EO/HEO/SEO. The overall proportion of BMEs therefore reflects the levels in these grades.

## Disability

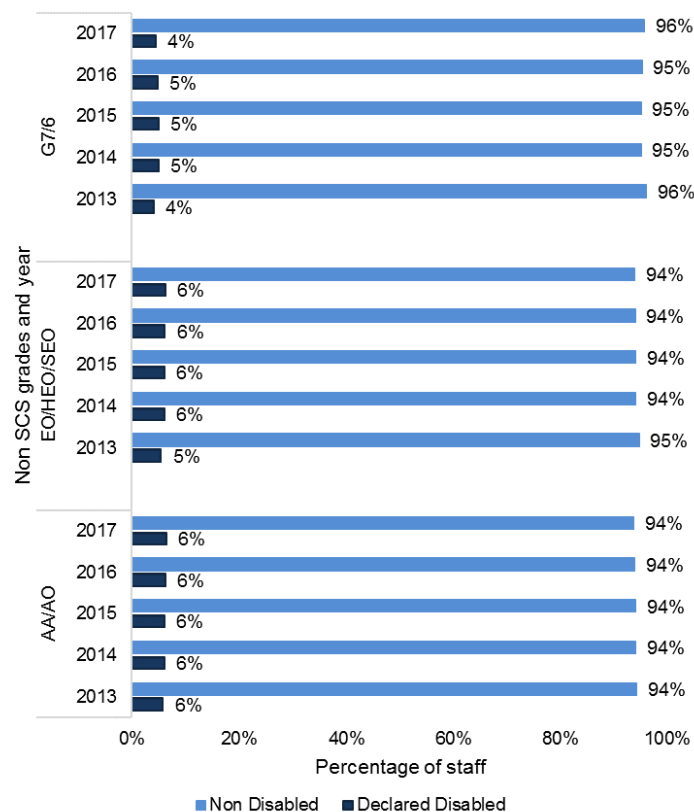
As at March 2017, 7% of MoJ staff were declared disabled; an increase of just under two percentage points from 2013. This compares to 10% of staff across the civil service in March 2017.<sup>8</sup>

In March 2017, 6% of staff in non-SCS grades were declared disabled. The proportion of staff with a declared disability was relatively steady from 2013 to 2017. (Figure 5)

Of staff who declared their disability status, NOMS had the greatest proportion of staff with a declared disability (8%) compared to 6% in MoJ HQ, OPG and HMCTS and 7% in LAA. Caution should be used in interpreting these figures as there are different declaration rates across the different business groups. For CICA, the declaration rate was only 30% and was therefore omitted, however for NOMS and MOJ HQ it was 59% and 57% respectively so results should be considered indicative only<sup>9</sup>.

See accompanying tables 1a and 1b in Annex A.

**Figure 5: Disability by non-SCS grade in MoJ, as at 31 March 2013 to 2017**



<sup>8</sup> The overall proportion of declared disabled staff is an average of staff at all grades (including SCS) and staff in an 'unknown' category where grade information is not available. Details are in table 1b in Annex A.

<sup>9</sup> Since these figures are based on declaration rates just under 60% (below our threshold for reporting) they should be considered indicative only.

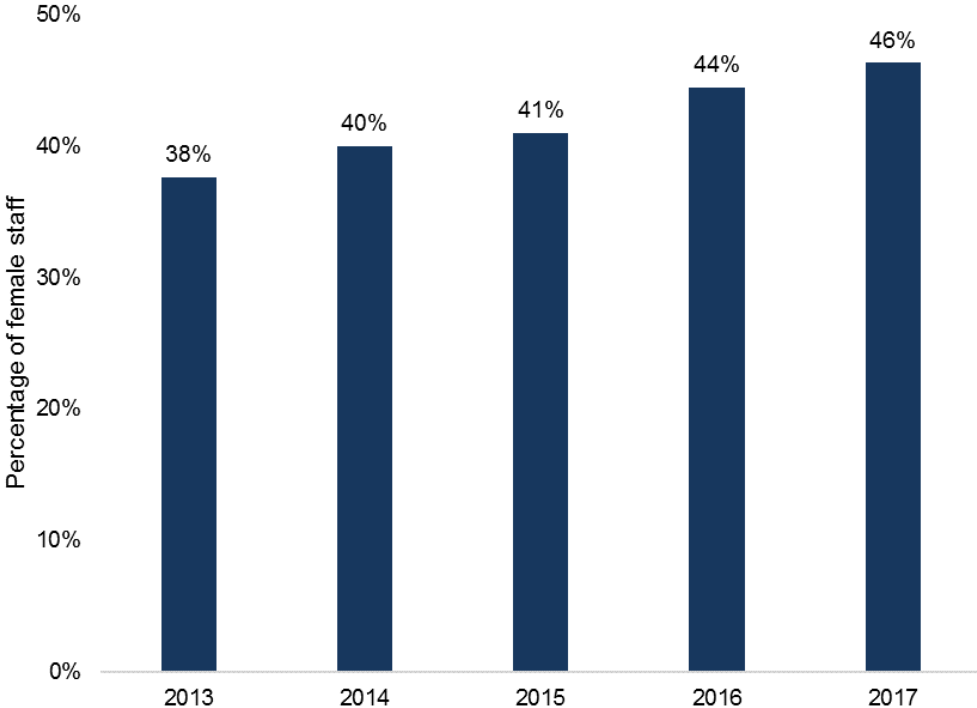
# Senior Civil Service (SCS) diversity

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MoJ is working to increase the representation of staff from different protected characteristics and backgrounds in the Senior Civil Service (SCS).

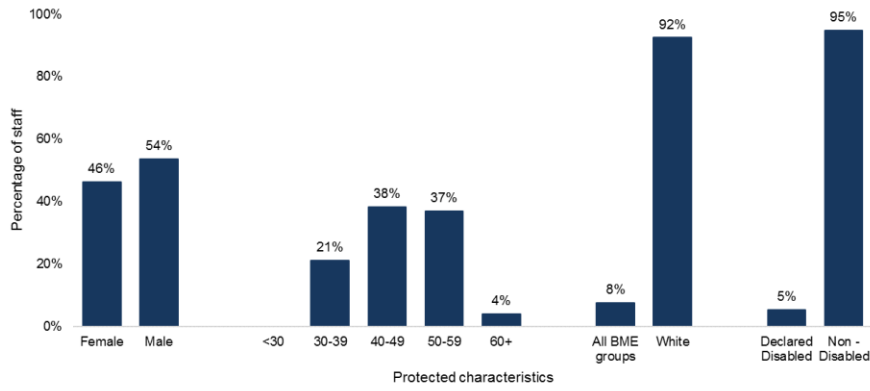
As at March 2017, 46% of the 257 SCS staff across the MoJ were female – compared to 41% across the civil service (in March 2017). The MoJ has seen a year on year increase in female representation in the SCS since 2013 (Figure 6).

**Figure 6: Proportion of female staff in MoJ in the SCS grade, as at 31 March 2013 to 2017**



As at March 2017, the majority of SCS staff were in the age categories 40-49 (38%) and 50-59 (37%). There were no SCS staff under the age of 30 and 4% of SCS were in the 60 or over category (Figure 7). There was a similar profile by age over the past five years.

**Figure 7: SCS staff by protected characteristics in MoJ, as at 31 March 2017**



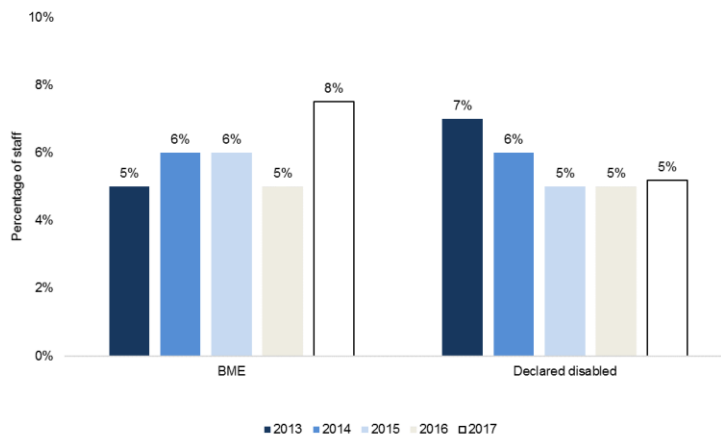
*NOTE: based on all those who declared their ethnicity or disability (excludes unknown and prefer not to say)*

As at March 2017, of SCS staff declaring their ethnicity, 8% were from a BME background - compared to 7% in the wider civil service. Trend data shows that in the MoJ, BME representation in the SCS increased from 5% to 8% between 2013 and 2017. (Figure 8)

Similarly, as at March 2017, of SCS staff in the MoJ who declared their disability status, 5% were declared disabled - the same proportion as in the civil service as a whole. In the MoJ, the proportion of SCS staff with a declared disability declined from 7% to 5% between 2013 and 2017. (Figure 8)

See accompanying tables 1a and 1b in Annex A.

**Figure 8: Trends in BME and declared disabled representation in SCS, as at 31 March 2013 to 2017**



## Joiners

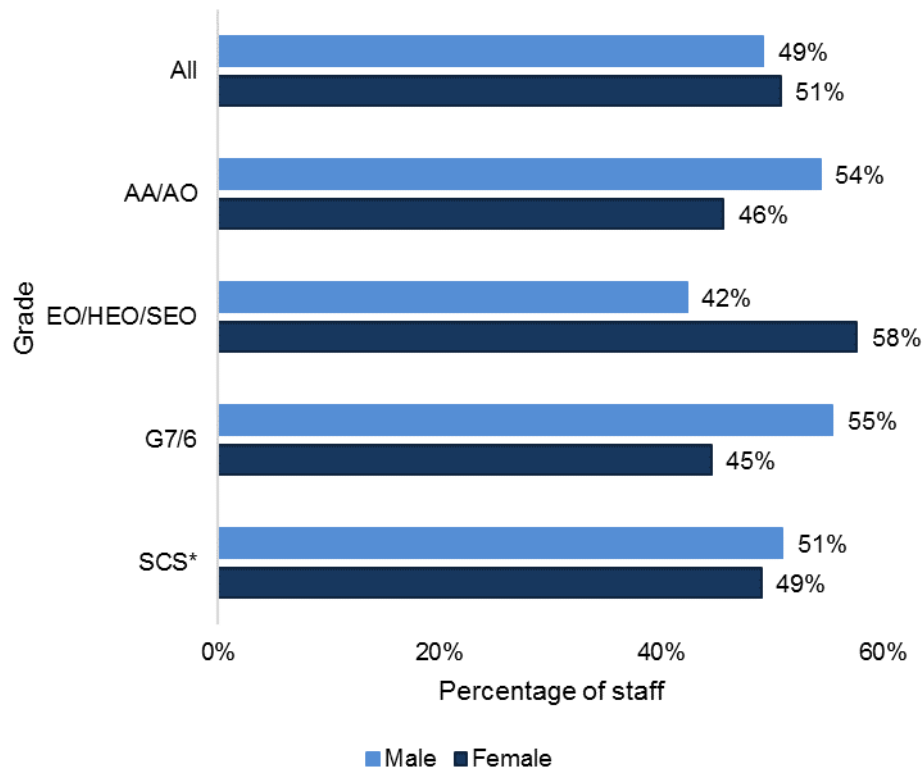
In 2016/17<sup>10</sup>, there were 5,606 joiners and 6,729 leavers from the MoJ, whereas in 2015/16, the number of joiners was higher (6,208) than the number of leavers (5,828); this was driven predominately by the number of joiners to NOMS.

### Joiners by gender

There were roughly equal proportions of joiners by gender in 2016/17. Just over half (51%) of all new joiners were female and 49% were male. The percentage of females joining the MoJ declined by one percentage point compared to 2015/16 and by four percentage points compared to 2012/13.

In 2016/17 there were almost equal numbers of females and males joining the SCS (of the 53 joiners: 26 were female and 27 were male). There were more female than male joiners in the middle and lower management grades (EO/HEO/SEO) and more male than female joiners in the administrative (AA/AO) and senior management grades (G7/6). (Figure 9)

**Figure 9: Joiners by grade and gender in MoJ, End of Year 2016/17**



*\*SCS percentages are based on small numbers (26 females and 27 males)*

<sup>10</sup> Refers to the period between March 2016 and March 2017.



### Joiners by age

Just under half (49%) of all joiners were in the under 30 age category. Just over a fifth (21%) were in the age category 30-39 and 15% were in age category 40-49 (Figure 10). The age profile of staff joining the MoJ has been relatively similar since 2012/13.

### Joiners by ethnicity

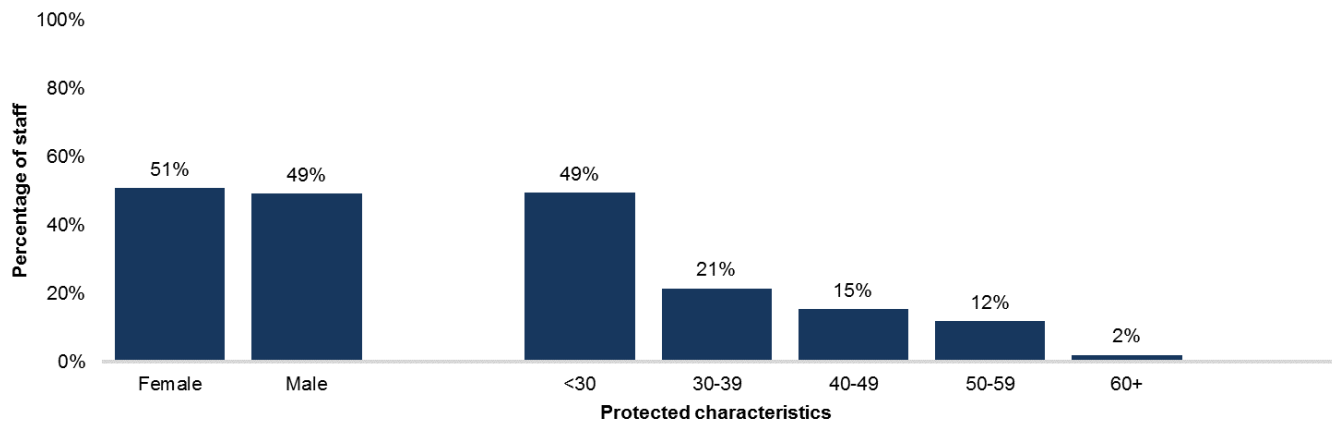
For those joining the MoJ, declaration rates for ethnicity increased from 45% in 2012/13 to 58% in 2015/16. However, in 2016/17 declaration rates decreased to 48%, therefore too low to enable meaningful analysis.

### Joiners by declared disability

For those joining the MoJ, the declaration rates for disability increased from 46% in 2012/13 to 78% in 2015/16. However, in 2016/17 declaration rates decreased to 50%, therefore too low to enable meaningful analysis.

See accompanying tables 2a and 2b in Annex A.

**Figure 10: Joiners by protected characteristics in MoJ, End of Year 2016/17**



*NOTE: Disability and ethnicity breakdown are not shown due to low declaration rates.*

## Leavers

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In 2016/17, 6,729 staff on a permanent contract left the MoJ, including those who resigned, retired or left under voluntary or compulsory redundancy or a voluntary early exit departure scheme<sup>11</sup>.

### Leavers by gender

In 2016/17, there were equal proportions of females and males leaving the MoJ (Figure 11), compared to just over half (54%) of all MoJ staff leaving the MoJ being female and 46% being male as at March 2017. This reflects a similar trend since 2012/13 with the exception of 2013/14 when a lower proportion of females (40%) left the department compared to males (60%).

### Leavers by age

In 2016/17, 21% of leavers were aged 60+ compared to 18% of leavers who were aged under 30 (Figure 11). This trend has been similar since 2012/13. Both these percentages are higher than the proportion of staff in the MoJ overall as at March 2017, where 13% were aged under 30 and 8% were aged 60 or over.

### Leavers by ethnicity

Of those leaving the MoJ, declaration rates were high at 73%. In 2016/17, of leavers who declared their ethnicity, 14% were BME (Figure 11), reflecting a steady increase from 11% in 2015/16 and 9% in 2014/15. This compares to 12% of all MoJ staff (as at March 2017).

### Leavers by disability

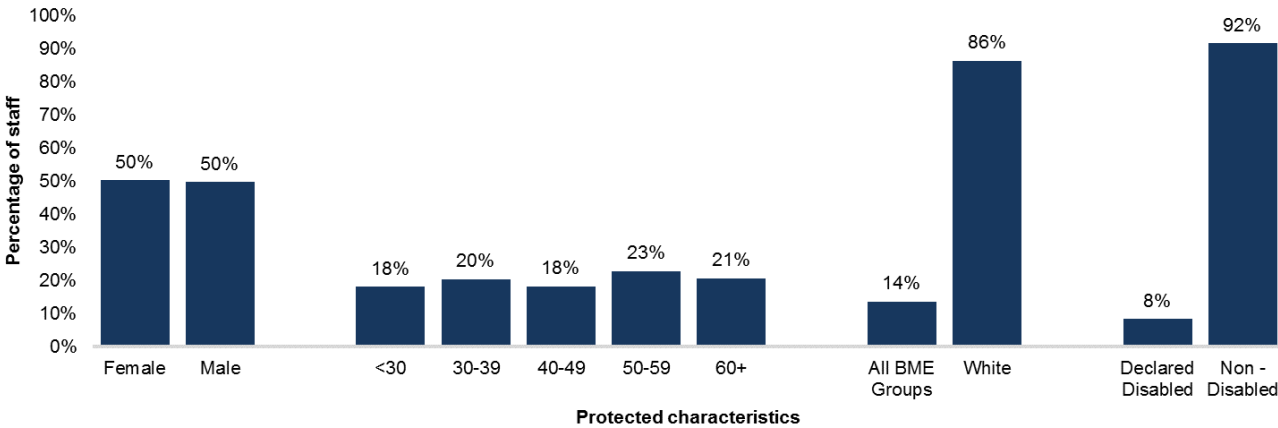
In 2016/17, of those leaving the MoJ, the declaration rate for disability status was 65% - three percentage points higher than 62% in 2015/16. Of leavers who declared their disability status, 8% were declared disabled (Figure 11); one percentage point higher than the proportion of all staff with a declared disability in the MoJ (7%), and matching the percentage of declared disabled leavers (8%) in 2015/16.

See accompanying tables 2c and 2d in Annex A.

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<sup>11</sup> Leavers are all those individuals leaving a post and ceasing to work for MoJ for any reason. This does not include those taking up external posts on secondment, or those taking a career break, who would be expected to return. Staff who transfer out of MoJ as a result of machinery of government changes are generally not included within leaver numbers. Staff moving to the private sector as part of a transfer of control of an entire establishment are also generally not included as leavers.

**Figure 11: Leavers by protected characteristics in MoJ, End of Year 2016/17**



## Appraisal ratings

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Performance is managed pro-actively in the MoJ with a focus on continuous improvement, individual development, and managing poor performance in order to facilitate efficient business delivery in line with civil service values. It is managed in a fair and transparent way and the policy complies with: employment legislation; Advisory, Conciliation and Arbitration Service (ACAS) best practice; The Equality Act 2010; and the Civil Service Management Code.

In 2016/17, the MoJ used a 'Performance Management Review' system, with three appraisal rating categories of 'Improvement Required', 'Good', and 'Outstanding'. There was an annual cycle of appraisals, and ratings were awarded at the End of Year (EoY). This chapter provides analysis of the EoY markings for 2016/17.

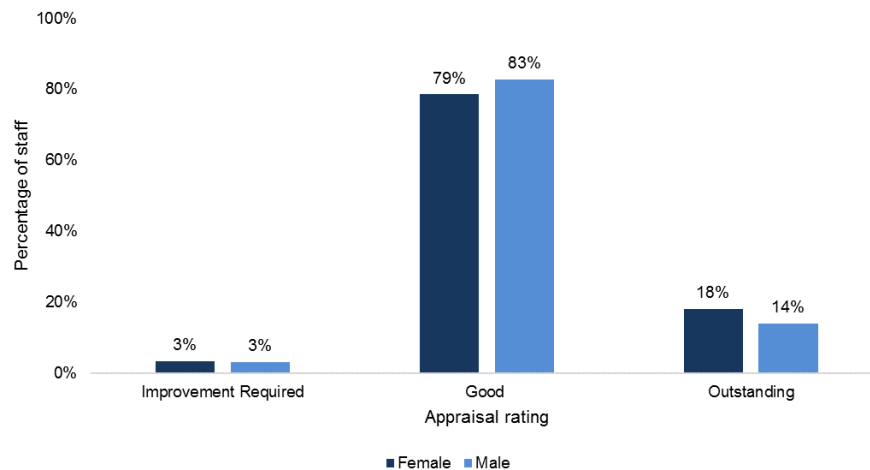
The SCS have their own performance management system which is not reported on here.

For EoY 2016/17, of all staff who were awarded an appraisal marking, 3% were awarded a 'Improvement Required', 81% a 'Good' and 16% an 'Outstanding' rating, although there were differences in the markings by protected characteristics of staff, as detailed below. There were also differences by grade; only 11% of staff in administrative grades (AA/AO) received an 'Outstanding' rating, compared to 33% of staff in senior management grades (G6/7). However, 86% of staff in administrative grades (AA/AO) received a 'Good' rating, compared to 63% in senior management grades (G6/7). The percentage of staff who received a 'Improvement Required' rating was similar across all grades at around 3-4%.

### Appraisal ratings by gender

At EoY 2016/17, female staff (18%) were more likely to be awarded an 'Outstanding' appraisal rating than male staff (14%). Conversely, male staff (83%) were slightly more likely than female staff (79%) to be awarded a 'Good' rating. 'Improvement Required' ratings were awarded to the same proportion of female and male staff (3%). (Figure 12)

**Figure 12: Appraisal ratings by gender in MOJ, End of Year 2016/17**

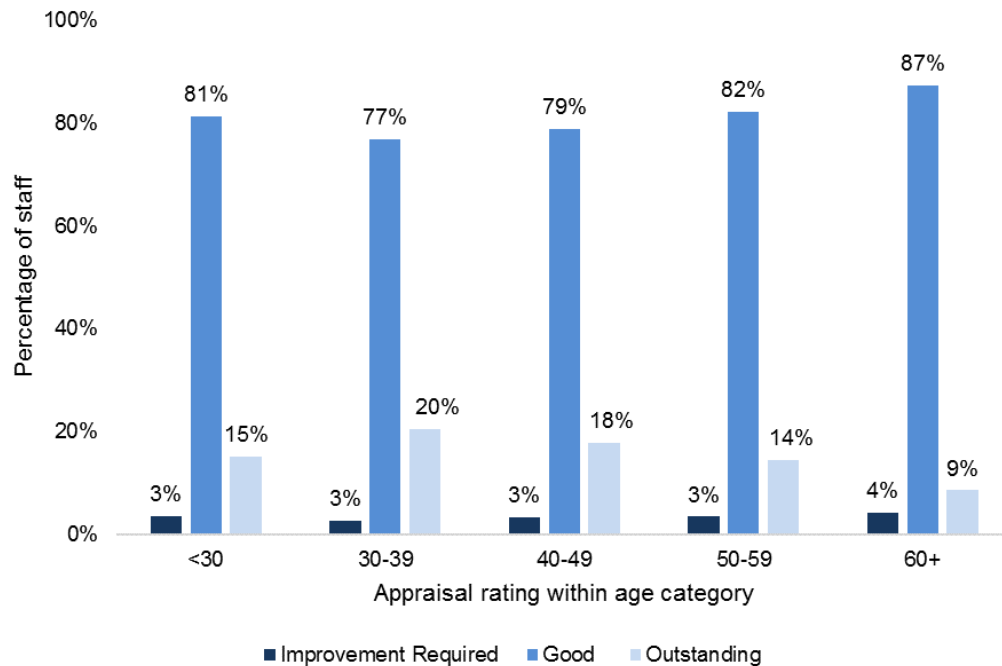


## Appraisal ratings by age

At EoY 2016/17 a higher percentage of staff in the age categories 30-39 and 40-49 were awarded an 'Outstanding' rating (20% and 18% respectively) than staff in the youngest age category of less than 30 (15%) and older age categories 50-59 (14%) and 60+ (9%).

Conversely, staff in the oldest age category (60+) were more likely to be awarded a 'Good' rating than staff in age categories 30-39 and 40-49. A 'Improvement Required' rating was awarded in similar proportions to staff in all age categories (between 3% and 4%) at EoY 2016/17. (Figure 13)

**Figure 13: Appraisal ratings by age in MOJ, End of Year 2016/17**



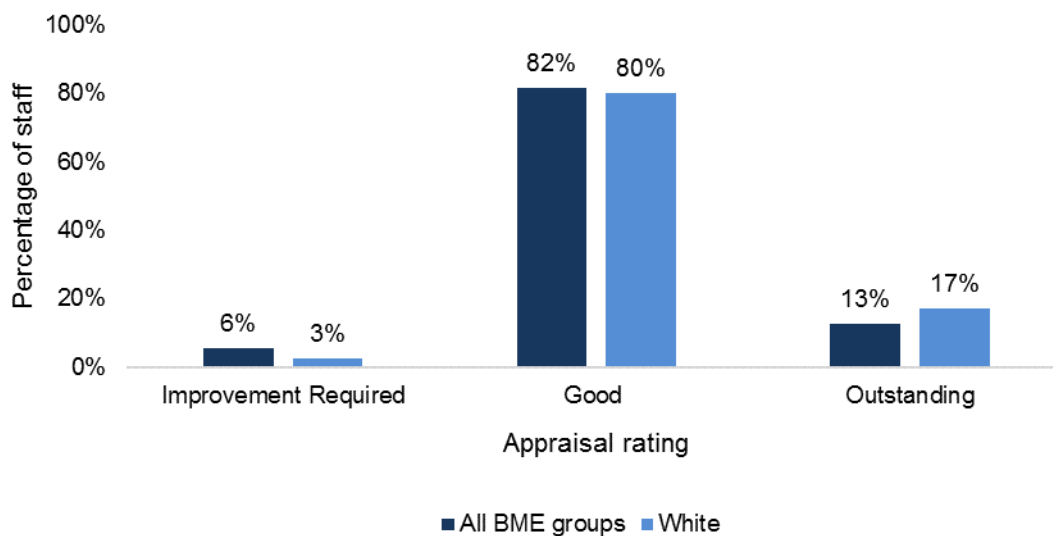
### Appraisal ratings by ethnicity

At EoY 2016/17, a higher proportion of White staff (17%) were awarded an 'Outstanding' appraisal rating than BME staff (13%).

BME staff (6%) were more likely than White staff (3%) to be awarded a 'Improvement Required' rating.

Similar proportions of White and BME staff (80% and 82% respectively) were awarded a 'Good' rating. (Figure 14)

**Figure 14: Appraisal ratings by ethnicity in MOJ, End of Year 2016/17**



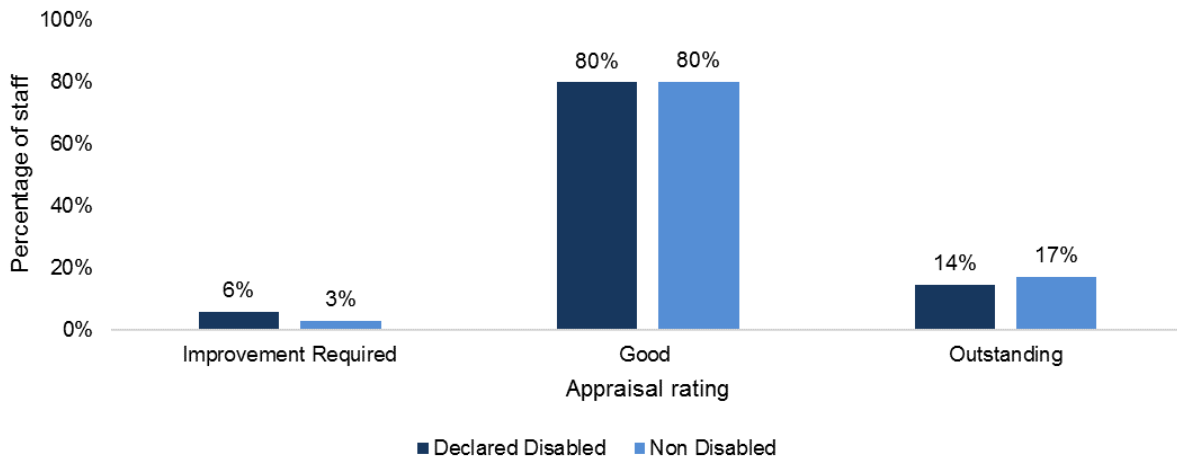
### Appraisal ratings by disability

At EoY 2016/17, a higher proportion of declared non-disabled staff (17%) were awarded an 'Outstanding' appraisal rating than declared disabled staff (14%).

Declared disabled staff were more likely than declared non-disabled staff to be awarded a 'Improvement Required' rating (6% compared to 3%).

Equal proportions of declared disabled and non-disabled staff were awarded a 'Good' rating (80%). (Figure 15)

**Figure 15: Appraisal ratings by disability in MOJ, End of Year 2016/17**



Data for the previous reporting year 2015/16 shows a broadly similar pattern of findings for appraisal ratings by gender, age, ethnicity and disability. See accompanying table 4a and 4b in Annex A.

### **Multivariate analysis**

Multivariate analysis was undertaken in both 2015/16 and 2016/17 for MoJ (excluding NOMS) to assess what protected characteristics have an independent association with the outcomes of performance management ratings, when controlling for other factors such as grade, working pattern, contract type, time at grade, number of days absence and business group.

### **Protected characteristics**

In both 2015/16 and 2016/17 years the analysis broadly indicated the following association between protected characteristics and performance management outcomes:

- Staff in younger age categories were more likely to receive an 'Outstanding' rating than staff in older age categories.
- Female staff were more likely to receive an 'Outstanding' than male staff.
- BME staff were less likely to receive an 'Outstanding' than White staff.
- Declared disabled staff were more likely to receive a 'Improvement Required' than declared non-disabled staff.

## Sick absence

In 2016/17 there was an average of 9.1 working days lost (AWDL) per staff member per year due to sickness absence. This reflected a decline from 9.5 AWDL in the previous year 2015/16. There were differences among staff from different protected characteristic groups in terms of the AWDL.

### Sickness absence by gender

In 2016/17, sickness absence was slightly higher among female staff at 9.2 AWDL, compared to male staff at 9.1 AWDL (Figure 16).

### Sickness absence by age

Sickness absence increased with staff age, based on 2016/17 data. The AWDL were lower among those aged <30 and 30-39 (6.3 and 7.7 AWDL respectively) than among those in the older age categories 40-49 and 50-59 (9.2 and 10.3 AWDL respectively). Staff aged 60+ had 12.8 AWDL due to sickness in 2016/17 (Figure 16).

### Sickness absence by ethnicity

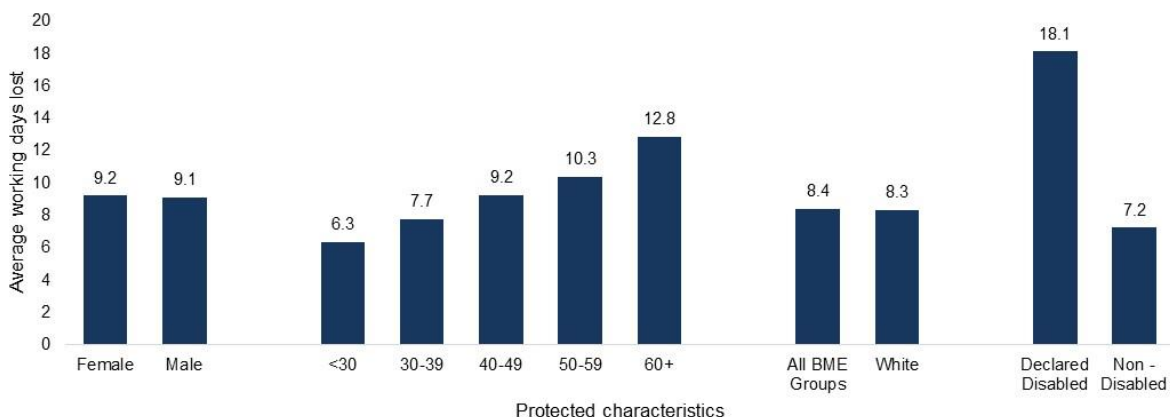
Of those with sickness absence, the declaration rate for ethnicity was 70% in 2016/17. Of those who declared their ethnicity in 2016/17, sickness absence was slightly lower among White staff (8.3 AWDL) than BME staff (8.4 AWDL). (Figure 16).

### Sickness absence by disability

In 2016/17, of those with a sickness absence declaration rate for disability status was 56%. Of those who declared their disability status, AWDL was 18.1 among staff with a declared disability compared to 7.2 AWDL for staff who were declared non-disabled.<sup>12</sup>

See accompanying table 6 in Annex A.

**Figure 16: AWDL by protected characteristics in MoJ, End of Year 2016/17**



<sup>12</sup> Since these figures are based on declaration rates just under 60% (below our threshold for reporting) they should be considered indicative only.



## Temporary promotions

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### Temporary responsibility

MoJ provides Temporary Responsibility Allowance (TRA) to staff who have taken on additional responsibilities or duties. This is applicable to all grades below SCS. TRA may be awarded where there is a need to cover a short-term project or temporary work in addition to normal duties, there is a vacant or temporary post in the same or higher band; or where a colleague is absent for reasons not associated with the duties of the post e.g. illness or maternity.

As at March 2017, 5% of MoJ staff were provided TRA; an increase of one percentage point from March 2016 (4%).

### TRA by gender

As at March 2017, similar proportions of male and female staff were awarded TRA; 5.1 in 100 female staff compared to 5.0 in 100 male staff. Proportions were similar in the previous year (March 2016), 4.0 in 100 for female staff and 3.9 in 100 male staff. In March 2015 there were slightly higher proportions of males being awarded TRA than females, 4.0 in 100 male staff compared to 3.5 in 100 female staff.

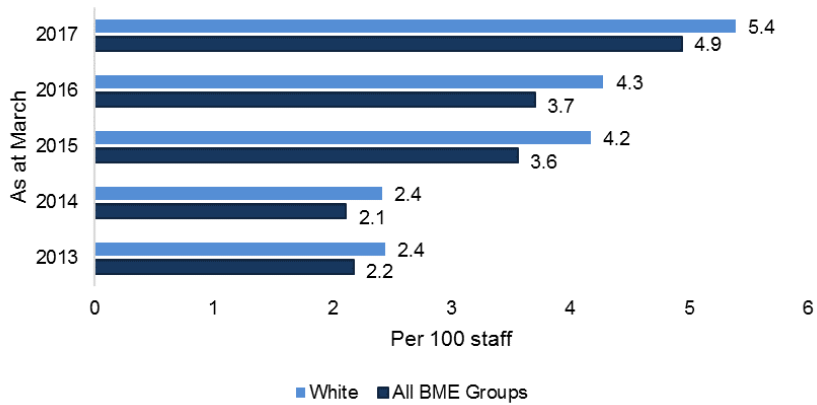
### TRA by age

Staff in age categories 30-39 and 40-49 were more likely to be provided TRA than staff in other age categories; as at March 2017, 7.3 per 100 staff in 30-39 and 6.2 per 100 staff in the 40-49 age categories were awarded TRA, compared to 3.6 per 100 staff in the 50-59 age category and only 1.1 per 100 staff in the 60+ category. This pattern was broadly consistent with previous years. In age category less than 30, the number of staff provided with TRA has fluctuated from its peak of 5.8 per 100 staff in March 2013, to 4.8 per 100 staff in March 2017. In March 2014, the number of staff provided TRA in this age category was at its lowest at 4.1 per 100 staff.

### TRA by ethnicity

Of those awarded TRA, the declaration rate for ethnicity was 84%. Of those who declared their ethnicity, there were slightly higher proportions of White (5.4 per 100 staff) than BME staff (4.9 per 100 staff) awarded TRA as at March 2017. This reflects a similar pattern since March 2013. (Figure 17)

**Figure 17: Temporary responsibility allowance by ethnicity in MoJ, as at March 2013 to 2017**

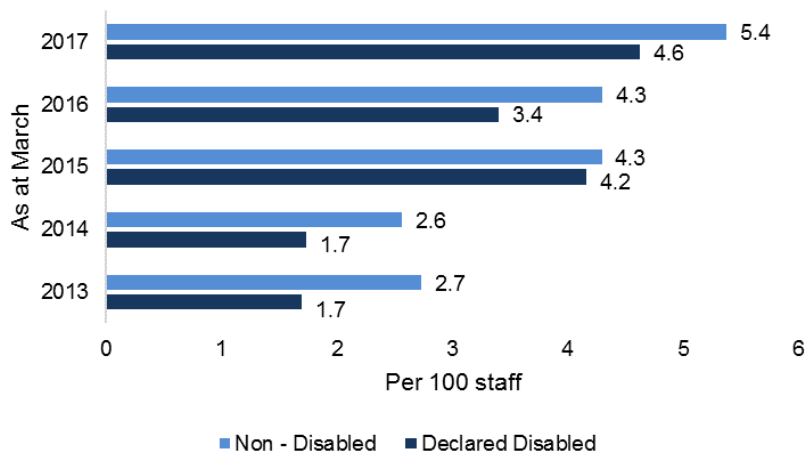


### TRA by disability

Of those awarded TRA, the declaration rate for disability status was 68%. Of those who declared their disability status, TRA was awarded to 4.6 per 100 declared disabled staff and 5.4 per 100 declared non-disabled staff. Since March 2013 TRA awards have increased for both groups but the rate of increase has been slightly greater for declared disabled staff – increase from 1.7 in 2013 to 4.6 in 2017. (Figure 18)

See accompanying tables 3a and 3b in Annex A.

**Figure 18: Temporary responsibility allowance by disability in MoJ, as at March 2013 to 2017**



## Special bonuses

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### Bonuses

MoJ recognises and rewards individuals and groups of staff who make an exceptional (sustained or one off) contribution that furthers the aims and objectives of the ministry or meets a shorter-term operational challenge. This recognition spans a range of options, from thank you letters to vouchers to one off payments. This section reports on those staff who received one or more special bonus payment over the course of the year 2016/17. SCS staff are not included as they have a separate bonus system.

In 2016/17, the rate of bonuses awarded per 100 staff was 11.0. This is an increase from the previous year when it was 7.9 per 100 staff. The average bonus in 2016/17 was £422 compared to £321 in 2015/16.

### Bonuses by gender

In 2016/17, the rate of bonuses was higher for females, at 13.1 per 100 staff, than males at 8.6 per 100 staff. The average bonus value, however, was higher for males (£493) than females (£382). (Figure 19)

### Bonuses by age

In 2016/17, staff in age categories 30-39 and 40-49 had the highest rate of bonuses at 12.6 and 12.0 respectively per 100 staff. Staff in the eldest category 60+ had the lowest rate of bonuses at 9.2 per 100 staff. The average value of bonuses per award was highest for age categories 50-59 (£475) and 40-49 (£462). (Figure 19)

### Bonuses by ethnicity

In 2016/17, there were higher rates of bonuses awarded to BME staff than White staff (14.3 and 11.0 respectively per 100 staff). However, the average bonus value per award was higher for White staff (£461) than BME staff (£344). (Figure 19)

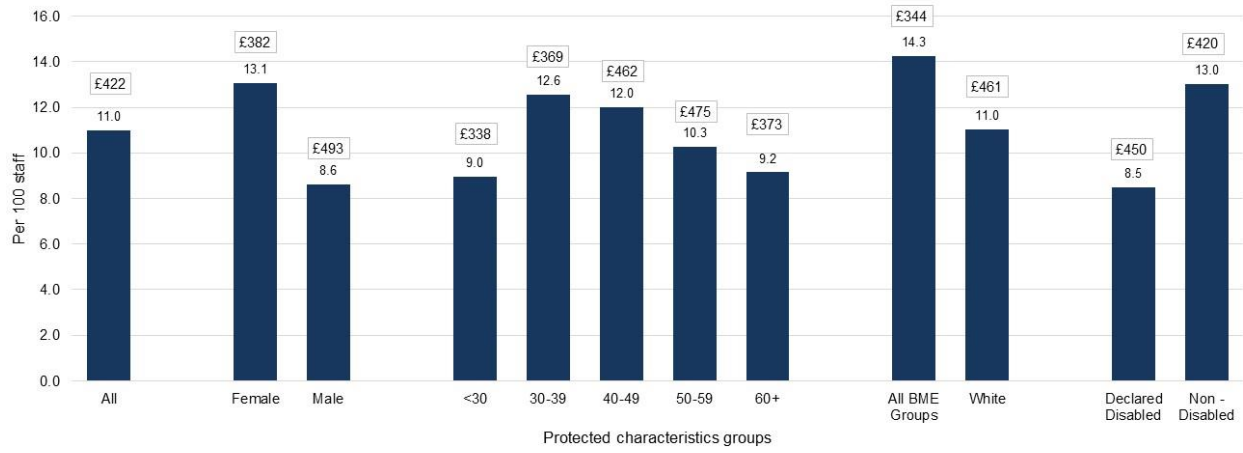
### Bonuses by disability

In 2016/17, declared disabled staff had a lower rate of bonus awards than declared non-disabled staff (8.5 per 100 staff compared to 13.0 per 100 staff). The average bonus value per award was fairly similar for both groups (£450 for declared disabled and £420 for declared non-disabled). (Figure 19)

Since 2012/13 broadly similar patterns were observed for the rate of special bonuses awarded by protected characteristic groups.

See accompanying tables 5a and 5b in Annex A.

**Figure 19: Special bonuses by protected characteristics in MoJ, End of Year 2016/17**



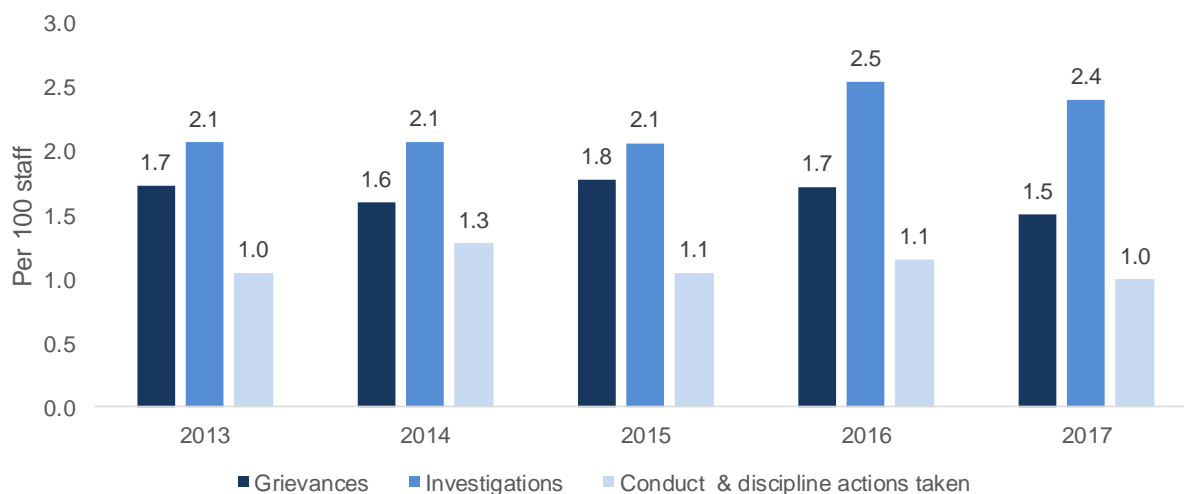
## Complaints

MoJ values its staff and seeks to promote effective relationships between the ministry and its staff, and between different members of staff. The grievance policy provides a framework for staff to raise concerns, problems or complaints, and for managers to deal with them effectively and promptly. All staff have the right to raise a complaint with their employer and have it considered in a fair and consistent way.

Data are presented for three types of complaints procedures: the rates of *grievances* raised, *investigations* concluded and *conduct and discipline* actions taken.

In 2016/17 the rate of *grievances* raised was 1.5 per 100 staff, the rate of *investigation* cases was 2.4 per 100 staff and the rate of *conduct and discipline* actions was 1.0 per 100 staff. The rates were relatively stable between 2012/13 to 2014/15. However, *investigation* cases increased slightly from 2.1 per 100 staff in 2014/15 to 2.5 per 100 staff in 2015/16, before decreasing to 2.4 per 100 staff in 2016/17. The rate of *grievances* raised fell from 1.8 per 100 staff to 1.5 per 100 staff for the same period (Figure 20).

**Figure 20: Grievances, investigations and conduct and discipline cases, as at March 2013 to 2017**



### Complaints by gender

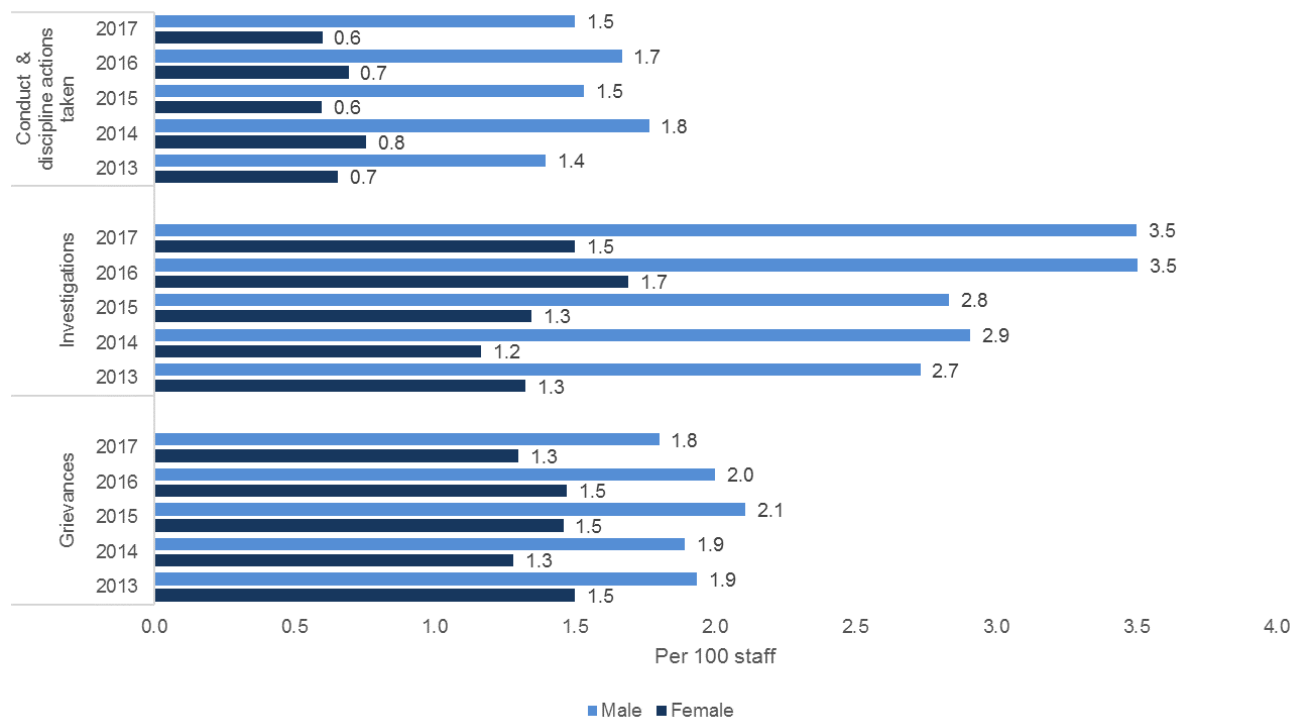
For all three categories, male staff were more likely to be involved in a complaint than female staff; this pattern has been observed since March 2013.

In 2016/17, *grievances* were raised by 1.8 per 100 staff for males compared to 1.3 per 100 staff for females. *Investigation* cases involved 3.5 per 100 staff for males compared to 1.5 per 100 staff for female; and *conduct and discipline* actions involved 1.5 per 100 staff for males compared to 0.6 per 100 staff for females. (Figure 21)

Trend data shows that between 2012/2013 and 2016/2017 for males there was a steady increase in the rate of *investigations*, however the rate of *grievances* and *conduct and discipline actions* remained largely stable. For females, in the same period the rate of *conduct and*

*discipline actions* and *grievances* remained fairly steady while the rate of *investigations* increased slightly. (Figure 21)

**Figure 21: Complaints by gender, as at March 2013 to 2017**



### Complaints by age

In 2016/17 the rate of *grievances* raised increased with age, with the exception of staff in the oldest age category 60+ raising fewer cases. *Grievances* were raised by 0.9 per 100 staff in age category <30 compared to 1.8 per 100 staff in age category 50-59 and 1.4 per 100 staff in age categories 60+. A similar pattern by age was observed in the years between 2012/13 and 2015/16.

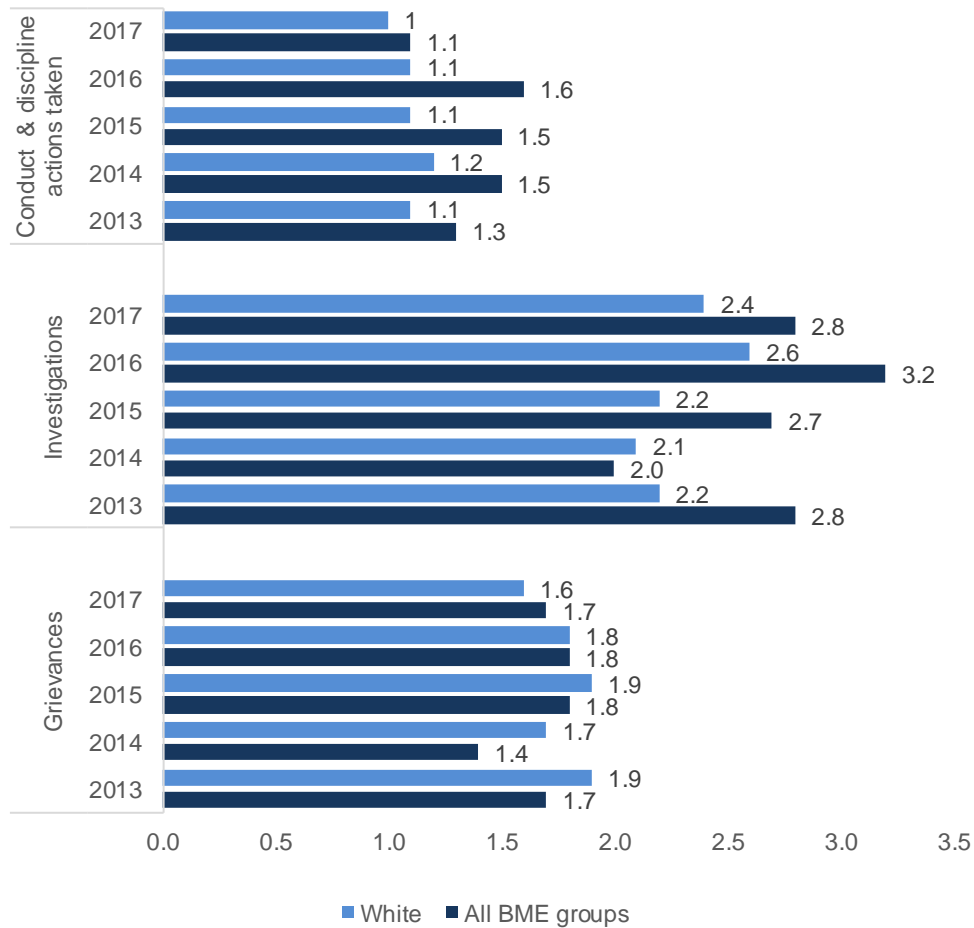
In 2016/17 *investigations* were most prevalent in age categories <30 (3.0 per 100 staff) and 40-49 (2.6 per 100 staff). They have been most common in these age groups since 2012/13.

In 2016/17 for *conduct and disciplinary actions*, there were relatively similar rates across the age categories ranging from 0.9 per 100 staff in the 60+ age category to 1.2 per 100 staff in the <30 age category. These rates have remained relatively stable since 2012/13, however they were highest overall in 2013/14 when *conduct and disciplinary actions* involved between 1.2 per 100 staff in age category 50-59 and 1.4 per 100 staff in age category 40-49.

## Complaints by ethnicity

In 2016/17, of those who declared their ethnicity, BME and White staff had similar rates of *grievances* raised (1.7 and 1.6 per 100 staff respectively) and rates of *conduct and disciplinary actions* (1.1 per 100 BME staff and 1.0 per 100 White staff). However, BME staff had a slightly higher rate of *investigations* (2.8 per 100 staff) than White staff (2.4 per 100 staff) (Figure 22). This contrast is similar to the rate of *investigations* in 2015/16, when 3.2 per 100 BME staff were involved in *investigations* compared to 2.6 White staff. The rate of *grievances* raised by BME staff (1.7 per 100 staff in 2016/17) has been similar since 2014/15, however the rate of *conduct and disciplinary actions* involving BME staff has decreased from 1.6 per 100 staff in 2015/16 to 1.1 per 100 staff in 2016/17.

**Figure 22: Complaints by ethnicity, as at March 2013 to 2017**



## Complaints by disability

In 2016/17, of those who declared their disability status, declared disabled staff were more likely to have raised *grievances*, and more likely to be involved in *investigations* and *conduct and disciplinary actions*, than declared non-disabled staff.

The rate of *grievances* was 4.1 per 100 declared disabled staff compared to 1.3 per 100 declared non-disabled staff (Figure 23).

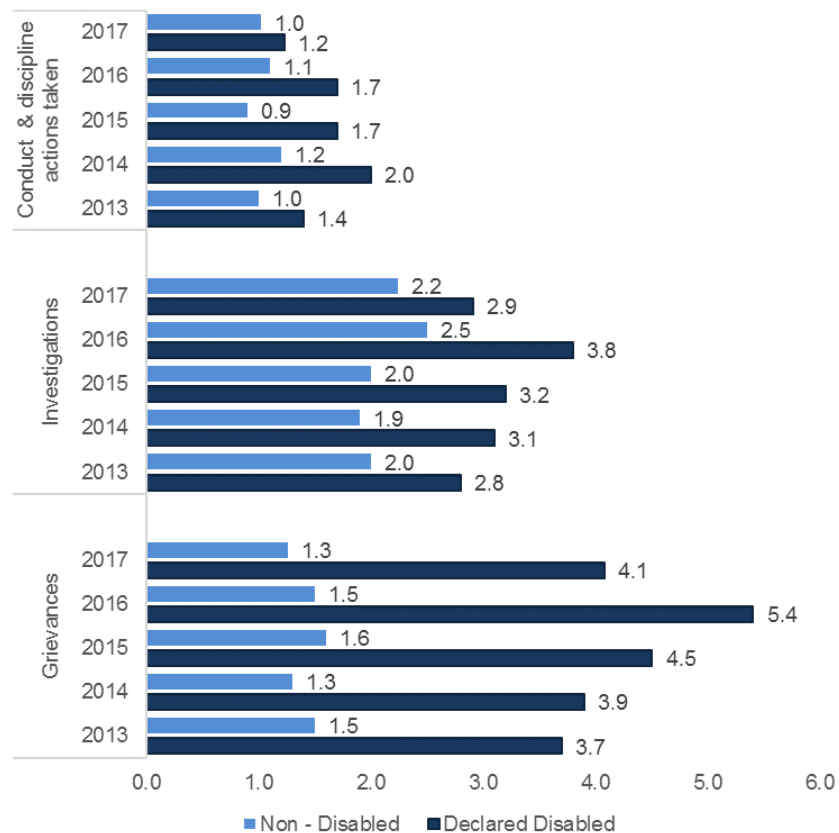
The rate for *investigations* was 3.0 per 100 declared disabled staff compared to 2.3 per 100 declared non-disabled staff (Figure 23).

The rate for *conduct and disciplinary actions* was 1.2 per 100 declared disabled staff compared to 1.0 per 100 declared non-disabled staff (Figure 23).

The higher rates for disabled staff reflects a pattern seen in previous years between 2012/13 and 2015/16.

See accompanying tables 7a and 7b in Annex A.

**Figure 23: Complaints by disability status, as at March 2013 to 2017**





## Notes and definitions

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### Coverage

The Ministry of Justice brings together areas responsible for the administration of courts, tribunals, legal aid, sentencing policy, prisons, the management of offenders, and also matters concerning law and rights. Some of these areas are the responsibility of MoJ's agencies. The overall MoJ comprises: MoJ HQ, NOMS, HMCTS, CICA, LAA, and OPG.

### Data Sources/Data Collection

The majority of data presented in this report have been extracted from MoJ's internal HR system (Phoenix) and a newly introduced Single Operating Platform (SOP). In some cases, data are from different sources (for example, grievance figures are collected from Case Management Application and special bonus data are collected separately), and these data have been matched to the internal HR system to ensure a consistent base population.

The data presented in this publication referring to the reporting period to 31 December 2016 are drawn from Phoenix used previously by MoJ. However, data covering the period from 1 January 2017 onwards have been extracted from (SOP), an administrative IT system which holds HR information. Both SOP and the previous Phoenix are 'live' dynamic HR management system; they are not designed for use in presenting consistent statistical data. Updates to details of records on Phoenix/SOP show the latest position.

### Representation

Some of the data in this report relate to information volunteered by staff and is therefore not 100 per cent complete. To ensure MoJ are sufficiently confident that the completed figures reflect the true picture for all staff, figures have not been reported where the declaration rate is below 60 per cent.

### Grades

In the MoJ, 83% of staff are in grades AA to SEO and 14% in 'unknown' (where grade information is not available). Overall representation rates are therefore more reflective of the proportions of staff at AA-SEO and unknown grades than the smaller proportions of G7/6 and SCS grades.

The wider civil service grading system is presented in this report. MoJ & NOMS operate different systems and the equivalent of these to the wider civil service grading system can be found in a table in Annex A.

## **Abbreviations**

AA	Administrative Assistant (grade)
AO	Administrative Officer (grade)
BME	Black and Minority Ethnic
EO	Executive Officer (grade)
HEO	Higher Executive Officer (grade)
HMCTS	Her Majesty's Courts and Tribunals Service
LAA	Legal Aid Agency
MoJ	Ministry of Justice
MoJ HQ	Ministry of Justice Headquarters
HMPPS	Her Majesty's Prison and Probation Service
NOMS	National Offender Management Service
OPG	Office of the Public Guardian
SCS	Senior Civil Service
SEO	Senior Executive Officer (grade)
TRA	Temporary Responsibility Allowance

## **Annex A**

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Annex A: MoJ Workforce Monitoring tables:

[www.gov.uk/government/publications/moj-annual-diversity-report-2016-to-2017](http://www.gov.uk/government/publications/moj-annual-diversity-report-2016-to-2017)

## **Annex B**

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Annex B: NOMS Annual Staff Equalities tables:

[www.gov.uk/government/statistics/noms-annual-staff-equalities-report-2016-to-2017](http://www.gov.uk/government/statistics/noms-annual-staff-equalities-report-2016-to-2017)