



Ministry  
of Justice

# Gender Pay Gap Report 2018

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# 1. Background

In 2017, the Government introduced world-leading legislation that made it statutory for organisations with 250 or more employees to report annually on their gender pay gap. Government departments are covered by the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 which came into force on 31 March 2017. These regulations underpin the Public Sector Equality Duty and require relevant organisations to publish their gender pay gap by 30 March annually. This includes the mean and median gender pay gaps; the mean and median gender bonus gaps; the proportion of male and female staff who received bonuses; and the proportions of male and female employees in each pay quartile.

Both mean and median gaps are calculated as the percentage difference in female pay compared to male pay. The mean is the total salary of males/ females divided by the number of males/ females. The median is the salary of the middle ranked female compared to the middle ranked male.

The gender pay gap shows the difference in the average pay between all male and female staff in a workforce. If a workforce has a particularly high gender pay gap, this can indicate there may be a number of issues to deal with, and the individual calculations may help to identify what those issues are.

The gender pay gap is different to equal pay. Equal pay deals with the pay differences between men and women who carry out the same jobs, similar jobs or work of equal value. It is unlawful to pay people unequally because they are a man or a woman.

Building a diverse and inclusive workforce that reflects the people we serve is one of the Civil Service's top workforce priorities. Our collective aim is to make the Civil Service the UK's most inclusive employer by 2020. Our Diversity & Inclusion Strategy outlines how we plan to achieve this. The Civil Service should create opportunities for all in a truly meritocratic way and reward all civil servants fairly, regardless of gender, ethnicity or any other personal characteristic.

The Ministry of Justice (MoJ) supports the fair treatment and reward of all staff irrespective of gender. As outlined in the 2017-2020 Inclusion & Diversity Strategy, the MoJ is committed to building an organisation that is 'open and inclusive and truly values and celebrates the diversity of its workforce and can understand and serve the needs of the diverse society.' The key objectives that underpin the strategy are to create an inclusive workplace and a diverse workforce and to provide fair and accessible service for all.

The MoJ is committed to closing the gender pay gap and our approach to pay seeks to reward all staff fairly.

This report sets out where MoJ fulfils the Department's reporting requirements, analyses the figures in more detail and sets out actions the Department is taking to close the gender pay gap.

Business Area	Female	Male	Total	Female %
HMCTS	11,314	4,534	15,848	71%
HMPPS	22,803	25,490	48,293	47%
LAA	773	580	1,353	57%
MoJ (including CICA)	2,211	1,821	4,032	55%
OPG	683	542	1,225	56%
<b>Grand total</b>	<b>37,784</b>	<b>32,967</b>	<b>70,751</b>	<b>53%</b>

Grade	Female	Male	Total	Female %
AA	3,876	3,598	7,474	52%
AO	14,877	15,846	30,723	48%
EO	4,581	5,293	9,874	46%
HEO	2,953	2,499	5,452	54%
SEO	2,544	2,036	4,580	56%
Band A	1,119	1,073	2,192	51%
SCS	127	138	265	48%
NPS (no Civil Service grade equivalent)	7,687	2,450	10,137	76%
Unknown	20	34	54	37%
<b>Total</b>	<b>37,784</b>	<b>32,967</b>	<b>70,751</b>	<b>53%</b>

## 2. Analysis

### 2.1 Context

The MoJ has several executive agencies, whose staff have been included in these figures as required by the legislation. These include Her Majesty's Prison and Probation Service (HMPPS), 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).

At 31 March 2018, 53% of all staff at the MoJ were female, and 50% of Senior Civil Servants (SCS) in MoJ were female. The Department had 70,751 staff in total (including SCS) as at March 2018. Of these staff, 68.3% were employed in HMPPS.

The gender pay gap analysis provided here is based on the methodology set out in the Equality Act (Specific Duties and Public Authorities) Regulations 2017.

### 2.2 Ordinary Pay

Year	Mean Pay Gap	Median Pay Gap
2018	5.5%	12.6%

The mean gender pay gap (the difference between men's and women's average hourly pay) for 17/18 is 5.5% and the median gender pay gap is 12.6%.

The Civil Service average cited by the Office of National Statistics in the Annual Civil Service Statistics, publishes in August 2018, was an 9.8% mean pay gap and a median pay gap of 12.2%. More recent figures are not available. The MoJ mean pay gap compares favourably with the Civil Service average. The median pay gap, however, is slightly higher. The gender pay gap in MoJ is well below the national average gender pay gap published 25 October 2018 as part of the Annual Survey of Hours and Earnings. ONS figures show that the national mean gender pay gap is 17.1% and the median gender pay gap is 17.9%. It must be noted however that these different figures are calculated using slightly different methodologies.

## Comparison with last year's gender pay gap data

The mean and median pay gaps for 2018 have reduced from 2016/17; from 6% to 5.5% (mean) and 13.1% to 12.6% (median). One of the reasons for this is because the proportion of female staff in Her Majesty's Prison and Probation Service (HMPPS) has remained constant whilst the proportion of women across the rest of the MOJ has decreased. On average HMPPS staff have higher earnings and therefore the change in the profile of workforce would have contributed to reducing the gap.

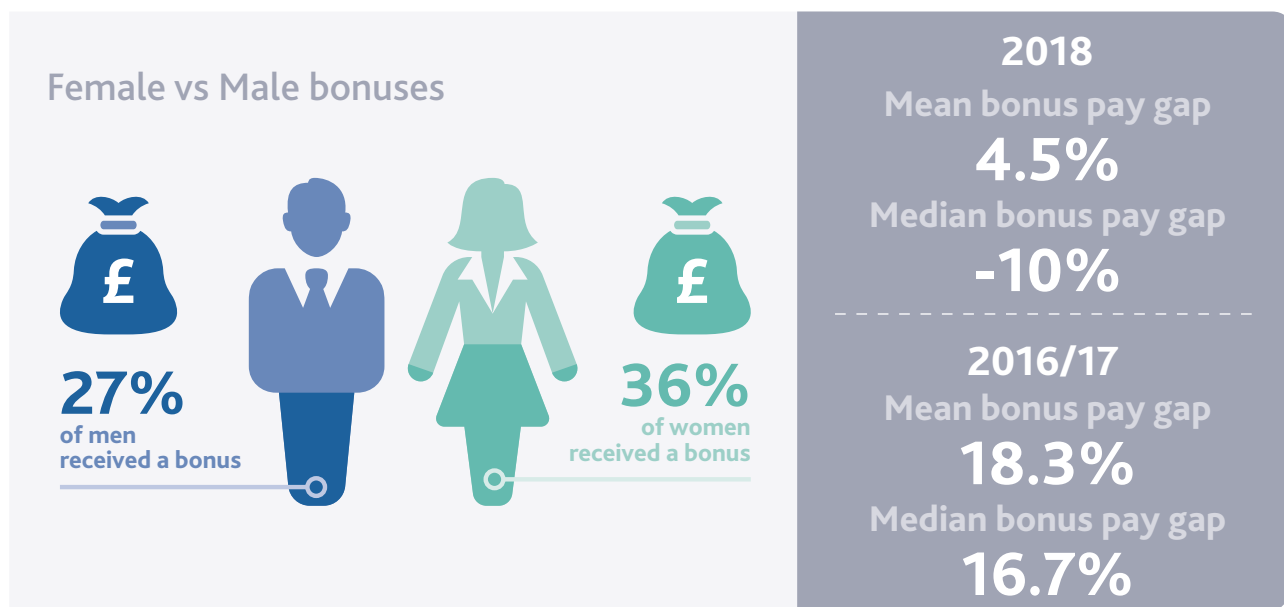
The median pay gap is larger than the mean pay gap because it reflects the constitution of the workforce in the MoJ. The make-up of the male workforce is dominated by a large number of male prison officers. The mean and median for men are close together. The distribution of pay amongst female staff is wider and the mean hourly rate for female staff is much higher than the median. This means that the mean hourly rate for both genders is close together while the median hourly rate for males is much higher than for females. This means that the median pay gap is larger than the mean.

It should be noted that these figures do not take into account other factors which can influence pay, such as grade, location or length of service.

It should also be noted the 2016/17 gender pay gap figures have been revised.<sup>1</sup> In reviewing the data for this year's calculation, it became apparent that last year's calculations for the 2016/17 Gender Pay Gap report included Occupational Sick Pay (OSP) in addition to normal pay, rather than instead of normal pay. Females were more likely to have received OSP which therefore meant that the female pay figures were inflated and the pay gap lower.

## 2.3 Bonus Pay

During performance year 2018 MoJ HQ offered a new in-year recognition scheme in a number of pilot areas including HMCTS. Until March 2018, the Department also continued to offer performance awards to staff in non-pilot areas marked Outstanding in the annual 'pay award'. The in-year and end of year performance awards are included in the figures. In and end year awards for SCS staff are also included. The end of year performance awards do not apply to Prison Officers and operational support grades in HM Prison Service, although they can receive other awards.



<sup>1</sup> The revised 2016/17 figures: mean gender pay gap 6% and the median 13.1%. The published figures were 4.7% (mean) and 10.6% (median) respectively.

For 2018 the mean gender bonus gap (difference between men and women) is 4.5% and the median gender bonus gap is -10.0%. Overall, 36% of women received a bonus and 27% of men. This compares to a mean bonus gap of 18.3% and a median bonus gap of 16.7% in 16/17.

The substantial difference from last year's figures arises largely because, for delegated grades (i.e. below SCS), many areas of MOJ moved to an in-year recognition scheme. This has resulted in a larger number of smaller bonuses being spread across a larger proportion of staff.

The value of bonuses are more concentrated for female staff than for male staff who have a greater proportion at the extremes. As a result, although the mean bonuses for male staff are higher than for female staff, the median bonuses for male staff are lower than for female staff.

## 2.4 Hourly Pay Quartiles

The hourly pay quartiles data show the proportion of men and women that are in each pay quartile, when we arrange staff in order of hourly pay rate. The lower, second and upper quartile continue to have higher proportions of female staff than male staff. Two-thirds of the third quartile is comprised of the largely male Prison Officer group which may explain the higher proportion of men within it. Grading systems are not directly comparable across the MoJ, as there are different arrangements in different Executive Agencies.

There are some slight differences in the figures in each pay quartile between this year's figures and those reported in 2016/17. However, a similar gender split can be seen across the quartiles.

### Percentage of males and females in each pay quartile 2018

Quartile	Female	Male	Total
Upper Quartile	53%	47%	100%
Third Quartile	38%	62%	100%
Second Quartile	56%	44%	100%
Lower Quartile	65%	35%	100%

# 3. Actions

The MoJ is determined to reduce the gender pay gap and is taking action, through a number of initiatives and interventions that form part of our Gender Action Plan.

The department continues to build on the actions outlined in the 2016/17 report. Last year the MoJ committed to running a female-only developmental coaching initiative and to participating in a 'Positive Action Pathways' programme which aimed to tackle the under-representation of certain groups, including women, in senior management positions. MoJ also ensured that interview panel members undertook unconscious bias training and that all interview panels were gender mixed. MoJ will continue to review these initiatives and work closely with our SCS Gender Champions and staff networks to support the development of new interventions.

This year the department is undertaking a number of additional actions. The Diversity & Inclusion team has developed a Gender Action Plan in conjunction with our SCS Gender Champions and our staff Gender Equality Network and will be focussing on the following areas over the coming year:

- **Recruitment**

The department is reviewing its recruitment processes and in addition to ensuring that all recruitment panels are gender-mixed, we are considering formalising a requirement for 'multiple women' shortlists for recruitment and promotions. We are also committed to reviewing our current attraction strategies to identify areas where there have been particularly high or low numbers of female applicants, to understand what the reasons for this may be and inform further action.

In addition, the MoJ Diversity & Inclusion team is working with the Recruitment and Talent team to carry out qualitative research with our talent pipeline (those who are at the levels most likely to apply and be considered for SCS roles). We are carrying out a survey and running focus groups with Band A staff to understand the motivations and barriers (perceived or actual) that prevent women from applying for SCS roles. We will work with social researchers to analyse and evaluate the outcomes of the sessions and the findings will be used to inform the Gender Action Plan and the SCS Recruitment Strategy, to help ensure that the MoJ has a good representation of women in the most senior SCS positions. This will be complemented by focus group work with female members of the SCS to explore any cultural issues that may be inhibiting female progression, or retention at the most senior levels, so that any issues identified may be addressed.

- **Learning and Development**

The Diversity & Inclusion team are working with the Gender Equality Network to launch a mentoring programme for women across the organisation. The programme will be aimed at women in Band B and C roles (as these are the direct feeder grades into the SCS talent Pipeline at Band A). The aim is to support them with their professional development through coaching, advice, constructive feedback and encouragement.

The department is also piloting two new leadership development workshops 'Impact and Presence' and 'Limiting Beliefs', targeting women in particular. This is with a view to embedding the workshops into a wider Positive Action programme development programme for talented Band As.



- More generally we continue to encourage women to participate in the broader leadership and development programmes on offer such as Positive Actions Pathways and the Future Leader Scheme and we routinely monitor the diversity of both the applicants and participants in these programmes, to ensure there is strong female representation
- **Engagement:**  
The department is committed to raising awareness and encouraging the uptake of Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). We will improve communications around both Shared Parental Leave by promoting the benefits of flexible working and sharing examples of senior leaders who have taken SPL. MoJ will also continue to work in collaboration with the Gender Equality Network and the Parents Network to cascade the information throughout the organisation.

MoJ has benefited from very recent research into the experiences of mothers returning to the department after maternity leave. The research explored how this impacts on women's career development and progression and we will be using the findings to develop guidance for both managers and staff on career development following maternity leave. MoJ is committed to identifying the key issues faced by returning mothers and to exploring how we can better support women on their return to work. We will be focusing on line manager capability and training, accessible guidance for both parents returning to work, and the needs and experiences of individuals in management positions. This is particularly pertinent following the GEO report that indicates that the gender pay gap widens considerably after women have had children.

MoJ has recruited 3 new SCS Gender Champions this year, bringing our total to five. These senior women and men have been actively involved in the development of the Gender Action Plan and are committed supporting and driving some of its key actions, including a focus on talent development in the professions where women are under-represented and running a series of Intranet Communications on women and their leadership journeys.

The department is committed to using data effectively to monitor the progression and retention of women. We monitor the use of recognition and reward and have already seen a considerable improvement in the bonus pay gap following the implementation of a new performance management process last year. This process monitors ongoing development through quality development conversations and rewards staff who are performing particularly well by using an in-year reward and recognition approach.

To inform local work and initiatives, MoJ will review the gender pay gap in specific business areas and we will work with those areas to develop targeted work as needed.

We will monitor and measure the outcomes of the outlined actions by gathering and tracking relevant MI, monitoring recruitment and promotion and through our People Survey engagement results.

## 4. Calculations

Our calculations followed the legislative requirements,<sup>2</sup> and we confirm that data reported is accurate. All staff who were deemed to be full pay relevant employees have been included in the calculations. It has not been possible, however, to include all contractors, as the vast majority are not in scope of the regulations, or there is insufficient data to calculate the hourly rates. Work is currently being undertaken to improve processes to ensure the department has sufficient data to identify whether contractors are in scope for future reports.

Data has been included this year on recognition vouchers in addition to cash awards, which was not available last year.

Calculations show only the difference in pay of males and females within the organisation. They do not take into account other factors such as grade, location or length of service.

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<sup>2</sup> <https://www.gov.uk/guidance/gender-pay-gap-reporting-make-your-calculations>

# 5. Declaration

We confirm that data reported by the Ministry of Justice is accurate and has been calculated according to the requirements and methodology set out in the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

MoJ Permanent Secretary: Richard Heaton

