



Ministry
of Justice

Gender Pay Gap Report

2018/19



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1. Executive Summary

This year the overall result of the gender pay gap in the Ministry of Justice (MoJ) is broadly similar to previous years. While the average pay for women and men in MoJ is closer compared to previous reporting years, the median pay gap is slightly higher which results from greater variation in the pay for women than men. This is consistent with the hourly pay quartiles figures which show a much greater proportion of women in the lowest pay quartile, but also a greater proportion in the highest quartile. The salaries for men on the other hand are generally more concentrated around the average pay, and they make up the majority of the third pay quartile. The opposite is true with regards to bonus payments. Compared to last year, the difference in the average bonus awards for women and men was greater but the value of awards for women were more concentrated. MoJ continues to be committed to reducing the gender pay gap and is taking action through a number of initiatives and interventions that form part of its Gender Action Plan.

2. Background

In 2017, the Government introduced world-leading legislation that made it a requirement 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 mandate 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 pay 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 across all grades.

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 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 perform 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, whereas having a gender pay gap is not unlawful.

Building a diverse and inclusive workforce that reflects the people it serves 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 everyone in a meritocratic way and reward all civil servants fairly, regardless of gender, ethnicity or any other personal characteristic.

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

3. Analysis

3.1 Context

The MoJ has a number of executive agencies whose staff have been included in these figures as required by 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).

Count of employees by business area and grade

Business Area	Female	Male	Total	Female %
HMCTS	10,923	4,434	15,357	71%
HMPPS	24,594	27,122	51,716	48%
LAA	697	499	1,196	58%
MoJ (including CICA)	2,026	1,620	3,646	56%
OPG	726	600	1,326	55%
Total	38,966	34,275	73,241	53%

Grade	Female	Male	Total	Female %
AA	3,895	3,627	7,522	52%
AO	15,292	16,867	32,159	48%
EO	4,733	5,253	9,986	47%
HEO	3,033	2,696	5,729	53%
SEO	2,637	2,053	4,690	56%
Band A	1,171	1,100	2,271	52%
SCS	137	144	281	49%
NPS (no Civil Service grade equivalent)	8,068	2,535	10,603	76%
Total	38966	34,275	73,241	53%

At 31 March 2019, 53.2% of all staff at the MoJ were female, and 49% of Senior Civil Servants (SCS) in MoJ were female. The Department had 73,241 staff in total (including SCS) as at March 2019. Of these staff, 70.6% 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.

3.2 Ordinary Pay

Year	Mean Pay Gap	Median Pay Gap
2018/19	5.8%	15.9%
2017/18	6.5%	15.3%
2016/17	6.8%	15.3%

The Civil Service average cited by the Cabinet Office in the Annual Civil Service Statistics, published in August 2019, was a 9.2% mean pay gap and a median pay gap of 11.1%. More recent figures are not available. The MoJ mean pay gap compares favourably with the Civil Service average. The median pay gap, however, is higher. It must be noted that these figures are currently calculated using slightly different methodologies.

Comparison with previous years' gender pay gap data

Mean Gender Pay Gap

The mean gender pay gap for 2018/19 has decreased compared to 2017/18; from 6.5%¹ to 5.8%. This is a positive result; it is nearly a 1% decrease in the mean gender pay gap since MoJ first reported in 2016/17 (6.8%²).

The average hourly rate of pay increased for both males and females compared to last year, but the average hourly rate of pay increased more for females (increase of 1.0%) than for males (increase of 0.3%). This resulted in a reduction of the mean gender pay gap compared to 2017/18.

Median Gender Pay Gap

The median gender pay gap for 2018/19 has increased slightly compared to 2017/18; from 15.3% to 15.9%. While the median gender pay gap has increased over the past two years, this increase has been less than 1% (15.3% in 2016/17).

For all three reporting years, the hourly rate of pay for men has been more concentrated around the mean than for women. This is because the largest group of staff in the MoJ (including HMPPS) are in prison officer grades, and the prison officer group is comprised mostly of men. The difference between the mean hourly rate of pay and the median for

¹ The revised 2017/18 figures: Mean gender pay gap 6.5% and the median gender pay gap 15.3%. The published figures were 5.5% (mean) and 12.6% (median).

² In the 2017/18 Gender pay gap report MoJ revised the 2016/17 mean gender pay gap to 6% and the median to 13.1%. These numbers have been further revised and should have been 6.8% (mean) and 15.3% (median) to account for modification to HMPPS data.

men decreased this year compared to 2017/18, whereas this difference increased for women.

It should be noted that the 2016/17 and the 2017/18 gender pay gap mean and median have been revised. Adjustments to elements of pay including Occupational Sick Pay (OSP) are now accounted for HMPPS employees. HMPPS is the largest business area within the MoJ, and therefore these adjustments have a large impact on the department's overall GPG figures. More females in HMPPS had adjustments to their pay than men in 2016/17 and 2017/18 which meant that the previously published female pay figures were inflated and the gender pay gap should have been larger.

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

3.3 Bonus Pay

Year	Mean Bonus Gap	Median Bonus Gap
2018/19	15.9%	-6.7%
2017/18	8.0%	-13.3%
2016/17	18.3%	16.7%

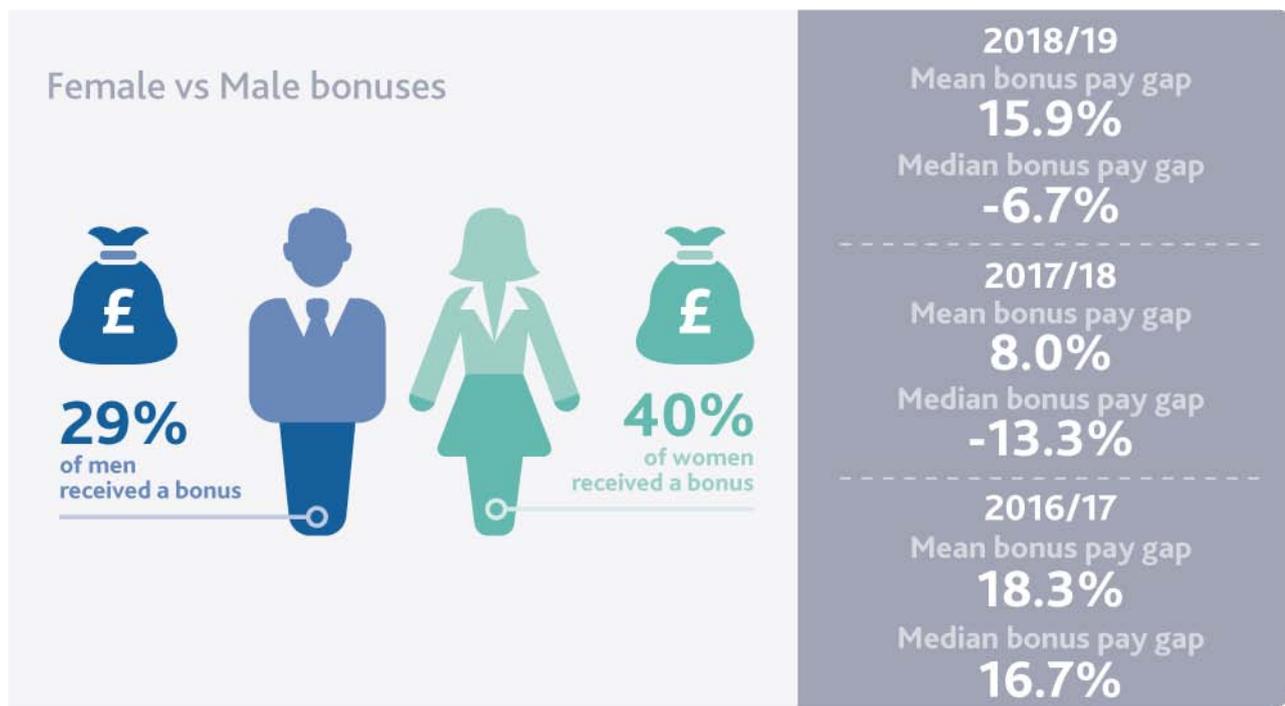
During performance year 2018/19 MoJ (excluding HMPPS) launched a new performance management scheme and moved to an in-year recognition scheme for delegated grades (i.e. below SCS). This replaced end-of-year performance awards.

HMPPS continued to have both in-year and end-of-year awards. 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. SCS across MoJ still had end-of-year performance awards, and both in-year and end-of-year awards are included for SCS staff.

For 2018/19 the mean gender bonus gap is 15.9% and the median gender bonus gap is -6.7%. Overall, 40% of women received a bonus whereas 29% of men received a bonus. This compares to a mean bonus gap of 8.0%³ and a median bonus gap of -13.3%³ in 2017/18. The 2017/18 bonus figures have been revised to include payroll elements for SCS staff that were not accounted for last year. The data is less comparable to 2016/17 since those figures did not include recognition vouchers, and was prior to the current performance scheme so there was use of end-of-year performance awards across the

³ The revised 2017/18 bonus figures: Mean bonus pay gap 8.0% and median bonus pay gap -13.3%. The published figures were 4.5%(mean) and -10%(median).

whole department. This is why the median bonus pay gap for 2016/17 (16.7%) is so different from the median in the two more recent years which are negative values.



In 2017/18 only specific areas were piloting a scheme without end-of-year performance awards. This year, delegated grades across all areas of MOJ (excluding HMPPS) moved to an in-year recognition scheme. This has resulted in an even greater proportion of employees receiving awards at lower values on average. A greater proportion of women received awards this year but the average award value for men was higher than for women. The average award value for both men and women decreased this year compared to 2017/18, but it decreased more for women resulting in a larger mean bonus pay gap.

The value of bonuses is more concentrated for female staff than for male staff who have a greater proportion of awards at the extremes. As a result, although the mean bonuses for male staff are higher than for female staff, the median bonus for male staff is lower than for female staff. This year the median bonus award for females is lower compared to last year, while it has remained the same for men, resulting in a reduction in the median bonus gap.

3.4 Hourly Pay Quartiles

Percentage of males and females in each pay quartile comparison of 2017/18 and 2018/19

Quartile	2016/17 ⁴		2017/18 ⁵		2018/19	
	Female	Male	Female	Male	Female	Male
Upper Quartile	51%	49%	51%	49%	51%	49%
Third Quartile	38%	62%	40%	60%	42%	58%
Second Quartile	59%	41%	59%	41%	57%	43%
Lower Quartile	65%	35%	62%	38%	63%	37%

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. There are some slight differences in the figures in each pay quartile between this year and the revised 2017/18 figures above; however, a similar gender split can be seen overall. The lower and second quartile continue to have higher proportions of female staff than male staff. The proportion of women in the third quartile increased slightly this year compared to 2017/18 although this quartile continues to be comprised of the largely male prison officer group. The proportion of the upper quartile has remained the same, with a slightly higher percentage of females in this quartile than males.

⁴ These figures have been revised from those published in the 2016/17 Gender Pay Gap report.

⁵ These figures have been revised from those published in the 2017/18 Gender Pay Gap report.

4. 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 its Gender Action Plan. The department continues to build on the actions outlined in the 2017/18 report including participating in the 'Positive Action Pathway' programme which aims to tackle the under-representation of certain groups in senior management positions.

Progression

This year, the MoJ Diversity & Inclusion Team has worked with Recruitment and Talent to carry out qualitative research of the department's talent pipeline (those who are at the levels most likely to apply and be considered for SCS roles). They carried out a survey and ran focus groups with Band A staff (Civil Service Grade 6 and 7) to understand the motivations and barriers, both perceived or actual, that prevent women from applying for SCS roles. The MoJ is currently working with social researchers to analyse and evaluate these outcomes to inform the Gender Action Plan and the SCS Recruitment Strategy.

Senior Accountability

The MoJ currently has four SCS Gender Champions. 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 MoJ's SCS Gender Champions and staff networks will be focussing on the following areas over the coming year to implement and evolve the Gender Action Plan:

Recruitment

The department is reviewing its recruitment processes including how to address the use of gendered language in job adverts. The MoJ has moved away from a purely competency based system of candidate assessment, allowing managers to carry out skills-based assessments while continuing the use of structured interviews. The MoJ is also committed to reviewing its current attraction strategies in the coming year 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.

Learning and Development

We continue to encourage women to participate in the broader leadership and development programmes on offer such as the Positive Action Pathway (a cross-government development programme open to applicants with a protected characteristic) and the Future Leaders Scheme (a cross-government development programme for high-potential individuals in the grades immediately below the Senior Civil Service) and routinely monitors 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. The MoJ will also continue to work in collaboration with the Gender Equality Network and the Parents Network to cascade the information throughout the organisation.

The department will continue to improve the way we use data to monitor the progression and retention of women; for example, we will explore whether more can be done with in-year award data to support the business in ensuring awards are fair and proportionate relative to the demography of their teams. To inform local work and initiatives, the MoJ will review the gender pay gap in specific business areas and work with those areas to develop targeted work as needed. It will monitor and measure the outcomes of the outlined actions by gathering and tracking relevant MI, monitoring recruitment and promotion and through the People Survey engagement results.

5. Calculations

Our calculations followed the legislative requirements⁶, 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.

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.

⁶ <https://www.gov.uk/guidance/gender-pay-gap-reporting-make-your-calculations>

6. 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



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