



Ministry  
of Justice

# Gender Pay Gap Report 2021

January 2022





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## 1. Executive Summary

The work of the Ministry of Justice (MoJ) and its agencies is diverse. The activities our people are involved in include providing a wide range of vital services in courts, tribunals, prisons and probation, advising Ministers on justice priorities, and delivering complex projects. It has a balanced workforce, as of 31 March 2021, in the MoJ group, 55% (43,426) of the total workforce are women. Women (173) made up 53% of Senior Civil Servants (SCS).

After a fall in 2018/19, the **mean** gender pay gap has remained reasonably consistent. The 2021 MoJ mean gender pay gap is 5.9% (up from 5.8% last year). The MoJ 2021 **median** gender pay gap fell to 13.6% (from 15.6% last year).

MoJ has a total workforce of 78,894 people, of which 68% (54,034 people) are employed in Her Majesty's Prison and Probation Service (HMPPS). The prison officer role attracts allowances for shift working and is one factor explaining the gender pay gap. At the HMPPS level men make up around 70% of all prison officers. When broadened out across the MoJ workforce 1 in 3 (34%) male staff are prison officers.

For 2020/21, the mean gender bonus gap is 31.7% (up from 10.7% in 2019/20). The median gender bonus gap for 2020/21 is 27.4% (up from 0.0.% in 2019/20). This increase is due to our response to the COVID 19 pandemic. COVID19 presented unprecedented challenges and, during 2020, bonuses were awarded to some staff as a temporary and proportionate measure to ensure we had sufficient people to deliver critical frontline services. The bonuses were predominately paid to prison officers to ensure we were able to continue to operate our prisons during the pandemic.

The MoJ is committed to reducing the gender pay and bonus gap. By taking the action in this report, including by developing a pipeline for women and building an inclusive culture, we will ensure that no career path is off limits to anyone because of their gender or background.

## 2. Background

In 2017, the government introduced a requirement for organisations with 250 or more employees to report annually on their gender pay gap. Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 government departments must publish information by 30 March annually on their mean and median gender pay gaps; 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. MoJ fulfils its obligations through this report.

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 that 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.

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. Totals may not sum as expected due to rounding.

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### 3. Analysis

#### 3.1 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).

Business Area	Female	Male	Total	Female Proportion
MOJ HQ	3057	2287	5344	57%
HMCTS	11,735	4,869	16,604	71%
HMPPS	26,965	27,069	54,034	50%
LAA	711	480	1,191	60%
CICA	162	142	304	53%
OPG	796	621	1,417	56%
Total	43,426	35,468	78,894	55%

At 31 March 2021 55% of all staff at MOJ were female, compared to 54% in 2019/20. The Department had 78,894 staff in total (including SCS) as at March 2021 compared to 75,930 staff in total (including SCS) as at March 2020. Of these staff 68% were employed by HMPPS.

#### 3.2 Ordinary Pay

Year	Mean Pay Gap	Median Pay Gap
2020/21	5.9%	13.6%
2019/20	5.8%	15.6%
2018/19	5.8%	15.9%
2017/18	6.5%	15.3%
2016/17	6.8%	15.3%

The mean gender pay gap (the difference between men's and women's average hourly pay) for 2020/21 is 5.9% and the median gender pay gap is 13.6%.

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The Civil Service average cited by the Office of National Statistics in the Annual Civil Service Statistics, published in July 2021, mean and median gender pay gaps fell from 9.3% and 10.5% in 2020, to 7.8 and 8.1% in 2021 respectively. The Civil Service cite that salary differences are partly explained by their relative representations across the grades.

### 3.3 Comparison with previous years' gender pay gap data

The **mean** gender pay gap for 2020/21 at 5.9% has increased from 5.8% in 2019/20.

The **median** gender pay gap for 2020/21 at 13.6% has decreased by 2 percentage points from 15.6% in 2019/20.

Approximately 1 in 3 men (34%) are employed in HMPPS as prison officers, a role that includes allowances for shift work. The median male is situated with the HMPPS prison officer category. The equivalent female median occupies an administrative role in HMCTS and is a role that does not involve shift work. This difference in workforce distribution helps explain the median pay gap.

### 3.4 Hourly Pay Quartiles

#### Percentage of males and females in each pay quartile comparison by year

Year	Upper Quartile		Third Quartile		Second Quartile		Lower Quartile	
	Female	Male	Female	Male	Female	Male	Female	Male
20/21	52%	48%	46%	54%	56%	44%	66%	34%
19/20	52%	48%	43%	57%	56%	44%	66%	34%
18/19	51%	49%	42%	58%	57%	43%	63%	37%
17/18	51%	49%	40%	60%	59%	41%	62%	38%
16/17	51%	49%	38%	62%	59%	41%	65%	35%

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.

This year women increased occupancy in the third quartile for the fifth year in a row by 3 percentage points. Notably this quartile continues to be comprised of the male dominated prison officer group.

### 3.5 Bonus Pay

Year	Mean Bonus Gap	Median Bonus Gap
2020/21	31.7%	27.4%
2019/20	10.7%	0.0%
2018/19	15.9%	-6.7%
2017/18	8.0%	-13.3%
2016/17	18.3%	16.7%

In 2021, the total value of bonus awards received has increased for both women and men, however both the mean and median gender bonus gap has increased this reporting year.

The MoJ mean gender bonus gap of 31.7% is higher than the Civil Service average of 29.3%. The MoJ median gender bonus gap of 27.4% is lower than the Civil Service average of 40.5%.

The bonus pay gap is more volatile than the gender pay gap because, unlike the gender pay gap, there is year-on year variation in award amounts and frequency. In last year's report we described women present in greater numbers in business areas where smaller payments were awarded throughout the year.

For this reporting year during the pandemic, there was an increase in the award amounts and number of awards made. Overall, 77.5% of women and 84.1% of men received a bonus in 2020/21 compared to 38.1% of women and 28.1% of men in 2019/20.

Year	Mean Award		Median Award	
	Female	Male	Female	Male
2020/21	£825	£1,208	£450	£620
2019/20	£383	£429	£200	£200

During the pandemic there was an increase in the award amounts and the number of awards made. This was most notable for HMPPS where frontline staff continued to work through the pandemic. In 2020/21 85.1% of men and 75.2% of women in HMPPS received a bonus, compared to the previous year when 15.8% of men and 14.1% of women received a bonus.

In order to keep essential frontline services running, during 2020 bonuses were awarded to some frontline staff as a temporary and proportionate measure to ensure we had sufficient frontline staff to deliver services, with agreement from HM Treasury. We needed to act



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quickly so a blanket approach was appropriate. We have now phased out the scheme in HMPPS.

In 2020/21 HMPPS moved to in-year awards. These should result in a greater number of awards given overall in comparison to an end of year award. In 2021 we are testing this approach across a number of Prison, Probation and HQ sites in advance of full implementation in HMPPS planned for April 2022.

Other parts of the MoJ Group (excluding HMPPS) moved to an in-year recognition scheme for delegated grades (i.e. below SCS) from 2018/19. We have monitored awards for MOJ (excluding HMPPS and SCS) in 2020/21 and are confident that the transition to an in-year reward and recognition (R&R) scheme is showing minimal gaps between outcomes for men and women with regards to R&R.

### 4. Actions

The MoJ is committed to reducing the gender pay and bonus gap. We will develop and maintain a pipeline of future senior women leaders, focusing on cumulative barriers to progression and ensuring we set the conditions to successfully establish the pipeline of women for roles and professions which are currently under-represented.

To achieve this, our focus is on **attracting, recognising and nurturing all diverse talent** and **making sure no career path is off limits** to anyone because of their gender or background, by:

- embedding our 'Inclusive Recruitment Guide' across the MoJ, including using case study evidence to demonstrate how inclusive recruitment practice improves our gender representation in previously under-represented roles;
- securing a diverse uptake of talent and development programmes ;
- leading a Civil Service Task and Finish Group looking at pay convergence and a capped bonus pot that will look to design and develop a proposed approach for the future Reward Strategy and pay framework for the Civil Service of the future;
- ensuring fair and appropriate use of reward and recognition across the MoJ, including implementing the new performance management process and in-year reward scheme to staff in HMPPS;
- using evidence-led interventions to improve uptake of practical support for carers ;
- developing an offer for frontline staff that recognises difficulties accessing flexible working, including reviewing rostering;
- empowering everyone to take responsibility for building an inclusive culture to achieve gender equality:
  - through championing the practical support and collaborating on the on going programme of activities by MoJ staff networks, Gender Equality Network, Supporting the Workplace in Menopause (SWIM) and a Forum to raise awareness of domestic abuse and how the workplace can respond.
  - continuing to build the HMPPS Championing Women in the Workplace network and monitor feedback that informs their on-going programme of activities, including empowering their group of volunteers and emerging group of male allies.

### 5. Calculations

Our calculations followed the legislative requirements<sup>1</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 on recognition vouchers in addition to cash awards.

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.

Our report is also in line with the recommendations made from the Inclusive Data Taskforce report published in September 2021.

### 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: Antonia Romeo

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<sup>1</sup> <https://www.gov.uk/guidance/gender-pay-gap-reporting-make-your-calculations>