



Ministry
of Justice

Technical guide and glossary

Her Majesty's Prison and Probation Service

Annual Staff Equalities Report

2019/20

Ministry of Justice
Statistics Bulletin

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Introduction

On 1 April 2017, Her Majesty's Prison and Probation Service (HMPPS) replaced the National Offender Management Service (NOMS). This document provides a technical guide and glossary to accompany the HM Prison and Probation Service (HMPPS) Annual Staff Equalities Report 2017/18, previously called the National Offender Management Service Annual Staff Equalities Report. This report considers profiles and processes of the HMPPS workforce from an equalities perspective and relates to the period running till 31 March 2020.

Related Publications

The Annual Staff Equalities Report is published alongside two inter-related reports:

HMPPS Quarterly Workforce Bulletin: These quarterly figures provide a general snapshot of the HMPPS workforce, identifying changes to staffing numbers and assessing average working days lost (AWDL), due to sickness absence. The latest edition is September 2020 and the next edition will be published on 18 February 2020.

HMPPS Annual Digest 2019 to 2020: This report looks at staffing (including ethnicity) figures and average working days lost (AWDL) through sickness absence in HMPPS HQ and Area Services, PSPs, YCS and NPS. Information is presented by establishment and region.

Data sources and data quality

The statistics in this bulletin relate to civil servants employed by HMPPS. The data presented in this publication relating to the reporting period up to 31 December 2016 are drawn from the Oracle Human Resources Management System (HRMS). However, data covering the period from 1 January 2017 onwards have been extracted from the newly introduced Single Operating Platform (SOP). SOP is an administrative IT system which holds HR information and replaced HRMS. Moreover, data relating to grievances, investigations, and conduct & discipline were drawn from the Case Management Application (CMA) up to 30 November 2017. However, data covering the period from 1 December 2017 onwards have been extracted from the electronic Performance Management (ePM) system, which was introduced as a replacement to CMA, with similar functionality. These are live administrative systems, not designed for use in presenting consistent statistical figures.

Information relating to staff in post, and other staff processes is used extensively for the management of HMPPS, and previously (NOMS) at a national and local level. The data presented in this bulletin are considered to be fit for purpose. Extensive validation is undertaken, and care is taken when processing and analysing the data. While the figures shown have been validated and independently checked, the information collected is subject to the inaccuracies inherent in any large-scale recording system. More specifically though, this publication includes statistics produced using cuts of data taken from the newly introduced SOP. As a result, additional validation of this data has been necessary, including the use of alternative approaches to support production of the statistics.

For statistical and archival purposes, extracts have been taken from both the old and new systems (Oracle HRMS system, Case Management Application, SOP and ePM), which allow consistent figures to be obtained for historical time points. It is not uncommon for a small number of updates to the Oracle or SOP systems to be implemented slightly in arrears. To account for this the data extracts used for statistical purposes are taken at a pre-determined point in time shortly after the situation date. This process accommodates the majority of such late updates whilst maintaining the timeliness of the data. While this is a standard, and indeed the best approach to obtain accurate and timely data from HR systems, there is the inevitable potential for a small number of late updates to be missed, occurring after the regular extracts are captured.

Certain aspects of the data held on both Oracle HRMS and SOP relating to the National Probation Service (NPS) are not currently of the quality necessary to be included in a publication of official statistics. The breakdown of NPS data into figures for separate work areas has not yet been possible using SOP.

Since the introduction of SOP in January 2017, there was a large drop in the declaration rates of new joiners to HMPPS (i.e. race, disability, religion/belief and sexual orientation). It is likely that the lower declaration rates were due to the user-friendliness of SOP when it was first introduced. However, recent further changes to SOP have resulted in there being a large increase in declarations in the last year, meaning that some of these characteristics have just reached the threshold to allow for meaningful analysis of new recruits by these protected characteristics. The Ministry of Justice is looking at ways to address these issues and improve these declaration rates further.

Between January and March 2017, during migration of data to the SOP, there was also an under-recording of sickness absence spells. There is therefore likely to be an undercount of working days lost for the 12 months to 31 March 2017 and subsequent under-estimate of

average working days lost. Furthermore, figures for the 12 months to 31 March 2018 and 12 months to 30 June 2018 should be treated with caution as they may also be affected.

COVID-19

The SER report presents data for the financial year 2019/20, and although staff may have been impacted by COVID in the first quarter of 2020, it is not possible to establish what impact (if any) it has had on 2019/20 sick absence, as the data held centrally, at that point, did not distinguish between COVID and non-COVID sickness absence and more importantly the testing capability was not in place.

In addition, for 2019/20, the usual process for SPDR assessment at year end in HMPPS was suspended due to COVID-19, with the aim of relieving staff of some of the administrative burden around the end of year performance management process at a difficult time. Given the exceptional circumstances, managers were only required to record a rating for those staff assessed as 'outstanding'. This means that the majority of staff would've been awarded with a 'good' marking, including those whose performance may have dipped to 'improvement required'. Therefore, for those two markings analysis and comparison with previous years are not possible. Staff on formal Managing Poor Performance measures are recorded separately and this process has continued as usual.

Disclosure policy

It is MoJ disclosure policy to assess the risk of disclosure of sensitive information about identifiable individuals and the consequent harm that disclosure could cause. This risk is then balanced against the loss of utility of statistics that have been suppressed.

Sensitive information includes protected characteristics such as race, disability, sexuality or religion of the individuals, or incidents that happen to staff that could cause distress to the individual or their family if they were disclosed. Examples would be conduct and discipline cases, grievances, sickness absence, dismissals.

In this publication, it has been assessed that the risk of identification of individuals is minimal and that the majority of the information presented is not sensitive. In most cases it has been concluded that the utility to users of unsuppressed statistics outweighs the small risk to individuals involved. Where suppression has been used, this generally applies to:

- small populations of staff with particular protected characteristics;
- small populations of staff for whom incidents have occurred (e.g. conduct and discipline cases, grievances, sickness absence, dismissals); or
- cells containing two or fewer cases together with secondary suppression of cells that could be used in combination with totals to deduce the original figures.

Revisions policy

In accordance with Principle 2 of the Code of Practice for Official Statistics, the Ministry of Justice is required to publish transparent guidance on its policy for revisions. A copy of this statement can be found at:

www.justice.gov.uk/downloads/statistics/mojstats/statistics-revisions-policy.pdf

The three reasons specified for statistics needing to be revised are changes in sources of administrative systems or methodology changes, receipt of subsequent information, and errors in statistical systems and processes. Each of these points, and its specific relevance to the HMPPS Workforce Statistics Bulletin, are addressed below:

1. Changes in source of administrative systems/methodology changes:

The data within this publication referring to the reporting period to 31 December 2016, come from Oracle HRMS and the Case Management Application. However, data covering the period from 1 January 2017 onwards, have been extracted from the newly introduced Single Operating Platform (SOP). This document will present where there have been revisions to data accountable to switches in methodology or administrative systems. In addition, statistics affected within the publication will be appropriately footnoted.

2. Receipt of subsequent information:

The nature of any administrative system is that data may be received late, after publication of a prior issue which would have been represented in that publication. For the purpose of this publication, sufficient time should have elapsed from the end of the reference period to extraction of the data to mean that no significant changes to the extracted data should be made. Unless it is deemed that late updating after the extraction make significant changes to the statistics released, revisions will only be made as part of the subsequent publication within the time series.

3. Errors in statistical systems and processes:

Occasionally errors can occur in statistical processes; procedures are constantly reviewed to minimise this risk. Should a significant error be found, the publication on the website will be updated and an errata slip published documenting the revision. Revised figures will be indicated with an '(r)' superscript beside each figure affected.

Explanatory notes - symbols and conventions

The following symbols are used within the tables in this bulletin:

..	not available
~	Suppressed values of two or fewer or where secondary suppression has been applied to avoid values of two or fewer being derived by subtraction
-	not applicable, rate not calculated due to low declaration rate of protected characteristic or small numbers in the base population
(p)	Provisional data
(r)	Revised data

Users and uses of these statistics

These statistics have many intended uses by a diverse range of users, and are designed to meet as many of the needs of these users as possible in the most useful and meaningful format.

Intended use of statistics:	Summary of main statistical needs:
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Ministry of Justice ministers	Use the statistics to monitor changes to HMPPS staff numbers, and to the structure of the organisation over time.
MPs, House of Lords and Justice Select Committee	These statistics are used to answer parliamentary questions. This publication aims to address the large majority of parliamentary questions asked.
Trade unions	Used as a source of statistics to inform the work of the unions in relation to the staffing within HMPPS.
Policy teams	These statistics are used to inform policy development, to monitor impact of changes over time and to model future changes and their impact on the system. This publication addresses the primary questions internal users ask on a regular basis, and forms the basis for workforce monitoring and decision making.
Academia, students and businesses	Used as a source of statistics for research purposes and to support lectures, presentations and conferences.
Journalists	As a compendium of quality assured data on HMPPS staff, to enable an accurate and coherent story to be told.
Voluntary sector	Data are used to monitor how trends within the staff population relate to trends observed in offenders, to reuse the data in their own briefing and research papers and to inform policy work and responses to consultations.
General public	Data are used to respond to ad-hoc requests and requests made under the Freedom of Information Act, to provide greater transparency of staffing and equalities related issues in HMPPS.

Annual Staff Equalities Report Glossary

Staff in post

Staff reported in this report are those who had a contract of employment with HMPPS. Staff are included irrespective of whether they were absent from work, whether paid or not. The only staff excluded are those on career breaks and those on secondment or loan outside of HMPPS.

Protected characteristic information

Staff in post figures are presented in terms of protected characteristics under the Equality Act 2010. When considering the protected characteristics, it is the actual number of individuals which is important, and not the resource those individuals contribute. For this reason, staff numbers are presented on a headcount basis rather than by their full-time equivalent, which would be based on individual working hours.

Information on the protected characteristics of staff are recorded on the basis of voluntary self-declaration. Staff who have not declared on a protected characteristic, either through not having had the opportunity or by stating that they would prefer not to disclose are excluded from calculations of representation rates. The assumption is that the staff who do not declare are distributed in the same proportions of those who have declared. This introduces a level of uncertainty into the calculated rates that increases as the proportion of staff making apposite declaration (the declaration rate) falls. When the declaration rate falls below 60%

representation rates and other calculations depending on the protected characteristic are not made.

Grade

HMPPS consists of Public Sector Prisons, the National Probation Service and HMPPS HQ. Separate grading systems exist for staff in the NPS and the other parts of HMPPS and there is no direct equivalency in terms of responsibility level between the two.

The NPS was created in June 2014 when staff transferred into HMPPS from former Probation Trusts. Staff transferred into HMPPS on the terms and conditions they had within Probation Trusts and those structures are still used. NPS staff work in band 1 for the most junior to band 6 then further bands from A to D for the most senior staff. Qualified Probation Officers typically work at band 4.

In Public Sector Prisons and HMPPS HQ, staff work in bands ranging from band 1 for the most junior staff to band 11 for the most senior prison governors and managers. Both operational and non-operational staff work within the banding structures. Prison officers mostly work at band 3 and band 4, dependant on whether they have a specialism. Band 3 to 5 operational staff are often grouped together and include supervising officers, working at band 4 and custodial managers, at band 5. There are also Senior Civil Servants who work principally in headquarters and are the most senior leaders in HMPPS.

Grades are presented within the report in high-level groupings although basic staff in post figures are presented at a more granular level. The grades presented are set out below:

High level grouping	More detailed grouping (staff in post only)	
Operational		
Operational Managers	Senior Civil Servants and Operational Band 10-11	Senior Civil Servants typically work in HMPPS HQ and are the senior leaders within HMPPS. Operational managers at Band 10 and 11 are typically governors in charge of prisons.
	Operational Bands 7-9	Operational managers in band 7-9 work principally in prison establishments and are deputy governors or heads of functions within prisons.
Band 3-5 Officers		Prison officers, supervising officers and custodial managers working directly with prisons in prison establishments.
OSG		Operational support grades, carrying out a range of services within prison establishments and often prisoner facing.
Non Operational		
Non Operational Manager	Non Operational Manager Band 6-11	Middle managers within prison establishments and HMPPS HQ. These groups include specialist staff such as psychologists and

		chaplains. A mixture of prisoner facing and non-prisoner facing roles.
Non Operational Below Manager		Junior staff working in prison establishments and HMPPS HQ. Some will have first line manager responsibility. They work across a number of areas, including administration, facilities and include instructional officers.
National Probation Service		
NPS Manager	NPS Management Grade Band A-D	These are Assistant Chief Officers, the most senior staff within the NPS, who cover a range of managerial functions such as heads of Local Delivery Units.
	NPS Management Grade Band 5-6	Probation band 6 roles include Local Delivery Unit Managers, Approved Premises Managers and Area Managers. Probation band 5 roles include Senior Probation Officers (courts, LDUs and Offender Managers) plus managers in HR, IT and Finance.
NPS Below Manager		This group include probation officers who are professionally qualified staff at NPS band 4. Their tasks include, assessment of offenders of any category (including high risk), preparation of court reports and sentence plans, implementation of interventions, supervision of offenders and enforcement action. Probation Services Officers at band 3 are Offender Managers for medium and low risk offenders and staff studying under the probation qualifications framework (PQF) towards becoming fully qualified probation officers. This group also includes administrative and support staff.

Joiners

Joiners relate to all those individuals externally recruited into a post. This includes those newly recruited from outside the Civil Service, those returning to the department who had previously left the department, those transferring to a post from another Government Department (including the central Ministry of Justice) on a permanent basis, but not those on secondment or transfers/promotions from within the department itself.

Where a group of staff joined HMPPS due to a machinery of Government change or through a transfer of responsibility from the private to the public sector these are not included as joiners.

Temporary Cover Allowance

Temporary Cover Allowances (TCA) are a system that enables staff to work temporarily in a more senior role and receive an additional payment while this work is undertaken. Data are

presented as a snapshot of staff receiving the allowance on 31 March in each year. The grade of staff does not change while in receipt of Temporary Cover Allowances, so the grades reported do not represent the grade that is being covered, but are the substantive grades of staff involved. Senior civil servants and operational support grades are excluded from this table.

In previous publications information on temporary cover in the NPS was not available. However, as from now data for 2017/18 onwards on NPS staff on temporary promotion who were recorded as 'promotions' have now been reclassified correctly as staff receiving TCA. Therefore, figures for NPS staff on TCA are presented for the first time as of the 2018/19 report.

Promotions

Promotions relate to staff moving to a more senior grade through an internal process. Although most promotions are as part of the formal fair and open competition process, figures also include promotions which were exempt from the formal process. Movements from band 2 operational support to band 3 are not included as promotions as these follow a different process and are considered as conversions.

The movements are designated in the tables in terms of the grade promoted from, rather than the grade promoted into.

As from now, data for 2017/18 onwards on NPS staff on temporary promotion who were recorded as 'promotions' have now been reclassified correctly as staff receiving TCA rather than promoted. The number of NPS staff promoted therefore will now be lower compared to previously – for example, the total number of NPS promotions in 2017/18 was revised from 631 to 389 in the 2018/19 report.

Staff appraisals

In HMPPS, the system of staff appraisals is called the 'Staff Performance and Development Record'. There is an annual cycle of appraisals and marks are awarded at the mid-year and then the end-year. It is the end-year markings that are analysed in this report. In 2014/15 a new system of markings was introduced with the categories; 'Must Improve', 'Good' and 'Outstanding' and in the 2017/18 year, the 'Must Improve' category was renamed to 'Improvement Required'.

Only staff with an end of year marking recorded are included in the analysis. Staff in the first 6 months of employment are given probation reports and are not included in the results presented.

Special bonuses

The special bonus scheme allows local management the opportunity to recognise and reward any member of staff for exceptional performance in a particularly demanding task or situation, through a one-off non-consolidated lump sum payment of up to £2,000 (or £20,000 with CEO approval). These bonuses are awarded and paid during the year.

Grievances

A grievance is defined as any concern, problem or complaint raised by an individual member of staff relating to his or her employment. Only grievances that have gone through the formal procedure are analysed here. Where the grievances are resolved locally or through mediation, these are not recorded centrally.

The outcome of a grievance is whether it is upheld, partially upheld or not upheld. In the staff equalities report grievances where any part of it is at least partially upheld are compared to those where no part is upheld. Staff can raise more than one grievance in a year. The tables provide details of both the number of staff who raise a grievance and the number of cases in each year. Details of any appeals into the cases are included in the results presented.

Investigations

Investigations into staff conduct are conducted to establish the facts of a case and to report them to the Commissioning Manager. The outcome of an investigation is either whether to recommend further action or not.

Investigations may involve multiple terms of reference and more than one member of staff. For the purposes of this report, a case is defined as a set of terms of reference for an investigation against one individual. Figures are provided for both the number of cases and the number of individual members of staff investigated in a year. Investigations are counted when they are concluded and an outcome determined.

Conduct and discipline cases

Conduct and discipline cases provide a range of options for dealing with staff employed who fail to meet the required standards of behaviour. These are sometimes, though not always, connected to an investigation. The range of penalties available include;

- oral warning
- written warning
- final written warning
- financial restitution
- removal from the field of promotion or the opportunity to move to a higher pay band
- loss of increment/pay increase or part of an increment or pay increase
- re-grading
- downgrading/pay banding
- and in cases of gross misconduct, dismissal.

In this report, the number of cases where a dismissal is recommended for at least one charge is compared to cases where no dismissal is recommended. Dismissals are appropriate in cases of gross misconduct where any further relationship and trust between HMPPS and the member of staff concerned is impossible. Details of appeals and the outcomes of the appeals are not included in the information presented.

Cases are counted on the basis of the date of the decision being made. In cases of summary dismissal, which is used where a member of staff is subject to a criminal conviction, a full conduct case is not undertaken but these outcomes are included in the analysis in the staff equalities report.

Conduct and discipline cases may involve multiple charges and penalties and more than one member of staff. For the purposes of this report a case is defined as a set of charges relating to one individual. Figures are provided for both the number of cases and the number of individual members of staff subject to conduct and discipline action in a year.

Sickness absence

Sickness absence in the Annual Staff Equalities Report is measured as the average number of working days lost per employee per year. To be consistent with other published sickness absence data and to not unfairly distort the sickness absence rates for part-time staff this

measure uses full-time equivalent staff rather than headcount as the divisor. Ongoing absences at the end of the reference periods are included.

Between January and March 2017, during migration of data to the Single Operating Platform, an under-recording of sickness absence records occurred. Therefore, there is likely to be an undercount of working days lost for the 12 months to 31 March 2017 and a subsequent under-estimate of average working days lost.

Leavers

All those individuals leaving a post and ceasing to work for HMPPS 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 HMPPS as a result of machinery of Government changes or staff moving to the private sector as part of a transfer of control of an entire establishment are generally not included as leavers.