



Office of Manpower Economics

PRISON SERVICE PAY REVIEW BODY
3rd FLOOR
WINDSOR HOUSE
50 VICTORIA STREET
LONDON SW1H 0TL

E-mail

PSPRB@beis.gov.uk

<https://www.gov.uk/government/organisations/prison-services-pay-review-body>

The Rt Hon Dominic Raab MP
Deputy Prime Minister
Lord Chancellor & Secretary of
State for Justice
Ministry of Justice
102 Petty France
London
SW1H 9AJ

22 October 2021

Dear Secretary of State,

PRISON SERVICE PAY REVIEW BODY 2021 ENGLAND AND WALES REPORT

Thank you for your letter dated 19 October, regarding the Government's decision concerning the recommendations contained in the Prison Service Pay Review Body's (PSPRB) 2021 England and Wales report.

We were, I am afraid, disheartened by both the content and tone of your letter. This year the Government restricted our remit and precluded us from making a recommendation on a headline pay award. Although we felt strongly that this restriction was incompatible with the role of an independent Pay Review Body and a compensatory mechanism, we adhered to the legal advice received by our secretariat and reluctantly recommended the award prescribed by the Government's pay policy. Given this, it is a matter of great concern to us that we have been doubly constrained, not only in our ability to make recommendations about pay in the current year, but now also retrospectively about recommendations in future years.

The remit letter contained no restrictions on making recommendations on allowances or on the financial year to which recommendations could apply and we therefore made two recommendations intended to shape the way Prison Service pay should, in our view, develop. At the very least, we hoped that Her Majesty's Prison and Probation Service (HMPPS) would engage with the PSPRB over these recommendations. We are dismayed to learn that the Government is not even prepared to consider them.

In your letter you claim that recommendations 1 and 5 concern matters which fall outside of the PSPRB's remit. As far as we are aware, this has not previously been asserted and we do not accept it. The PSPRB was established under statute in 2001 to examine and report on matters relating to the rates of pay and allowances to be applied in the public sector prison services in England and Wales and Northern Ireland. This statute reads that the PSPRB may report and make recommendations on matters 'as it thinks fit'. There is no reference in either the statute or our Terms of Reference that prohibits us from making recommendations that concern future financial years. In 2017, the PSPRB made a recommendation in its sixteenth report asking HMPPS to present in evidence for our 2019 report its revised

arrangements that would integrate the various different pay structures, allowances and supplements currently in operation across the country. This recommendation was accepted in full by the Government despite it not being applicable to the financial year at that time. The PSPRB is not alone in making such forward looking recommendations, as also evidenced by the NHS three year pay and contract reform deal and the Review Body for Senior Salaries recommending the introduction of pay progression for Senior Civil Servants.

It is the PSPRB's view that restricting us from making forward looking recommendations is not only another constraint on our independence but is inconsistent with a rational approach to pay. The majority of our recommendations in any year have implications beyond the current year, as do recommendations made by other Pay Review Bodies. Indeed, by their very nature, consolidated pay increases have an impact on all future years.

We are particularly concerned at the implication this has for our request for HMPPS to produce a comprehensive pay strategy to deal with the structural issues across all grades and pay structures. The PSPRB first asked HMPPS for a strategy to deal with the structural issues of a two-tier pay structure in 2014 and have consistently reminded the Department in subsequent reports of the need to address both this and the competitiveness of the pay structure, particularly at Band 3. We do not believe these issues can be addressed unless both the Department and the PSPRB take a forward looking approach to pay.

I further wish to remind you of the Government's commitment to the International Labour Organization that it would only depart from the PSPRB's recommendations in "exceptional circumstances" and to comply with those recommendations in practice. We received confirmation again this year in oral evidence from the then Prisons Minister that the Government continued to stand by this commitment, and this had not been rescinded. Despite repeated assurances from the Government on this matter, it is extremely disappointing that this is the third time that independent recommendations from the PSPRB have not been implemented since 2018.

It is the PSPRB's intention, guided by the evidence, to return to and address both the structural issues in the pay system and our proposed review of allowances for the next pay round.

I am copying this letter to HMPPS and to the organisations that represent our remit group – the POA, Prison Governors' Association and Public and Commercial Services Union.

Yours sincerely



Tim Flesher

Chair, Prison Service Pay Review Body