



Ministry
of Justice

Ministry of Justice Gender Pay Gap Report 2022

Date of publication: 24 November 2022

Executive Summary

Across MOJ we are responsible for all aspects of justice. We are proud to work together to make a difference for the public by focusing on protecting the public; reducing reoffending; delivering swift access to justice; and reforming the constitution. We do this to create a safe, just and prosperous society.

As of 31 March 2022, 57% (48,439) of full-pay staff were women. Women made up 50% (162) of Senior Civil Servants (SCS) and 53% (1,761) were in the feeder grades below (Grade 6 and Grade 7).

As of 31 March 2022, the MoJ Group has a total full-pay workforce of 85,256 people, of which 71% (60,599) are employed in His Majesty's Prison and Probation Service (HMPPS). Being a prison officer is the most common role in the MoJ Group. In HMPPS 69% (12,216) of prison officers are men and 31% (5,458) are women. Allowances for shift working in the prison service continues to be a key factor producing a gender pay gap for the MoJ Group.

The **mean** gender pay gap has remained consistent. The MoJ Group mean gender pay gap is 5.9% (the same as in 2020/21 and up from 5.8% in 2019/20). The **median** gender pay gap fell to 11.4% (compared with 13.6% in 2020/21 and 15.6% in 2019/20). This means that women earn 89p for every £1 men earn when comparing the median hourly pay. Women's median hourly pay is 11.4% lower than men's.

In 2021/22, the mean gender bonus gap is 11.6% (compared to 31.7% in 2020/21 and 10.7% in 2019/20). The median gender bonus gap for 2021/22 is 0.0% (compared to 27.4% in 2020/21 and 0.0% in 2019/20). This means women earned £1 for every £1 that men earned when comparing median bonus pay. When comparing the mean bonus pay, women's mean bonus pay was 11.6% lower than men's.

The MoJ is committed to reducing the gender pay and bonus gap. Our vision is for the MoJ to deliver a world-class justice system that works for everyone in society. We want our workplaces to be a place where everyone can achieve their full potential and feels included.

1. Introduction

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.

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. The reporting period is 1 April 2021 to 31 March 2022.

Organisational context

The MoJ Group has several executive agencies, whose staff have been included in these figures as required by the legislation. These include His Majesty's Prison and Probation Service (HMPPS), His 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 | 3,437 | 2,597 | 6,034 | 57% |
| HMCTS | 11,130 | 4,657 | 15,787 | 71% |
| HMPPS | 32,244 | 28,355 | 60,599 | 53% |
| LAA | 689 | 454 | 1,143 | 60% |
| CICA | 175 | 140 | 315 | 56% |
| OPG | 764 | 614 | 1,378 | 55% |
| Total | 48,439 | 36,817 | 85,256 | 57% |

At 31 March 2022 57% of all MoJ staff were female, compared to 55% in 2021 and 54% in 2020. The overall MoJ Group had 85,256 staff in total (including SCS) as at 31 March 2022 (compared to 78,894 staff in total (including SCS) in 2021 and 75,930 in 2020). Of all staff employed on the 31st of March 2022, 71% were employed by HMPPS. The increase in the proportion of female staff in the department is caused almost entirely by HMPPS, which increased the proportion of women (from 50% last year to 53% this year). This was caused mainly by integrating Community Rehabilitation Companies, which employed a greater proportion of women than men, into HMPPS.

The majority of our staff (76,710 or 88%) are in the operational delivery profession, delivering frontline roles in prisons, probation and courts. 51% of these operational staff are Administrative Assistant and Administrative Officer levels, and another 25% are in Probation Service grades.

The split by grade in the department is fairly even by gender, with most grades having an even split or slightly more females. The exception to this is for Probation Service grades, which are approximately 75% female. A single grade can correspond to a number of very distinct roles and there is a significant gender split among these roles. Administrative Officer is the most common grade in the department. It includes both administration staff in HMCTS, who are predominantly female, and prison officers in HMPPS, who are predominantly male. Prison officer roles require working shift patterns and attract allowances that compensate for this.

We want our workplaces to be a place where people can achieve their full potential and feel included. Actions in this report will provide greater transparency, accountability and contribute to delivering on our ambitions to reflect the communities we serve.

2. Gender pay gap 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 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 legislation deals with the pay differences between men and women who perform the same jobs, similar jobs or work of equal value ('equal work'). Men and women in the same employment performing equal work must, by law, receive equal pay unless any difference in pay can be justified. However, having a gender pay gap is not unlawful and does not necessarily mean there is an unlawful inequality in an organisation's pay arrangements.

Hourly pay has been calculated in line with the government's published guidance¹ and broken down into four quartiles from highest to lowest. In descending order, these are called: upper, upper middle/third, lower middle/second and lower pay quarters.

¹ [Making your gender pay gap calculations - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/making-your-gender-pay-gap-calculations)

3. Analysis of pay gap

Ordinary Pay

| Year | Mean Pay Gap | Median Pay Gap |
|---------|--------------|----------------|
| 2021/22 | 5.9% | 11.4% |
| 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 2021/22 is the same as in 2020/21 at 5.9%, slightly up from 5.8% in 2019/20.

The median gender pay gap for 2021/22 at 11.4% has decreased from 13.6% in 2020/21 and from 15.6% in 2019/20. This means that in 2021/22 women earn 89p for every £1 men earn when comparing the median hourly pay where their median hourly pay is 11.4% lower than men's.

Approximately 1 in 3 men (33.2% of all male staff) are employed in HMPPS as prison officers, a role that includes allowances for shift work. By contrast, only approximately 1 in 9 (11.3% of all female staff) are employed in HMPPS as prison officers.

The Civil Service average² mean and median gender pay gaps were 8.5% and 11.3% respectively compared to 7.8% and 8.1% in July 2021 and 9.3% and 10.5% in 2020.

² [Civil Service statistics: 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/civil-service-statistics-2022)

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 |
| 2021/22 | 55% | 45% | 48% | 52% | 59% | 41% | 66% | 34% |
| 2020/21 | 52% | 48% | 46% | 54% | 56% | 44% | 66% | 34% |
| 2019/20 | 52% | 48% | 43% | 57% | 56% | 44% | 66% | 34% |
| 2018/19 | 51% | 49% | 42% | 58% | 57% | 43% | 63% | 37% |
| 2017/18 | 51% | 49% | 40% | 60% | 59% | 41% | 62% | 38% |
| 2016/17 | 51% | 49% | 38% | 62% | 59% | 41% | 65% | 35% |

The hourly pay quartiles data show the proportion of men and women in each pay quartile when we rank staff in order of hourly pay rate. At 31 March 2022 women occupied 55% of the highest paid jobs and 66% of the lowest paid jobs. Since pay gap reporting began, women occupying the highest paid jobs has increased from 51% to 55%. Women occupying the third quartile (second highest paid) has increased from 38% to 48%.

This year, the proportion of women in the top 3 quartiles increased relative to last year, while the proportion of women in the lowest quartile stayed unchanged and has remained the same for several years.

4. Analysis of the bonus gap

The bonus gap is the difference between the mean and median bonus paid to men and women. The bonus pay gap is more volatile than the gender pay gap because there is year-on year variation in award amounts and frequency.

Bonus Pay

| Year | Mean Bonus Gap | Median Bonus Gap |
|---------|----------------|------------------|
| 2021/22 | 11.6% | 0.0% |
| 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% |

The mean and median gender bonus gap have both reduced sharply on the previous year, when there was an increase in the award amounts and frequency linked to a temporary scheme in HMPPS during the pandemic. This means in 2021/22 women earned £1 for every £1 that men earned, when comparing median bonus pay. When comparing the mean bonus pay, women's mean bonus pay was 11.6% lower than men's.

The MoJ mean gender bonus gap of 11.6% was lower than the figure for the Civil Service as a whole, of 27.4%. The MoJ median gender bonus gap of 0.0% is lower than the overall Civil Service figure of 37.1%.

| Year | Mean Award | | Median Award | |
|----------------|------------|--------|--------------|------|
| | Female | Male | Female | Male |
| 2021/22 | £404 | £458 | £200 | £200 |
| 2020/21 | £825 | £1,208 | £450 | £620 |
| 2019/20 | £383 | £429 | £200 | £200 |

Overall, for the MoJ Group in 2021/22, 36% of women and 30.3% of men received a bonus compared to 77.5% of women and 84.1% of men 2020/21 and 38.1% of women and 28.1% of men in 2019/20.

In 2020/21 the bonus gap increased, before decreasing again in 2021/22. 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 quickly so a blanket approach was appropriate. We have now phased out the scheme in HMPPS. The bonus gap has decreased in 2021/22 compared to 2020/21 and is now at a similar level to in 2019/20.

The department has been expanding the use of the in-year scheme into all MoJ agencies, including HMPPS. From April 2022 HMPPS has rolled out the in-year bonus scheme and this data will be brought into our 2022/23 analysis, where we will continue to monitor reward and recognition outcomes for all MoJ.

5. Action to reduce the gap

The MoJ is committed to reducing the gaps. Our vision is for the MoJ to deliver a world-class justice system that works for everyone in society. We are working to deliver the Civil Service Diversity and Inclusion Strategy by ensuring effective outcomes in everything we do as a department. We want our workplaces to be places where people feel included and can thrive.

Talent

We want to attract and retain diverse talent, making sure no career path is off limits to anyone because of their gender or background. Our MoJ Inclusive Recruitment Guide, launched in 2021, takes vacancy managers through best practice steps to attract a broad range of candidates and embed inclusion throughout the recruitment campaign, from assessing need in marketing, to attraction, assessment/selection and appointment.

Over the last year we have collated the learning offer to help provide our people with easier access to information about opportunities to support everyone's development. This portfolio has been distributed to key stakeholders and will be kept updated on our intranet. This work is complemented by a separate, bespoke Career Pathway for the Probation Service which includes learning programmes for people matched to their job roles as well as on-the-job learning suggestions.

It is important that our staff feel valued. Last year we committed to implementing a new performance management process and in-year reward scheme for staff in HMPPS. This was implemented from April 2022.

Since last year a Task and Finish Group has been considering the Civil Service Reward Strategy. The Group is due to report initial findings to the Civil Service Board in Autumn 2022. Alongside this, MoJ are developing a Reward Pathway which will set our reward vision and align with the MoJ People Strategy. This will enable us to deliver improvements across the reward landscape in the department.

Flexible and Family Friendly

Workplace flexibility and family-friendly policies are important to our people and performance. We know that women tend to spend more time out of the labour market and work part-time, often due to caring responsibilities.

Frontline staff make up a significant proportion of the MoJ workforce. The last report recognised the difficulties frontline staff had in accessing flexible working and the action being taken to address this. A project team is undertaking a proof-of-concept exercise with prisons and approved premises exploring how we can modernise and

improve our employment offer through enhancing flexible working opportunities. Some elements of this will be enabled by a digital rostering solution.

Over the last year the MoJ Parents' Network has continued to build their community for parents and guardians to promote support for members and staff.

Inclusive culture

Over the last year we have progressed and identified key areas for ongoing work to achieve gender equality but we know there is still more to do to build capability and tackle unacceptable behaviour in the workplace.

Earlier this year we introduced our Menopause in the Workplace Policy and updated our Manager's Handbook to include policies, guidance and resources developed in partnership with our staff networks over the last few years.

Action Summary

Over the next year we will continue to build on our achievements, by:

- continuing to promote the Inclusive Recruitment Guide by introducing workshops and case studies to demonstrate how inclusive recruitment practice improves our gender representation in previously under-represented roles.
- ensuring staff can identify and navigate a career path in the organisation and access development opportunities.
- including HMPPS in the MoJ's reward and recognition reporting for 2022/23. Additionally, we will continue to ensure fair and appropriate use of reward and recognition across the MoJ, through ongoing analysis and monitoring.
- continuing to work with the proof-of-concept areas to develop the offer and smart rostering tools for frontline staff that will enable flexible working, retain staff and improve work/life balance.
- scoping and refreshing our family-friendly information in partnership with our Parents' Network and key stakeholders.
- in partnership with the MoJ Supporting the Workplace in Menopause (SWIM) Network, continuing to raise awareness of the menopause policy and with other stakeholder's, progress health initiatives in line with the governments Women's Health Strategy.
- engaging with Civil Service HR on the development of central policies on sexual harassment and domestic abuse to build on what we already have in place, with clear employee assistance routes to support victims.
- continuing to build the HMPPS Championing Women in the Workplace networks and monitor feedback that informs their on-going programme of activities, including empowering their group of volunteers and emerging group of male allies.

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