



Prison Service  
Pay Review Body

# Prison Service Pay Review Body

Twenty-Third Report on  
England and Wales 2024

*Chair:* Tim Flesher CB



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on

England and Wales

2024

*Chair:* Tim Flesher CB

**Presented to Parliament by the  
Prime Minister and the Lord Chancellor and Secretary of State for Justice  
by Command of His Majesty  
July 2024**



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ISBN 978-1-5286-4983-4

E03138575 07/24

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

## **Prison Service Pay Review Body**

### **Standing terms of reference**

The role of the Prison Service Pay Review Body is to provide independent advice on the remuneration of governing governors and operational managers, prison officers and support grades in the England and Wales Prison Service. The Review Body will also provide independent advice on the remuneration of prison governors, prison officers and support grades in the Northern Ireland Prison Service.

In reaching its recommendations the Review Body is to take into account the following:

- The need to recruit, retain and motivate suitably able and qualified staff taking into account the specific needs of the Prison Service in England and Wales and the Northern Ireland Prison Service;
- Regional/local variations in labour markets and their effects on the recruitment and retention of staff;
- Relevant legal obligations on the Prison Service in England and Wales and the Northern Ireland Prison Service, including anti-discrimination legislation regarding age, gender, race, sexual orientation, religion and belief and disability;
- Government policies for improving the public services, including the requirement to meet Prison Service output targets for the delivery of services;
- The funds available to the Prison Service in England and Wales and the Northern Ireland Prison Service as set out in the Government's departmental expenditure limits; and
- The Government's inflation target.

The Review Body shall also take account of the competitiveness of the Prison Service in England and Wales with the private sector, and any differences in terms and conditions of employment between the public and private sectors taking account of the broad employment package including relative job security.

The Review Body may also be asked to consider other specific issues.

The Review Body is also required to take careful account of the economic and other evidence submitted by the Government, staff and professional representatives and others.

Reports and recommendations for the Prison Service in England and Wales should be submitted to the Prime Minister and the Lord Chancellor and Secretary of State for Justice. Reports and recommendations for the Northern Ireland Prison Service will be submitted to the Minister of Justice, Northern Ireland.

The members of the Review Body are:

Tim Flesher CB (*Chair*)

Mary Carter

Luke Corkill

Nigel Cotgrove

Judith Gillespie CBE

Roy Grant

Raj Jethwa

The secretariat is provided by the Office of Manpower Economics.

### **The International Labour Organization 336<sup>th</sup> Report of the Committee on Freedom of Association**

The POA<sup>i</sup> took a complaint to the International Labour Organization (ILO) in August 2004, alleging that legislation deprived Prison Officers of the right to take industrial action and that they did not enjoy adequate compensation guarantees to protect their interests in the absence of the right to strike. In its 336<sup>th</sup> Report of the Committee on Freedom of Association (March 2005) the ILO noted that the POA saw the Prison Service Pay Review Body (PSPRB) as an inadequate compensatory mechanism because it had no powers to make binding recommendations, only to report and recommend, and there was no duty on the Minister to implement the award promptly or at all.

The Government stated that the establishment of the PSPRB in England and Wales, and Northern Ireland was inextricably linked to the introduction of voluntary agreements in that the Prison Service gave up the right to set pay increases in exchange for the POA's agreement not to organise industrial action. The Government stated that recommendations of the PSPRB are not binding in law, but in practice they would only be departed from in exceptional circumstances and are complied with in practice.

The Committee recommended that the Government continued to ensure that the awards of the PSPRB are binding on the parties and may be departed from only in exceptional circumstances.

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<sup>i</sup> The Professional Trade Union for Prison, Correctional and Public and Private Mental Health Trust Service Providers.

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## Glossary of terms

ACH	Additional Committed Hours
ACHP	Pensionable Additional Committed Hours
AED	Area Executive Director
ASHE	Annual Survey of Hours and Earnings
AWDL	Average Working Days Lost
Covid-19	Coronavirus
CPI	Consumer Prices Index
CPO	Custody Prison Officer (Northern Ireland)
ECSL	End of Custody Supervised Licence
EEI	Employee Engagement Index
FTE	Full-time equivalent
GDP	Gross Domestic Product
HMIP	His Majesty's Inspectorate of Prisons
HMP	His Majesty's Prison
HMPPS	His Majesty's Prison and Probation Service (or the Prison Service)
HMPS	His Majesty's Prison Service
HMT	His Majesty's Treasury
HMYOI	His Majesty's Young Offenders Institution
IDR	Incomes Data Research
ILO	International Labour Organization
LPA	Locality Pay Allowance
MoJ	Ministry of Justice
NDTSG	National Dog and Technical Support Group
NHS	National Health Service
NLW	National Living Wage
NTRG	National Tactical Response Group
OBR	Office for Budget Responsibility
OME	Office of Manpower Economics
ONS	Office for National Statistics
ORRU	Operational Response and Resilience Unit
OSG	Operational Support Grade
PCS	Public and Commercial Services Union
PEI	Physical Education Instructor
PGA	Prison Governors' Association
POA	The Professional Trade Union for Prison, Correctional and Public and Private Mental Health Service Providers
PSPRB	Prison Service Pay Review Body
RHA	Required Hours Addition/Allowance
SANEO	Shaping a New Employee Offer
SPS	Scottish Prison Service
SRA	Supplementary Risk Allowance (Northern Ireland)
TOIL	Time off in lieu

TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006
UWH	Unsocial Working Hours allowance
YCS	Youth Custody Service
YOI	Young Offender Institution

## His Majesty’s Prison and Probation Service in England and Wales and our remit group

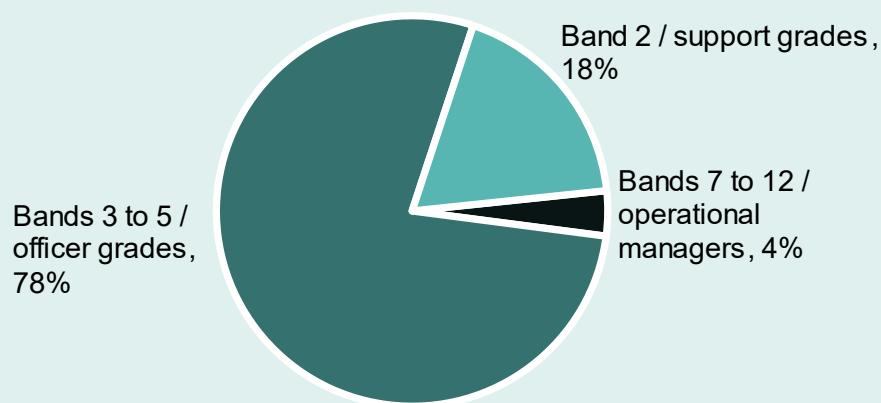
His Majesty’s Prison and Probation Service (HMPPS) is responsible for adult and young offender management services for England and Wales within the framework set by the Government. It is an Executive Agency of the Ministry of Justice. The agency currently manages His Majesty’s Prison Service and the Probation Service. In addition, it oversees privately run prisons and services such as the prisoner escort service and electronic tagging. Its role is to commission and provide offender management services in the community and in custody, ensuring best value for money from public resources. It works to protect the public and reduce reoffending by delivering the punishments and orders of the courts and supporting rehabilitation by helping offenders to reform their lives.

At 29 December 2023, the prison population across the public and private sector was 87,216, a 6.1% increase from the previous year.<sup>ii</sup>

HMPPS’s paybill costs relating to the remit group were approximately £1.4 billion for the period 1 April 2022 to 31 March 2023 (including employer National Insurance and other pension costs).

At the end of December 2023 there were 29,830 full-time equivalent (FTE) staff in our remit, a 7% increase from the previous year. The composition is below.

### Our remit group (FTE staff) in England and Wales, at 31 December 2023<sup>iii</sup>



Grade	FTE staff
Bands 7 to 12 / operational managers	1,112
Bands 3 to 5 / officer grades	23,266
Band 2 / support grades	5,451

<sup>ii</sup> GOV.uk, (2023). *Prison population figures: 2023, Population bulletin: weekly 29 December 2023*. (online) Available at: <https://www.gov.uk/government/publications/prison-population-figures-2023> [accessed on 31 May 2024].

<sup>iii</sup> OME analysis of unpublished HMPPS data. Percentages may not sum to 100% due to rounding.

# Prison Service Pay Review Body 2024 report on England and Wales

## Executive Summary

This report sets out our recommendations on pay and allowances for operational prison staff. Our recommendations for 2024 are:

**Recommendation 1:** We recommend that from 1 April 2024, the Fair and Sustainable National Bands 3 and 5 base pay points and Band 4 spot rate be increased by 5%, as set out in Appendix D. This award to be consolidated and pensionable.

**Recommendation 2:** We recommend that from 1 April 2024 the Fair and Sustainable National Band 2 base pay spot rate be increased by 5%. This should be in addition to the National Living Wage increase that Band 2 staff received from 1 April 2024. This award to be consolidated and pensionable.

**Recommendation 3:** We recommend that from 1 April 2024, the Fair and Sustainable National Bands 8 to 11 be reduced in length from 20% to 10%, by increasing the minima, as set out in Appendix D. Those staff below the new minimum to move to that new minimum.

**Recommendation 4:** We recommend that from 1 April 2024, the Fair and Sustainable Bands 7 to 12 base pay minima and maxima, and spot rates be increased by 5%, as set out in Appendix D. This award to be consolidated and pensionable.

**Recommendation 5:** We recommend that from 1 April 2024, those closed grade staff who would not financially benefit from opting in to their equivalent Fair and Sustainable grade receive a non-consolidated, non-pensionable payment of 5% of base pay.

**Recommendation 6:** From 1 April 2024, we recommend that HMPPS ensures that all closed grade pay rates at least match the National Living Wage.

**Recommendation 7:** We recommend that from 1 April 2024 all closed grade staff who choose to opt in this year are moved on to the maximum of their respective Fair and Sustainable grade pay scale, range or spot rate. The opt in process should be expedited to start as close as possible to the publication date of this report.

**Recommendation 8:** We recommend that all staff (except those subject to formal poor performance procedures) on Fair and Sustainable Bands 3 and 5 who are in post on 31 March 2024 progress by one pay point, effective from 1 April 2024.

**Recommendation 9:** We recommend that all staff (except those subject to formal poor performance procedures) on Fair and Sustainable Bands 8 to 11 who are in post on 31 March 2024 receive a consolidated and pensionable progression increase of 3 $\frac{1}{3}$ %, capped at the 1 April 2024 band maximum.

**Recommendation 10:** We recommend that from 1 April 2024, the fixed cash pay differentials for the Fair and Sustainable Inner and Outer London zones be increased by 5% and continue to be applied consistently across all bands, positioning maxima at £4,847 and £3,187 respectively above the 37 hour National maxima. We also recommend adjusting minima and intermediate points so that progression steps are the same percentage as on the National bands. The increases are to be consolidated and pensionable.

**Recommendation 11:** We recommend that from 1 April 2024 the Operation Tornado rate for officers increases from £24.86 to £40 an hour and from £19 to £30 an hour for Operational Support Grades.

**Recommendation 12:** We recommend that from 1 April 2024 the dirty protest rate for periods of four hours or less per day is increased from £10 to £15 and for periods of over four hours per day from £20 to £30.

**Recommendation 13:** We recommended that from 1 April 2024, the Care and Maintenance of Dogs allowance be increased by 5% to £2,735 per annum to those with responsibility for a single dog. We further recommend that the rate for multiple dogs is set at 25% above the single dog allowance rate.

**Recommendation 14:** We recommend that, prior to the end of October 2024, His Majesty's Prison and Probation Service provides us with an overview of the pilot schemes and new initiatives it is running in relation to the reduction in the use of Payment Plus and Operational Support Grade overtime. We also request data on the percentage of hours being worked unsocially by Operational Support Grades nationally and broken down by establishment. We further recommend that His Majesty's Prison and Probation Service provides information in its written evidence on discussions with the unions it has had on Payment Plus, Operational Support Grade overtime and Operational Support Grade unsocial hours, along with a clear rationale for what it is proposing, even if no changes are being requested.

## Introduction

- i. This round has been conducted in line with our 2024-25 remit from the Government against the backdrop of a prison estate in England and Wales that is under significant strain, with a rising prison population and increasing levels of violence. While there appear to be early signs of an improved recruitment and retention picture for Prison Service staff, difficulties remain in specific locations and grades, with the Service needing to recruit thousands of staff each year simply to maintain a steady state.

## 2024 pay award

- ii. Our headline pay recommendation is for an increase of 5%, broadly in line with the average of pay awards across the economy. The main factors driving this recommendation are:
  - our objective to maintain the improved market position of Prison Service pay arising from our previous recommendations;

- our aim to give all staff a pay award, or the opportunity of accessing a pay award, which broadly reflects awards experienced by other workers in the rest of the economy;
  - our assessment that whilst data are starting to show improvements in recruitment and retention, there is insufficient evidence of a permanent improvement and we do not want to risk undermining the progress made over the last two years;
  - evidence that whilst motivation and morale may be slightly more positive in 2023 over the previous year, there is still significant room for improvement. Motivation and morale will be adversely affected by the increase in the levels of violence in prisons; and
  - continued economic uncertainty following a large drop in living standards during 2023 and awareness of the challenging public finance situation.
- iii. We further note that the recruitment and retention picture for Band 2 remains the most challenging for the Service. Band 2 staff will have already received a pay increase in April 2024 to ensure the Prison Service remains compliant with the National Living Wage (NLW) and we believe that our award should be in addition to this increase.

### **Pay band restructuring**

- iv. As we stated in our last report, we recognise His Majesty's Prison and Probation Service's (HMPPS) aspiration to shorten the ranges for Bands 8 to 11, but we consider that the minimum period to progress to the top of the range should not be less than three years. We therefore endorse HMPPS's proposed restructuring of Bands 8 to 10. However, we do not endorse the HMPPS proposal to change Band 11 to a spot rate and consider that the changes to Bands 8 to 10 should also be applied to Band 11.

### **Closed grades**

- v. Our recommendations would make it financially beneficial for even more closed grade staff to opt in to the Fair and Sustainable pay structure, leaving only a very small minority for whom that would not be the case. For those diminishing numbers of closed grade staff who would not financially benefit from opting in to Fair and Sustainable following our recommendations, we recommend a non-consolidated payment of 5% of base pay.
- vi. As for last year, we recommend that closed grades should continue to opt in to the maximum of their respective Fair and Sustainable grade, thus providing an incentive to opt in and ensuring that their experience is rewarded by not placing former closed grade staff on the same pay rates as less experienced staff.

### **Pay progression**

- vii. We make recommendations on progression for staff in Fair and Sustainable Bands 3 and 5 as they do not have contractual pay progression. As in previous years, HMPPS proposed one pay point progression for staff in Bands 3 and 5 who are not subject to formal poor performance procedures. As this is consistent with our recent approach, we recommend that all staff progress to the next pay point unless they are subject to formal poor performance procedures.

## **Allowances and payments**

- viii. This year we continued with our rolling review of allowances, focusing on the Operation Tornado and dirty protest allowances. Both allowances were recognised by HMPPS and the unions as needing significant investment, particularly as there are some recruitment and retention issues for Operation Tornado.
- Operation Tornado is critical to the safe running of prisons and the Prison Service cannot afford to run out of volunteers. We therefore recommend that the officer rate increases to £40 an hour and the Operational Support Grade (OSG) rate to £30 an hour.
  - Dirty protest allowance is paid to those officers and support grades directly dealing with prisoners in a dirty protest situation, some of the most unpleasant conditions staff are required to work under. We recommend that for periods of four hours or less per day this increases to £15 and for periods of over four hours per day this increases to £30.
  - We recommend no changes to other allowances except the increase by the headline 5% award for the Care and Maintenance of Dogs allowance.

## **Cost of our recommendations**

- ix. We estimate that our recommendations will result in an increase of approximately £72 million to the total paybill for our remit group, excluding pay progression and the statutory requirement to pay the NLW. This equates to around 1% of HMPPS's £6.1 billion annual budget for operating expenditure as of 2022-23. Our recommendations could also generate savings by improving staff retention thereby reducing training, overtime and Payment Plus costs.

## **Looking ahead**

- x. We have asked the parties to address several gaps in evidence notably including Payment Plus, OSG overtime and OSG unsocial working hours payments.
- xi. The timetable to which we work has been a source of considerable frustration for us and for our remit group for the last seven years. Written evidence has been received so late that the submission and publication of our report has been long after the 1 April pay effective date. We would, therefore, emphasise to the Government the importance of returning the pay round to its normal timetable, including a March publication and implementation in April. We are open to considering multiyear pay awards if that would assist in realigning implementation of the pay and allowance changes with the pay year.

## **Conclusion**

- xii. We believe our package of evidence-based recommendations balances the competing demands placed on us, builds on the progress already made and ensures a fair and appropriate pay award for all staff in our remit group, who perform a critically important, at times dangerous and often invisible, role on behalf of society.

Tim Flesher CB (*Chair*)

Mary Carter

Luke Corkill

Nigel Cotgrove

Judith Gillespie CBE

Roy Grant

Raj Jethwa





## Chapter 1: Introduction

### Our role

- 1.1 Established under statute<sup>1</sup> in 2001, the Prison Service Pay Review Body's (PSPRB) remit is 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 in Northern Ireland.
- 1.2 The staff covered by the PSPRB carry out an extremely important function and there are restrictions on their ability to take industrial action. The PSPRB was created as a compensatory mechanism for our remit group's loss of the right to take industrial action of any form. This was outlined in the 336<sup>th</sup> report<sup>2</sup> (2005) by the International Labour Organization (ILO), in which the Government gave a clear and unequivocal commitment only to depart from our recommendations in "exceptional circumstances" and agreed that such recommendations would be complied with in practice. This is a pledge the Government has since reaffirmed and not rescinded. This places a particular responsibility on the PSPRB, and it is one that we take very seriously when formulating our recommendations. Given this, the remit group should receive a full explanation of the "exceptional circumstances" that lead to any decision by the Government to reject any of our recommendations.
- 1.3 We were therefore pleased that the Minister of State for Justice reaffirmed to us the Government's pledge to the ILO in oral evidence this year. We also welcome the acknowledgement by the Lord Chancellor and Secretary of State for Justice, said as part of a response to a question in Parliament that prison officers are asked to undertake an extremely difficult job and one of the ways to assist them in this was to ensure that they were paid properly, and so the Government accepted "every last penny" of the PSPRB recommendation.<sup>3</sup>
- 1.4 We have standing terms of reference which outline that we should provide independent advice based on the relevant evidence available to us. We take account of our terms of reference when making our recommendations to Government, including:
  - Recruitment and retention factors. For example, whether the Prison Service can recruit and retain the numbers of suitably able staff that it requires;
  - Remit group morale;
  - Labour market issues, including regional and local data, and their effects on recruitment and retention;

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<sup>1</sup> The Prison Service (Pay Review Body) Regulations 2001 (SI 2001 No. 1161). (online) Available at: [http://www.legislation.gov.uk/ukxi/2001/1161/pdfs/ukxi\\_20011161\\_en.pdf](http://www.legislation.gov.uk/ukxi/2001/1161/pdfs/ukxi_20011161_en.pdf) [accessed on 31 May 2024]. The PSPRB covers England and Wales, and Northern Ireland; the Scottish Prison Service is outside our remit.

<sup>2</sup> The International Labour Organization, (2005). *336th Report of the Committee on Freedom of Association*. (online) Available at: [https://www.ilo.org/public/libdoc/ilo/P/09604/09604\(2005-88-series-B\).pdf](https://www.ilo.org/public/libdoc/ilo/P/09604/09604(2005-88-series-B).pdf) [accessed on 31 May 2024].

<sup>3</sup> Parliament UK, (2024). *Hansard – Prisons and Probation: Foreign National Offenders – Volume 747: debated on Tuesday 12 March 2024*. (online) Available at: <https://hansard.parliament.uk/commons/2024-03-12/debates/841C7297-E462-40E6-A461-66F25D55B1E3/PrisonsAndProbationForeignNationalOffenders> [accessed on 31 May 2024].

- The legal obligations placed on the Prison Service, including anti-discrimination legislation;
- Affordability of our proposals and the funds available to the Prison Service;
- The Government's inflation target;
- The competitiveness of the Prison Service with the private sector, taking account of any differences in terms and conditions and taking account of the broad employment package; and
- The economic and other evidence submitted by the Government, trade unions, staff, professional associations, and others.

## Outcome of our last report

- 1.5 In our 2023 report for England and Wales, we recommended the following for Fair and Sustainable grades: a £2,000 increase to the Band 2 spot rate; a 7% increase for Bands 3 to 5; and a 5% increase for Bands 7 to 12. However, we chose to recommend no pay award for those closed grade staff who, for the first time for many, would financially benefit from opting in to their equivalent Fair and Sustainable grade. We recommended that those closed grades who would not financially benefit from opting in should be paid a non-consolidated award of £1,500. We also made recommendations covering: pay progression; the introduction of a Band 7 spot rate; and allowances.
- 1.6 The Government accepted all of our recommendations in full, confirming this by Written Ministerial Statement<sup>4</sup> in Parliament on 19 July 2023. The recommendations were implemented in autumn 2023 and backdated to 1 April 2023.

## Our remit this year

- 1.7 The position in relation to public sector pay rises remains the same as was announced in the Autumn Budget and Spending Review 2021. The Chancellor of the Exchequer confirmed that public sector workers would receive pay rises over the three years, 2022-23 to 2024-25, because economic and labour market recovery would allow a return to a normal pay setting process. In His Majesty's Treasury's (HMT) economic evidence<sup>5</sup> to all eight public sector Pay Review Bodies in February 2024, it reiterated this position and noted that departments were facing their tightest year of the three year Spending Review, partly because departments had faced two years of above affordability pay awards, alongside an array of other pressures such as the tightness of the labour market and inflation.
- 1.8 The Minister of State for Prisons, Parole and Probation, the Rt Hon Edward Agar MP, wrote to our Chair on 20 December 2023 asking us to commence our work for the 2024-25 pay round. The letter (transcript at Appendix A) contained no restrictions, whilst drawing our attention to the "historically high pay awards" last year, with pay being only one element of improving working conditions. We have

<sup>4</sup> UK Parliament, (2023). *Justice system update. Statement made on 13 July 2023.* (online) Available at: <https://questions-statements.parliament.uk/written-statements/detail/2023-07-13/hcws941> [accessed on 31 May 2024].

<sup>5</sup> GOV.uk, (2024). *Economic Evidence to the Pay Review Bodies: February 2024.* (online) Available at: <https://www.gov.uk/government/publications/economic-evidence-to-the-pay-review-bodies-february-2024> [accessed on 31 May 2024].

therefore made recommendations which we consider appropriate in light of all the evidence available to us, including the evidence presented by the Ministry of Justice and HMT, both written and oral. Our response confirming our timetable for submission of this report is at Appendix B.

### **Our timetable**

1.9 As has been the case since 2016, the timetable is again running late and will yet again result in staff receiving their pay award after the 1 April implementation date. The delays are unacceptable and extremely frustrating for everyone concerned, but in particular for our remit group. We hear consistently from staff on our visits, that this delay and back payment in the form of a lump sum can have significant adverse financial implications for them. We continue to press the Government to enable us to return to the position where we submit our report in February, with Government responding in March. Due to the late receipt of the Government's written evidence, we were not able to meet its proposed submission date of May 2024 because we need to take the necessary time to ensure that we deliver a coherent set of recommendations firmly based on all the evidence available.

### **Our evidence base**

1.10 All the parties representing staff in our remit group were invited to submit evidence to us and we received written evidence from them all. We also heard representations in oral evidence from:

- The Minister of State for Prisons, Parole and Probation, the Rt Hon Edward Argar MP, and His Majesty's Prison and Probation Service (HMPPS) officials led by its Director General Operations, Phil Copple.
- The POA, represented by Mark Fairhurst, National Chair, Steve Gillan, General Secretary and Dave Todd, Vice National Chair.
- The Prison Governors' Association (PGA), led by Tom Wheatley, PGA President, Carl Davies and Shaun Williamson, PGA National Officers.
- The Public and Commercial Services (PCS) union, represented by Susan Webb and Nigel Wharrier, PCS HMPPS Joint Branch Vice Chairs and Sheila Pevely, PCS Full-Time Officer.

1.11 We base our recommendations on evidence from a range of sources. These include:

- Written and oral evidence from the parties (as above);
- Economic data from a number of sources, including the Office for National Statistics and the Office for Budget Responsibility;
- Statistical data provided by HMPPS on the composition of our remit group and its pay, which we shared with all the parties, along with publicly available data published on its website;
- The Incomes Data Research 2019 report on prison staff pay comparability, with pay data updated each year by our secretariat;

- The 2023 Civil Service People Survey results for HMPPS along with a departmental readout for the Prison Service;
- Information gathered during our 2023 prison visits (see below);
- Information on recruitment and retention from HMPPS; and
- His Majesty's Inspectorate of Prisons (HMIP) inspection reports and the HMIP 2022-23 annual report.

## **Visits**

- 1.12 In September to November 2023, we visited seven public sector prisons, one private sector prison and the Operational Response and Resilience Unit based in Hatfield Woodhouse and held two virtual discussion groups with Band 12 staff (listed at Appendix C). The visit to Hatfield Woodhouse enabled us to speak to staff working in the National Tactical Response Group and National Dog and Technical Support Group and we also held two virtual discussion groups with staff who were Operation Tornado trained. Our visits and virtual discussion groups gave us a wide range of evidence, with key themes relating to: feedback on our last pay award; the cost of living and impact of inflation and other factors; recruitment and retention; motivation and morale; and to hear evidence on dirty protest and Operation Tornado payments that we are specifically considering as part of this report. A summary of the main points from our discussion groups with staff can be found in Chapter 2.
- 1.13 Annual visits are an important and integral part of our process, which enable us to engage directly with our remit group. Our visits give us many valuable insights into their experience of working in prisons and help us to understand the concerns they may have, their working conditions and the pressures they work under. This helps us to test the evidence provided to us by the parties by giving direct access to those most affected by our recommendations. At this point we wish to place on record our sincere thanks to all of those who made the practical arrangements for our visits and to those staff who volunteered to speak to us, some of whom did so in their own time.

## **Our 2024 report**

- 1.14 This report follows the usual format from past reports. Chapter 2 sets out the economic, financial and environmental context, and summarises the evidence we received. In Chapter 3 we set out detailed information on our remit group, including data on its composition, and report on other issues covered by our terms of reference. Chapter 4 sets out our analysis of the evidence and our 2024 recommendations. Chapter 5 is our final chapter where we outline areas which we think the parties should give further attention to in advance of our 2025 report.

## Chapter 2: Context and the parties' proposals

### Introduction

2.1 This chapter sets out the context for our recommendations. It provides information on the economic situation and describes both the financial and environmental context in which His Majesty's Prison and Probation Service (HMPPS) made its proposals and how these, together with the evidence from other parties, have informed our recommendations. We end this chapter with the parties' proposals for this pay year, along with a summary of the main points from our visits that took place between September and November 2023.

### Economic context

2.2 Our recommendations are informed by economic evidence from a range of sources, using the latest data available. This includes reviewing key economic indicators, including inflation, which has fallen quite sharply from its peak in October 2022, and UK economic growth which, although improving, remained weak in historic terms. In its March 2024 Economic and Fiscal Outlook,<sup>6</sup> the Office for Budget Responsibility (OBR) reported that real household disposable income grew by 0.8% in 2023-24. This followed a fall of 2.2% per cent in 2022-23 – the largest year-on-year drop since records began in 1956-57, demonstrating the volatility of the economic context. The OBR expected real household disposable income to continue its rebound and grow on average by 1% per cent a year over the five-year forecast period.

### Economic activity

2.3 UK Monthly Gross Domestic Product (GDP) was estimated to have grown by 0.4% in March 2024, following growth of 0.2% in February 2024 and 0.3% in January. Real GDP was estimated to have grown by 0.6% in the three months to March 2024, compared with the three months to December 2023. GDP in March 2024 was estimated to be 2.2 per cent higher than the pre-pandemic level in January 2020.<sup>7</sup> According to the OBR, GDP growth is expected to pick up to 0.8% for 2024.

### Inflation

2.4 The Consumer Prices Index (CPI), fell back from its peak of 11.1% in October 2022, rising by 3.2% in the 12 months to March 2024. The CPI including owner occupiers' housing costs (CPIH) rose by 3.8% in the 12 months to March 2024, unchanged from February.<sup>8</sup> In its March forecast, the OBR expected CPI inflation to fall further to an average of 2.2% in 2024 and 1.5% in 2025.<sup>9</sup> This forecast is partially driven by anticipated falls in global energy prices.

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<sup>6</sup> OBR, (2024). *Economic and fiscal outlook – March 2024*. (online) Available at: <https://obr.uk/efo/economic-and-fiscal-outlook-march-2024/> [accessed on 31 May 2024].

<sup>7</sup> ONS, (2024). *GDP monthly estimate, UK: March 2024* (online) Available at: <https://www.ons.gov.uk/economy/grossdomesticproductgdp/bulletins/gdpmonthlyestimateuk/march2024> [accessed on 31 May 2024].

<sup>8</sup> ONS, (2024). *Consumer price inflation, UK: March 2024* (online) Available at: <https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/march2024> [accessed on 31 May 2024].

<sup>9</sup> OBR, (2024). *Economic and fiscal outlook – March 2024*. (online) Available at: <https://obr.uk/efo/economic-and-fiscal-outlook-march-2024/> [accessed on 31 May 2024].

## *Employment and earnings*

- 2.5 The UK unemployment rate was estimated at 4.2% in the three months to February 2024, which is above estimates of a year earlier (December 2022 to February 2023) and up on the previous quarter.<sup>10</sup> The OBR has forecast a moderate rise in the unemployment rate, peaking at 4.5% in the last quarter of 2024.<sup>11</sup>
- 2.6 The UK employment rate was generally on an upward trend from 2012 but decreased from the start of the coronavirus (Covid-19) pandemic. After increasing from the end of 2020, the rate was estimated at 74.5% in December 2023 to February 2024, 0.7 percentage points lower than a year earlier and 1.7 percentage points lower than before the Covid-19 pandemic (December 2019 to February 2020).<sup>12</sup>
- 2.7 After generally falling since the early 1970s, the economic inactivity rate increased during the Covid-19 pandemic (from 20.5% in the three months to February 2020 to 21.6% in the three months to February 2021) and has since fluctuated around the same rate. This rate was estimated at 22.2% in the three months to February 2024, compared with 21.6% a year earlier.<sup>13</sup>
- 2.8 There were 916,000 total estimated job vacancies in January 2024 to March 2024, down by 204,000 from the level of a year previously, although they remained 120,000 above their pre-Covid-19 pandemic (January to March 2020) levels.<sup>14</sup>
- 2.9 According to the Average Weekly Earnings series, annual growth in average total pay (including bonuses) was 5.6% for the whole economy in December 2023 to February 2024 (see Table 2.1).<sup>15</sup>

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<sup>10</sup> ONS, (2024). *Employment in the UK: April 2024*. (online) Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/uklabourmarket/april2024> [accessed on 31 May 2024].

<sup>11</sup> OBR, (2024). *Economic and fiscal outlook – March 2024*. (online) Available at: <https://obr.uk/efo/economic-and-fiscal-outlook-march-2024/> [accessed on 31 May 2024].

<sup>12</sup> ONS, (2024). *Employment in the UK: April 2024*. (online) Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/uklabourmarket/april2024> [accessed on 31 May 2024].

<sup>13</sup> Ibid.

<sup>14</sup> ONS, (2024). *Vacancies and jobs in the UK: April 2024*. (online) Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/jobsandvacanciesintheuk/april2024> [accessed on 31 May 2024].

<sup>15</sup> ONS, (2024). *Average weekly earnings in Great Britain: April 2024*. (online) CPI adjusted figures used for real earnings. Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/averageweeklyearningsingreatbritain/april2024> [accessed on 31 May 2024].

**Table 2.1: Average Weekly Earnings annual growth rates, seasonally adjusted, December 2023 to February 2024.<sup>16</sup>**

Average Weekly Earnings	Whole Economy (%)	Private Sector (%)	Public Sector (%)
Total pay (including bonuses)	5.6	5.6	6.0
Regular pay (excluding bonuses)	6.0	6.0	6.1
Real total pay (including bonuses)	1.8	-	-
Real regular pay (excluding bonuses)	2.1	-	-

2.10 From a 30-year peak of nearly 7% in 2023, the OBR projected whole-economy nominal<sup>17</sup> earnings growth of 3.6% in 2024 in its March 2024 forecast. It expected nominal earnings growth to fall to around 2% in 2025 and 2026. The OBR forecasted real earnings to grow by 1.4% in 2024.<sup>18</sup>

2.11 Brightmine (formerly XpertHR), which collates data on pay settlements in the public and private sectors, reported a median pay award of 4.8% for the three months to March 2024. Pay settlement medians were at 6% in 2023 but fell to around 5% for 2024 pay reviews. 59% of pay awards in 2024 were at 5% or higher, compared with 77% in 2023 and 40% in 2022. Only 17% of awards between January and April 2024 were below 4%.<sup>19</sup>

### *National Living Wage*

2.12 The National Living Wage (NLW) increased from £10.42 to £11.44 an hour from 1 April 2024, an increase of 9.8%.<sup>20</sup> This year also saw the rate extended to cover those aged 21 and over compared to last year which was 23 and over. The Low Pay Commission noted that this uplift would achieve the target first set by the Government in 2019 of ensuring that the NLW would be equal to two-thirds of median hourly pay for those aged 21 and over.

2.13 The increase to the NLW, coupled with the lateness of this year's timetable, means some of the lower paid staff in our remit will see their pay increase from 1 April 2024, to ensure that HMPPS remains compliant with the NLW. This will mean that the following grades in our remit will see their full-time equivalent base pay increase prior to any recommendations that we make:

- Closed grade Operational Support Grade (OSG) from £21,757 to £23,290, a 7.0% increase.
- Closed grade OSG (off-scale) from £21,214 to £23,290 a 9.8% increase.

<sup>16</sup> ONS, (2024). *Average weekly earnings in Great Britain: April 2024*. (online) Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/averageweeklyearningsingreatbritain/april2024> [accessed on 31 May 2024].

<sup>17</sup> Not adjusted for inflation.

<sup>18</sup> OBR, (2024). *Economic and fiscal outlook – March 2024*. (online) Available at: <https://obr.uk/efo/economic-and-fiscal-outlook-march-2024/> [accessed on 31 May 2024].

<sup>19</sup> OME analysis of Brightmine (formerly XpertHR) data – April 2024. Available to Brightmine subscribers.

<sup>20</sup> GOV.uk, (2024). *National Minimum Wage and National Living Wage rates*. (online) Available at: <https://www.gov.uk/national-minimum-wage-rates> [accessed on 31 May 2024].



- Closed grade Night Patrol from £23,933 to £26,276 a 9.8% increase.
- Closed grade Prison Auxiliary from £21,214 to £23,290 a 9.8% increase.
- Closed grade G4S Security Officer from £21,443 to £23,290, an 8.6% increase.
- National Band 2 OSG 37 hour base pay spot rate from £21,355 to £22,095 a 3.5% increase.<sup>21</sup>

### *Industrial disputes*

2.14 On industrial disputes, the Office for National Statistics reported that there were around 165,000 working days lost in the UK during January 2024, lower than in January 2023 (210,000) and well below the recent peak of 830,000 in December 2022. The majority of working days lost were in the public sector, particularly in health and social work.<sup>22</sup>

### **Financial context**

2.15 In Chapter 1 we note the financial context in relation to public sector pay and the Spending Review 2021. In the March 2024 Spring Budget,<sup>23</sup> the Chancellor noted that the Prime Minister announced at the beginning of 2023 that the Government had five priorities, three of which were economic: to halve inflation, grow the economy and reduce debt. As part of its Public Sector Productivity Programme the Government said it is spending £170 million to deliver a justice system fit for the modern era, which includes £100 million into prisons to support rehabilitative activities and reduce reoffending. In addition, the Government said it would invest £16 million in prison workshops and a further £6 million to speed up digitalisation in prisons. However, despite this additional investment, the Ministry of Justice (MoJ) and HMPPS's financial context remains very challenging, as it is for other unprotected departments, in the final year of the 2021 Spending Review settlement.

### *Affordability*

2.16 Affordability continues to remain a key issue for HMPPS and in its evidence it stated that one of its five strategic objectives this year was to remain within its budget. It noted that our 2023-24 recommendations had a total cost to HMPPS of £145 million, around £55 million more than it had budgeted for in its proposals. HMPPS said this had led to difficult reprioritisation decisions within the Department. HMPPS stated that given the last two awards had exceeded its affordability envelope, the MoJ would not be in a position to provide a similar pay award without reducing funding for other key elements of the criminal justice system.

2.17 This year, HMPPS provided us with no base pay proposals, except the requirement to meet its NLW commitments. It stated that the value of the award was to be

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<sup>21</sup> For the purpose of calculating compliance with the NLW this is based on the 37 hour base pay rate, with the 20% unsocial hours payment calculated from this rate. This increase to the National Band 2 Fair and Sustainable 37 hour base pay rate will also increase the pay for those Band 2 staff in Inner and Outer London and those on 39 hour contracts, as those rates are also calculated from the National Band 2 37 hour base pay rate.

<sup>22</sup> Office for National Statistics, (2024). *LABD: Labour disputes in the UK*. (online) Available at: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/workplacedisputesandworkingconditions/datasets/labdlabourdisputesintheuk> [accessed on 31 May 2024].

<sup>23</sup> GOV.uk, (2024). *Spring Budget 2024*. (online) Available at: <https://www.gov.uk/government/publications/spring-budget-2024> [accessed on 31 May 2024].

proposed by us, but that we should make affordability a critical part of our considerations along with the need to manage overall paybill growth. HMPPS also noted that, according to its exit surveys, pay and reward was no longer in the top five reasons for people leaving the Service. In oral evidence the Minister and His Majesty's Treasury (HMT) told us that as part of the 2021 Spending Review, departmental budgets assumed a 2% increase for pay, with any awards above this needing to be offset by savings elsewhere in HMPPS's budget.

## Environmental context

- 2.18 The Prison Service and our remit group continue to face a number of considerable challenges, some of which are likely to remain over the medium term and possibly the longer term. The prison estate in England and Wales has come under significant strain over the last year, especially in relation to the rising prison population, which we discuss later. The Government said it has engaged in the largest prison building programme since the Victorian era to relieve these pressures, although many of those Victorian prisons remain the backbone of the prison estate. The Service has needed to use police cells as part of Operation Safeguard<sup>24</sup> and, more recently, the Secretary of State for Justice announced<sup>25</sup> in Parliament that the End of Custody Supervised Licence (ECSL) measures for low-level offenders will increase from 35 to 60 days to relieve pressures on the estate. It was reported that from 23 May 2024 the ECSL scheme would be extended from up to 60 to up to 70 days.<sup>26</sup>
- 2.19 Shortly before the submission of this report, the Government was reported<sup>27</sup> to have implemented Operation Early Dawn. This scheme would see the criminal justice system delaying the start of some court cases, resulting in those lower-level risk defendants being released on bail rather than being sent to prison on remand. Staff on visits also commented on the economic challenges they had been facing in their personal lives, the difficulties in recruitment and retention, prison overcrowding and increasing levels of violence.

## One HMPPS Programme

- 2.20 HMPPS is continuing with its One HMPPS programme and is renewing its focus on operational delivery, both nationally and regionally, by developing a new area model and a review of staffing at headquarters. HMPPS said in its written evidence that the programme aims to decentralise decision making to regional levels while also cutting costs. It has introduced seven areas that bring together three prison groups and two probation groups, each led by a new Area Executive Director (AED) at Senior Civil Service Director level. These AEDs took up their roles in October and November 2023 and are expected by April 2024 to be setting priorities for 2024-25. Over the

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<sup>24</sup> Operation Safeguard is operated under the Imprisonment (Temporary Provisions) Act 1980 and is where the Prison Service use police cells to hold prisoners who cannot be accommodated in prison for, generally, one night.

<sup>25</sup> UK Parliament, (2024). *Hansard: Foreign National Offenders, Prisons and Probation – Volume 747: debated on Monday 11 March 2024*. (online) Available at: <https://hansard.parliament.uk/Commons/2024-03-11/debates/24031148000017/ForeignNationalOffendersPrisonsAndProbation> [accessed on 31 May 2024].

<sup>26</sup> UK Parliament, (2024). *End of Custody Supervised Licence: Extension – Volume 749: debated on Wednesday 8 May 2024*. (online) Available at: <https://hansard.parliament.uk/Commons/2024-05-08/debates/E7D50ECB-6DE4-4EB9-B361-73D99C4BE899/EndOfCustodySupervisedLicenceExtension#contribution-6F1219EE-E56A-4BEC-A4C9-94ABDEA96933> [accessed on 31 May 2024].

<sup>27</sup> BBC News, (2024). *Court delays imposed after pressure on prison places*. (online) Available at: <https://www.bbc.co.uk/news/uk-politics-69014154> [accessed on 31 May 2024].

coming 12 months HMPPS notes that the AEDs' priorities may also include improving recruitment and retention.

- 2.21 As part of the One HMPPS programme, HMPPS also conducted a review of its headquarters functions which it said would see a streamlined headquarters focusing on supporting frontline operations. The headquarters review should also release savings for HMPPS but in a way that protects frontline operational staff. The Prison Governors' Association (PGA) stated in its written evidence that HMPPS was forced to restructure whereas it believes extra funding should be found for the Service, rather than increasing the level of scrutiny of prisons. The Public and Commercial Services (PCS) union said it had reservations about whether the reorganisation of headquarters would make any difference to the daily running of prisons, but any restructure would have a "massive" impact on headquarters staff.

### *Prison population*

- 2.22 The prison population at 29 December 2023,<sup>28</sup> across the public and private sector was 87,216, 6.1% higher than the previous year. On 3 May 2024 this was 87,505, an increase of 0.3%.<sup>29</sup> The useable operational capacity<sup>30</sup> across the estate in England and Wales at 29 December 2023 was 88,987, 5.5% higher than 12 months earlier.<sup>31</sup> The useable operational capacity on 3 May 2024 was 88,895, a decrease of 0.1%.<sup>32</sup>
- 2.23 HMPPS publishes five-year prison population projections for England and Wales each year. The projections for 2023 to 2028<sup>33</sup> show that the prison population is to increase to between 94,600 and 114,800 prisoners by March 2028. Should HMPPS's upper end projections materialise, then this would see the prison population in England and Wales increase by around 29% between May 2024 and March 2028. HMPPS notes however, there are uncertainties around these projections, especially around how the courts will reduce the outstanding caseload and the impact of police charging activity on future numbers. Future sentencing policy and potential changes to the timing of prisoner release on licence/parole may also result in variation from these projections.
- 2.24 HMPPS data indicate there was an average of 2.4 prisoners per full-time equivalent remit group staff member, at 31 March 2023, up slightly from 2.3 the previous year. The data also show that there was an average of 3.1 prisoners per full-time equivalent Band 3 to 5 officer, up slightly from 3.0 the previous year.<sup>34</sup>

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<sup>28</sup> GOV.uk, (2023). *Prison population figures: 2023, Population bulletin: monthly December 2023*. (online) Available at: <https://www.gov.uk/government/publications/prison-population-figures-2023> [accessed on 31 May 2024].

<sup>29</sup> GOV.uk, (2024). *Prison Population figures: 2024, Population bulletin: weekly 3 May 2024*. (online) Available at: <https://www.gov.uk/government/publications/prison-population-figures-2024> [accessed on 31 May 2024].

<sup>30</sup> Useable Operational Capacity of the estate is the sum of all establishments' operational capacity less 2,000 places.

<sup>31</sup> GOV.uk, (2023). *Prison population figures: 2023, Population bulletin: monthly December 2023*. (online) Available at: <https://www.gov.uk/government/publications/prison-population-figures-2023> [accessed on 31 May 2024].

<sup>32</sup> GOV.uk, (2024). *Prison Population figures: 2024, Population bulletin: weekly 3 May 2024*. (online) Available at: <https://www.gov.uk/government/publications/prison-population-figures-2024> [accessed on 31 May 2024].

<sup>33</sup> GOV.uk, (2024). *Prison Population Projections: 2023 to 2028*. (online) Available at: <https://www.gov.uk/government/statistics/prison-population-projections-2023-to-2028> [accessed 31 May 2024].

<sup>34</sup> OME analysis of unpublished HMPPS data.

## *His Majesty's Inspectorate of Prisons annual report*

- 2.25 His Majesty's Inspectorate of Prisons (HMIP) is an Arm's Length Body of the MoJ, whose purpose is to "ensure the independent inspection of places of detention, report on conditions and treatment and promote positive outcomes for those detained and the public". In 2022-23, HMIP published 83 inspections, independent reviews of progress and thematic reports.
- 2.26 In the HMIP 2022-23 annual report,<sup>35</sup> published in July 2023, the Chief Inspector, Charlie Taylor, noted that despite the ending of Covid-19 restrictions in May 2022 many establishments were continuing to operate reduced regimes. He also noted a number of reasons for reduced regimes. Those related to our remit included insufficient prison officer numbers and inexperienced staff. It was also noted that in some prisons there was a nervousness that opening regimes would lead to levels of violence that had been experienced before Covid-19 and Governors were concerned about opening regimes with inexperienced staff.
- 2.27 The Chief Inspector was very clear that staffing issues remained a significant barrier to providing an improved service. He stated: "Major staff shortfalls continued to have a devastating effect on the delivery of good outcomes for prisoners." During oral evidence at the Justice Committee's inquiry into future prison population and estate capacity in November 2023,<sup>36</sup> the Chief Inspector highlighted that, while there had been a big increase in the capacity of some prisons, the footprint had not changed, so there was not enough space for purposeful activity. This meant that prisoners were locked in their cells for long periods, with not enough to do.
- 2.28 The Chief Inspector also considered that it was astonishing that governors played no part in the selection of officers under their command and would only meet these on their first day of work at their establishment. Governors thought that there were new recruits who were not suitable for the role and the Chief Inspector noted the number of leavers in the first year of service supported this assessment. He also said it was too early to see the longer-term impact of recent pay increases, but for many prisons, especially in the south of England, recruitment and retention would remain challenging. While recruitment and retention problems could be broadly attributable to the employment climate and market forces, it was also clear that other factors, like lack of management support and unmet expectations about the nature of prison work, also played a part. It was felt that the Service did not do enough to nurture and retain its most talented staff to ensure they became leaders in the future. He also considered that the most valuable resource in prisons was the best 20 or 30 governors who were visionary, dynamic, courageous and inspiring. The hierarchical nature of prisons meant there were limits on autonomy which could stifle creativity and risk-taking.
- 2.29 In the coming year, the Chief Inspector hoped to see some significant improvements in the time prisoners were out of their cells, engaged in purposeful activity. He concluded that the best governors had shown what was possible, and that it was now time for others to follow that lead.

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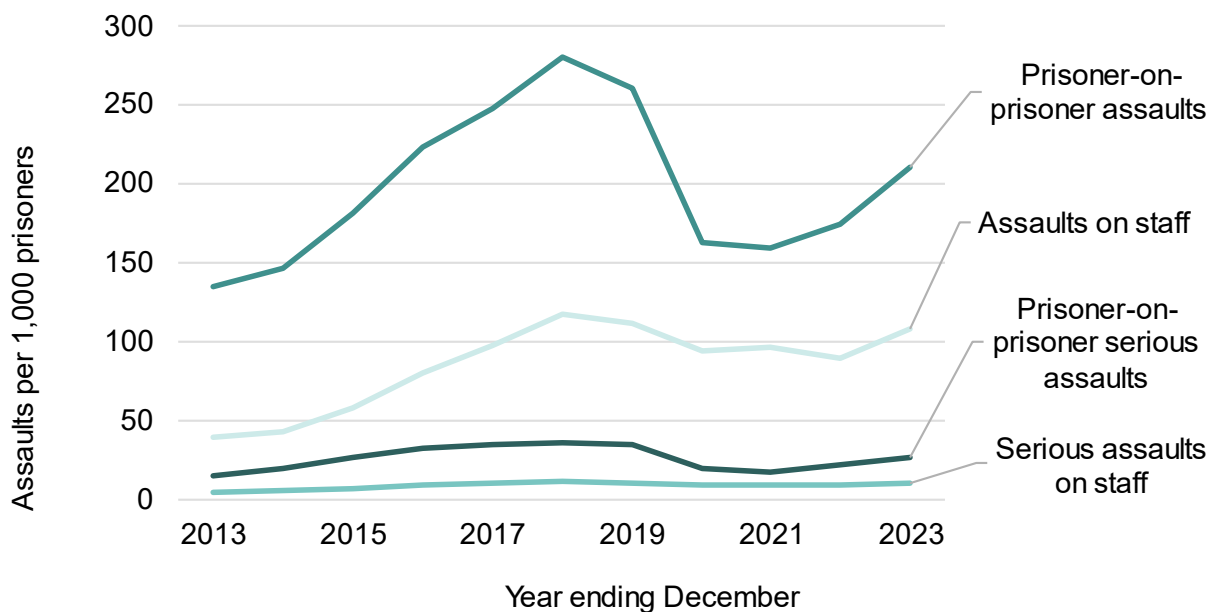
<sup>35</sup> HM Inspectorate of Prisons, (2023). *Annual Report 2022-23*. (online) Available at: [https://hmiprisons.justiceinspectorates.gov.uk/hmipris\\_reports/annual-report-2022-23/](https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/annual-report-2022-23/) [accessed on 31 May 2024].

<sup>36</sup> UK Parliament, (2023). *21 November 2023 – Future prison population and estate capacity – Oral evidence: at 2:30pm*. (online) Available at: <https://committees.parliament.uk/event/19786/formal-meeting-oral-evidence-session/> [accessed on 31 May 2024].

## Safety in custody

2.30 HMPPS data show that violence had been increasing from 2013, reaching its highest level on record in 2018.<sup>37</sup> There was then a fall in all assault incidents during Covid-19 but levels started to increase from 2022, although they have not reached the levels of 2018. The overall rate of assaults per 1,000 prisoners in 2023 increased by 20% on 2022 levels (on prisoners and staff combined). The rate of serious assaults on staff per 1,000 prisoners increased by 13% when compared to 2022 data (see Figure 2.1).<sup>38</sup>

**Figure 2.1: Annual assaults in custody, 12 months to 31 December 2013-2023<sup>39</sup>**



2.31 As we noted last year, violence in prison not only has an impact on staff but also financial implications for the Service. Reducing levels of violence can have direct savings on the costs of compensation for staff and prisoners, the related costs of sickness absence and more time for prisoners to attend rehabilitative programmes. Lower levels of violence would allow HMPPS to free up elements of its finances to spend on other important areas.

2.32 Staff also have to deal with the physical and psychological impacts of prisoner self-harm as part of their day-to-day duties. Incidents of self-harm had been increasing steadily from the 12 months ending 2013 to the 12 months ending 2019, just prior to Covid-19 in both male and female establishments. The number of incidents fell slightly over Covid-19, although were still high by historic trends, before increasing in the 12 months ending December 2023 to the highest rates in the published time series. The total number of self-harm incidents reached 70,875 in the 12 months to December 2023, this was 12.5% higher than the peak in the 12 months to December

<sup>37</sup> We note that from April 2018 the methodology for collate violence statistics changed to no longer include those establishments within the Youth Custody Service.

<sup>38</sup> GOV.uk, (2024). *Safety in custody: quarterly update to December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2023> [accessed on 31 May 2024].

<sup>39</sup> Ibid.

2019 and 27.9% higher than the 12 months ending December 2022. This masks some significant variation between the male and female estates, with male incidents of self-harm being slightly above the pre-Covid-19 level (12 months ending December 2019) with female incidents of self-harm increasing by 62.0% over the same three year period.<sup>40</sup>

2.33 HMPPS said that it was taking urgent action to improve prison safety and security, with the safety of its staff being of crucial importance. When staff do not feel safe, they may decide to leave. HMPPS accepted that there was a link between staffing levels and prison violence and having large numbers of prisoners per officer was associated with increases in rates of both prisoner on prisoner and prisoner on staff assaults. In its written evidence, HMPPS noted a range of initiatives that it said would improve safety and security. Some of these are:

- Embedding the Challenge, Support and Intervention Plan, the framework for managing violence, along with rolling out violence reduction training to staff.
- Introducing PAVA synthetic pepper spray to the final adult male establishment in March 2024, alongside SPEAR<sup>41</sup> training, body worn cameras, and rolling out rigid bar handcuffs to staff.
- The final evaluation report for alternatives to wet-shave razors is due for completion in Spring 2024.
- A number of training programmes to help staff deal with suicide and self-harm.
- There were also a number of security improvements, such as body and baggage scanners, enhanced gate security and expansion of the Counter Corruption Unit.

2.34 The POA stated that prison regimes had reverted to the pre-Covid-19 levels of “chaos” and increased levels of violence. The union said the Service had not learnt the lessons from Covid-19 regimes and the opportunity to make regimes safe had disappeared. It stated that there was an upward trajectory of prisoner on prisoner and prisoner on staff assaults over the last 12 months. The PGA noted in its written evidence that the level of violence was too high and assaults on staff were a serious problem in many prisons, particularly at Young Offender Institutions. The union said it was concerned that some of the current initiatives being developed could repeat the previous experience of benchmarking, which resulted in an “explosion” in the levels of violence and self-harm.

### **Evidence from visits**

2.35 As noted in Chapter 1, we visited nine establishments and sites this year and held four virtual discussion groups (see Appendix C for the full list of locations visited and virtual discussion groups held). Below we outline in separate categories the main cross-cutting themes and issues raised with us. A summary of this was shared with the parties earlier this year.

2.36 The main issues raised about pay with us were:

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<sup>40</sup> GOV.uk, (2024). *Safety in custody: quarterly update to December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2023> [accessed on 31 May 2024].

<sup>41</sup> Spontaneous Protection Enabling Accelerated Response.

- Generally, most staff were positive about the level of the 2023 pay award, it had been the highest award most said they had seen. However, this positive award had been eroded by high inflation and cost of living pressures.
- Closed grades said they felt that they had been “blackmailed” or felt “forced” to opt in to Fair and Sustainable to achieve a pay award. Although some closed grades said they understood the reasoning and agreed all staff should be on a single set of pay scales.
- There was some dissatisfaction that the award for operational managers was lower than for other prison staff and felt lower than other public sector groups. There were mixed views on whether making Band 7 a spot rate was a positive development.
- Many staff felt there should be a larger pay gap between some bands to encourage promotion, particularly between Bands 3, 4 and 5, along with removing the overlap between the Band 7 spot rate and the Band 8 minimum.
- Some OSGs felt Band 2 pay was too far behind Band 3 pay. Some also felt that the communication of their pay rise was confusing as part had been from the changes to the NLW, so that the reported £2,000 increase for OSGs included changes already received to reach the legal minimum.
- The pay for Band 4 Physical Education Instructors was noted at a number of establishments, particularly those establishments where the main bulk of prison officers were evaluated as Band 4 specialist roles. They felt there should be an extra payment to recognise their additional specialist skills.
- Band 12 staff were pleased that the recommendations had been accepted in full in 2023 but commented that the rejected recommendation for Band 12 from the 2022 report should also be paid. Generally, it was felt that Band 12 pay was too close to the Band 11 pay scale which, in addition, attracted the unsocial hours element.
- Future pay awards needed to be consolidated and keep pace with inflation and the cost of living.

### 2.37 The main points raised on allowances this year were:

- Several discussion groups questioned the level of the unsocial working hours payments in Fair and Sustainable, feeling it was too low. Some staff felt this should be set at 30% of base pay. This was a particular issue for OSGs who said they routinely worked many more hours unsocially than other grades.
- Nearly all staff felt that the dirty protest payments were too low, with most considering the work covered by the payment to be some of the worst duties staff had to undertake.
- Operation Tornado payments were also felt to be too low. Some staff felt it should be at least £30 an hour and that there should be an enhanced rate for negotiators, the National Tactical Response Group (NTRG) and tornado commanders.

- Staff noted that the Payment Plus rate was only £3 less an hour than tornado pay, saying staff could work an “easier” bedwatch for similar money. Operation Tornado pay needed to be higher to incentivise staff to volunteer and, crucially, remain committed, undertake refresher training and be available for call-outs.
- Operation Tornado payments should start from the moment a member of staff was called out, not from the end of their scheduled shift if already working.
- There were concerns that the red and red plus market supplements received by Band 3s at certain establishments meant they were paid either the same or more than Band 4 staff.
- Staff were disappointed that the Payment Plus rate was not increased.

2.38 The main points raised around recruitment and retention were as follows:

- There were still concerns raised by staff about the recruitment process and the suitability of new starters. Many managers and Governing Governors said they felt the system could be improved by prisons being able to interview new Band 3 recruits, to gauge their suitability.
- Some prisons visited were at or close to their Band 3 staffing complement, with one above its complement. However, some governors said they were then expected to send staff on detached duty to other prisons, which, when coupled with higher than budgeted for non-effectives, made staffing prisons in reality very difficult. This seemed to be particularly the case for prisons in the north having to send staff on detached duty to the south.
- The assumed 20% level of ‘non-effectives’, i.e. staff on sickness absence, maternity leave, on training etc, was too low and was adversely impacting prison operations. Whilst on paper a prison might be fully staffed, the higher actual levels of non-effectives adversely affected the staff available to work in that prison and had a knock on effect on retention. It was widely felt that 30% non-effectives needed to be built into the national resourcing model rather than the current 20%.
- Staff still felt that there were issues retaining Band 3 Prison Officers, feeling the levels of turnover were still too high. Staff offered several explanations, which included better pay and working conditions outside the Service, staff just not being suitable for the job and a lack of realistic expectations gained during the application and recruitment process.
- There were a range of different job types we heard staff had left for, depending on grade. As in previous years, we heard most prison officers left for the police and Border Force. Also mentioned were roles with telecoms companies, train operating companies, the Fire Service and the Probation Service (the latter is part of HMPPS) and non-operational roles within HMPPS.
- Many staff said that attracting and then retaining Band 2 OSGs was more difficult, particularly due to the levels of pay being offered in the wider economy.



- Many staff said it was positive that Band 2 OSGs were actively applying to become Band 3 Prison Officers, as Band 2 staff knew what working in prisons entailed and were less likely to leave.
- There was a concern that the Service was not retaining experienced Operation Tornado trained staff because many were not undertaking refresher training. It was also reported that there were issues of staff not answering their phones for call-outs despite being Tornado trained.
- There appeared to be good levels of volunteers to join the Operational Response and Resilience Unit with no retention issues noted, except for a shortage of dog trainers in prisons.

2.39 The main themes raised around motivation and morale were:

- Many prisons reported low morale, although there were pockets of good morale with some staff saying they enjoyed their job. There were generally good levels of camaraderie amongst staff, but it was felt that the Service often relied too much on this and staff goodwill.
- Band 5 Custodial Managers, and operational managers, reported that workloads at Band 5 were often too high.
- Operational managers again mentioned the number of hours that they were working above their contractual 37 hour week for which they were not remunerated.
- Unfortunately, it was again disappointing to hear how OSGs continued to report that they were not appreciated by the Service, other prison staff, prisoners or the wider public – we again were told about the unacceptable phrase, “you’re just an OSG”. However, this year it was positive to hear more operational managers and Governing Governors expressing the view that OSGs were an integral part in the running of prisons.

### **The parties’ proposals**

2.40 We received written evidence from the trade unions by 2 February 2024 and from HMPPS, along with the economic evidence from HMT, on 29 February 2024. The key points from each of the parties’ written evidence is summarised below.

2.41 HMPPS made the following proposals in its written evidence to us:<sup>42</sup>

#### *Headline award*

- To increase the Fair and Sustainable Band 2 National spot rate (and closed grade equivalents) to ensure compliance with the NLW.
- A cash value increase worth a percentage of the National Bands 3 and 5 maxima applied to each pay point.

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<sup>42</sup> GOV.uk, (2024). *HMPPS evidence to Prison Service Pay Review Body: 2024*. (online) Available at: <https://www.gov.uk/government/publications/hmppps-evidence-to-prison-service-pay-review-body-2024> [accessed on 31 May 2024].

- An increase worth a percentage of the National Bands 4, 7 and 12 spot rates.
- A cash value increase worth a percentage of the National Bands 8 to 11 maxima.
- No pay increase to closed grades, except for those unable to benefit financially from opting in to Fair and Sustainable. Those staff should receive a non-consolidated and non-pensionable payment.
- The Prison Service Pay Review Body to decide on the level of headline award and non-consolidated payment.

#### *Pay band restructuring*

- Reducing the Band 8 to 10 pay ranges from 20% to 10% by increasing the minima. Staff below the new minimum move to the new minimum and do not maintain their relative position in the new pay range.
- The Fair and Sustainable Band 11 pay range to become a spot rate set at the current range maximum.
- An additional increase to the Band 10 Inner and Outer London ranges to ensure 10% on promotion from the Band 9 maximum.

#### *Pay progression*

- Staff in Bands 3 and 5, who are not subject to formal poor performance procedures, to move to the next pay point.
- Assuming shorter pay ranges are accepted, staff in Bands 8 to 10, who are not subject to formal poor performance procedures, to progress up respective pay ranges by 3.33% following restructuring and the pay uplift (capped at the maxima).
- No progression for Band 11, assuming proposals to make it a spot rate are accepted.
- No progression for staff in Fair and Sustainable Bands 2, 4, 7 or 12 as these bands are already spot rates.

#### *Locality pay and market supplements*

- Maintaining the current differential between the National and Inner/Outer London rates, with the exception of Band 10.
- Maintaining the current £2,000 red site market supplement and the £3,500 red plus site market supplement.

#### *Allowances and payments*

- Increasing the Operation Tornado rate by 40% from £24.86 to £34.80 an hour for Band 3 to 5 officers and from £19.00 to £26.60 an hour for Band 2 OSGs.
- Increasing the dirty protest payments by 40% from £10 to £14 for four hours or less a day and from £20 to £28 for over four hours a day.

- No increase to either the Unsocial Hours Allowance (Bands 2 to 5) or the Required Hours Addition/Allowance (Bands 7 to 11).
- No increase to the rate for Payment Plus or OSG overtime.

2.42 The POA made the following proposals in its written evidence:<sup>43</sup>

### *Pay*

- All Band 2 to 5 staff to receive a consolidated pay increase of 8.3%, both those on Fair and Sustainable and closed grade equivalent pay structures.
- The pay award should increase Fair and Sustainable pay to ensure it overtakes those closed grades who are in receipt of legacy Locality Pay Allowances, allowing them all to financially benefit from opting in to Fair and Sustainable.
- Back pay should attract an interest rate of 5.3% for each month the pay award is delayed.
- Introduction of contractual consolidated incremental pay for Bands 2 to 5, including closed grade equivalents from April 2024 and continuing throughout an officer's first five years of service.
- All market supplements to be consolidated into base pay in addition to the 2024 pay award.
- Anyone opting into Fair and Sustainable after the 2024 pay review should have both pay and pension increases backdated to the pay review date.

### *Allowances*

- The Unsocial Working Hours payment in Fair and Sustainable should increase from 20% to 30% of base pay.
- A £500 payment for those remit group staff who undertake additional unpaid duties, for each additional duty taken on, including Tornado duties/training and voluntary additional duties.
- Payment Plus increased to £30 per hour.
- Operation Tornado payments should increase to £40 an hour for Bands 3 to 5 and £35 an hour for Band 2.
- Dirty protest payments for Bands 2 to 5 should increase to £15 for up to four hours and to £30 for over four hours.
- OSG overtime to increase to time and a half for green hours and double time for red hours.<sup>44</sup>

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<sup>43</sup> POA, (2024). *Circular 016: POA Pay Submission*. (online) Available at: <https://www.poauk.org.uk/news-events/news-room/posts/2024/march/circ-016-poa-pay-submission/> [accessed on 31 May 2024].

<sup>44</sup> Green hours are between 07.00 and 19.00 hours on weekdays. Red hours are between 19.00 and 07.00 hours on weekdays and all day weekends and public/privilege holidays.

- A consolidated payment of £1,500 a year for specialist grade staff, based on the specialist nature of their duties, for: dog handlers; physical education instructors; Band 4 and 5 National Dog and Tactical Support Group staff; and NTRG instruction and intervention operatives.
- A £1,000 a year allowance for all continuation dog trainers and a £500 a year allowance for all initial dog trainers.
- Dog handlers to be provided with a £352 a month allowance to compensate for the disruption on their rest days.

#### *Other*

- OSG pay to be removed from the Prison Service Pay Review Body (PSPRB) remit and returned to collective bargaining because OSGs do have the right to take industrial action.

2.43 The following proposals were made by the PGA in its written evidence:

- The range minima and maxima, and spot rates in Bands 7 to 12 should be increased by 7% and staff should keep their relative position in the new pay scale.
- Any pay award for operational managers should not be sacrificed to pay for the pay award made to other grades.
- Band 8 Deputy Governors should receive an additional payment of 5% of base pay to recognise and reward the additional qualification needed to undertake that role above the Band 8 Functional Head role.
- HMPPS should seek HMT approval to fund a review of the entire pay system.
- The PSPRB should ask HMPPS to outline what its future pay strategy is.
- Pay progression through the open operational manager pay ranges should be 5%.
- Agreement in principle with HMPPS that there should be a reduction in overlapping pay scales, shortening of Band 8 to 11 pay ranges and progression through ranges of no more than three years.
- Every month the pay award is delayed, staff should receive a £100 non-consolidated payment.
- A retirement age of 60 for Bands 7 to 12 staff.
- HMPPS to introduce a salary sacrifice scheme to enable staff to purchase electric vehicles and other initiatives that benefit society.

2.44 The PCS Union HMPPS branch made the following proposals in its written evidence:

- An inflation proofed pay award, with an additional element of pay restoration. The pay award should be pensionable and backdated to 1 April 2024.

- Any award to Band 2 should be in addition to any increase brought about by the NLW, with a £15 an hour underpinning.
- Closed grade staff who do not financially benefit from opting in to Fair and Sustainable should still receive a consolidated pay award.
- The union favours the shortening of Band 8 to 11 pay ranges and increasing the Band 8 minima above the Band 7 spot rate.
- Staff who undertake specialist duties should receive additional payments.
- An annual retention bonus for those staff with specialist skills and qualifications.
- Pay progression should be applied to all staff, including those on formal poor performance procedures.
- Flexible working for non-operational grades in prisons, annual leave of 35 days after five years' service and a shorter working week for no loss of pay.

2.45 In Chapter 3 we look at our remit group in more depth, with detailed information provided to us by HMPPS, and we provide an overview of the data we received on staffing, which helps to further inform our recommendations.

## **Chapter 3: Our remit group**

### **Introduction**

- 3.1 This chapter sets out the evidence we have received on the staff in our remit group. It presents data on the composition of our remit group and reports on the matters covered by our terms of reference including recruitment and retention; motivation and morale; equality and diversity; and the competitiveness of the Prison Service employment package in England and Wales.
- 3.2 We receive staffing data from His Majesty's Prison and Probation Service (HMPPS) annually to inform our deliberations. We have used the most up-to-date information available, therefore time periods covered vary in some places.

### **The composition of our remit group**

#### *Staff numbers*

- 3.3 At 31 December 2023 there were 29,830 staff on a full-time equivalent (FTE) basis in the remit group, a 7% increase from December 2022 (see Figure 3.1). This is the highest staffing level since 2012. Between 31 December 2022 and 2023 the number of Bands 3 to 4 Prison Officers (including specialists) increased by 9%.<sup>45,46</sup>
- 3.4 At 31 December 2023, 1,112 FTE staff (4%) were operational managers, 23,266 (78%) were Bands 3 to 5 prison officer grades and 5,451 (18%) were Operational Support Grades (OSGs) (see Table 3.1). Around 94% of remit group staff were based in establishments, 4% in the Youth Custody Service (YCS) with the remaining 2% shared between area services and HMPPS headquarters.<sup>47</sup>

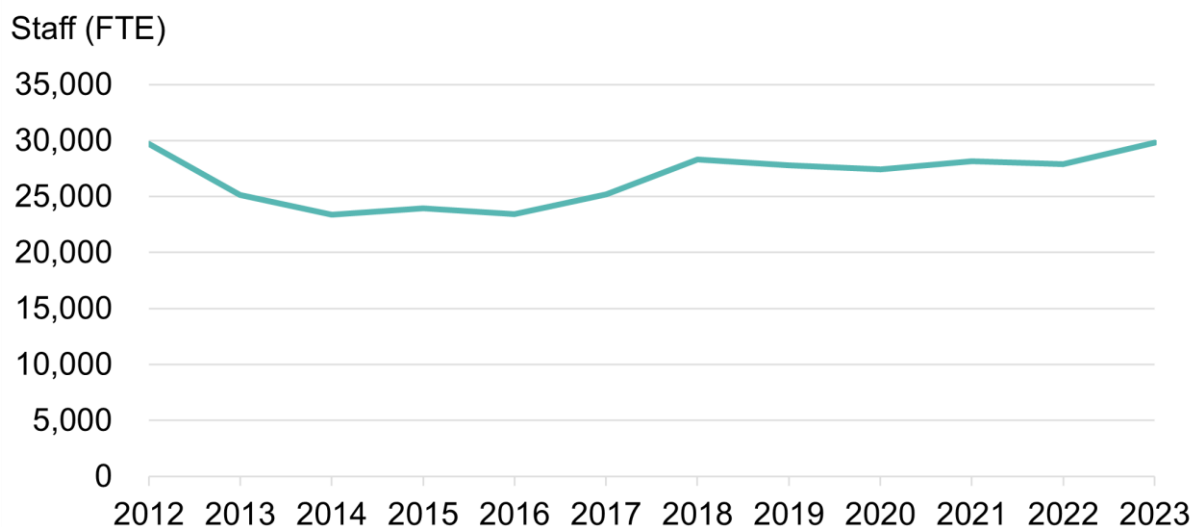
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<sup>45</sup> Band 6 is not within the remit of the Prison Service Pay Review Body, however we have maintained consistency with the categories in the underlying data throughout the chapter.

<sup>46</sup> On a headcount basis there were 31,304 staff in our remit group at 31 December 2023. OME analysis of unpublished HMPPS data.

<sup>47</sup> OME analysis of unpublished HMPPS data.

**Figure 3.1: Remit group size, 31 December 2012-2023<sup>48</sup>**



**Table 3.1: Remit group staff (FTE) by grade, 31 December 2019 to 2023<sup>49</sup>**

Broad staff group	2019	2020	2021	2022	2023	Change 2022 to 2023	Change 2022 to 2023 (%)
Bands 9-12 / Senior Managers	215	215	215	244	224	-20	-8%
Bands 6-8 / Managers	727	764	783	826	888	62	7%
Band 5 / Custodial Managers	1,639	1,688	1,819	1,705	1,794	89	5%
Band 4 / Supervising Officer	1,971	1,882	1,771	1,728	1,641	-87	-5%
Bands 3-4 / Prison Officer (incl. specialists)	18,544	17,994	18,566	18,200	19,832	1,632	9%
Band 2 / Operational Support Grades	4,666	4,900	5,002	5,169	5,451	282	5%
<b>Total (remit group)</b>	<b>27,762</b>	<b>27,443</b>	<b>28,155</b>	<b>27,872</b>	<b>29,830</b>	<b>1,958</b>	<b>7%</b>

3.5 Overall, 98% of the remit group were in the Fair and Sustainable grades at 31 December 2023 (on an FTE basis), an increase from 85% in December 2022. Bands 9 to 12 / Senior Managers have the lowest proportion of Fair and Sustainable staff overall, at 97% as at 31 December 2023.<sup>50</sup>

<sup>48</sup> The data includes Band 12 staff from 2022. OME analysis of unpublished HMPPS data and HMPPS, (2024). *HM Prison and Probation Service workforce statistics*. (online) Available at: <https://www.gov.uk/government/collections/national-offender-management-service-workforce-statistics> [accessed on 31 May 2024].

<sup>49</sup> Ibid

<sup>50</sup> OME analysis of unpublished HMPPS data.

## Staff characteristics

- 3.6 Our terms of reference require us to consider the relevant legal obligations on the Prison Service with regard to equality and diversity. We regularly receive data from HMPPS on the composition of our remit group and we were pleased to again receive additional data, including breakdowns by protected characteristics, giving us appropriate granularity and up-to-date equality and diversity data on all areas of our remit. We set out some of the key points from this information below.
- 3.7 The Ministry of Justice (MoJ) publishes annual gender pay gap statistics, in accordance with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017. The gender pay gap shows the difference in the average (mean or median) pay between all male and female staff in a workforce. The latest reporting period was 1 April 2022 to 31 March 2023, which we refer to as 2022-23. We note that separate data for our remit group are not published, but we continue to request this information from HMPPS.
- For the MoJ overall, the mean gender pay gap was 5.9% in 2022-23, the same as in 2021-22 and 2020-21. The median gender pay gap was 6.3% and has decreased from 11.4% in 2021-22 and 13.6% in 2020-21.
  - The mean gender bonus gap was 11.7% in 2022-23, similar to 11.6% in 2021-22. The median gender bonus gap for 2022-23 was -19.5%, a large decrease from 0.0% in 2021-22.<sup>51</sup>
  - The gender bonus gap is typically subject to greater year-on-year variation in award amounts and frequency. Negative values (-%) indicate that the median or middle-ranked female received a higher bonus payment than the middle-ranked male staff member, although MoJ have indicated that this is based on awards that are relatively small in value.
  - Across the Civil Service as a whole, the mean gender pay gap was 8.1% in 2022-23 and the median was 9.6%.<sup>52</sup>
- 3.8 At 31 December 2023, 35.4% of the remit group were female, down 0.2 percentage points from 2022. The gender split by grade groups remained broadly unchanged from 2022, and were as follows:<sup>53</sup>
- 51.7% of OSGs were female.
  - 31.2% of officers were female.
  - 40.5% of operational managers were female.
- 3.9 When looking at the age profile of our remit group:

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<sup>51</sup> Ministry of Justice, (2023). *Ministry of Justice gender pay gap report: 2023*. (online) Available at: <https://www.gov.uk/government/publications/ministry-of-justice-gender-pay-gap-report-2023/ministry-of-justice-gender-pay-gap-report-2023> [accessed on 31 May 2024].

<sup>52</sup> Cabinet Office, (2023). *Statistical bulletin - Civil Service statistics: 2023*. (online) Available at: <https://www.gov.uk/government/statistics/civil-service-statistics-2023/statistical-bulletin-civil-service-statistics-2023> [accessed on 31 May 2024].

<sup>53</sup> OME analysis of unpublished HMPPS data.



- At 31 December 2023, around 45% of OSGs were aged 50 or over. This age group accounted for around 40% of OSGs in 2011.
- The OSG group also had the largest proportion of staff aged 60 or over, compared to other grade groups, at 19% in December 2023.
- The average age of Bands 3 to 5 staff has been decreasing over time, with there being proportionally more younger staff. At 31 December 2023, 27% of Bands 3 to 5 officers were aged under 30, whereas the proportion was 11% in 2011.
- At 31 December 2023, 53% of operational managers were aged 50 or over. The proportion of operational managers aged over 50 has increased since 2011, when 33% were aged 50 or over.<sup>54</sup>

3.10 At 31 December 2023, 11.8% of the remit group were from ethnic minority backgrounds. This is an increase of 1.9 percentage points from December 2022 and an increase of 5.4 percentage points from 2017. The corresponding proportion in the wider England and Wales population, as reported in the Office for National Statistics' (ONS) 2021 Census data was 18.3%. As in previous years, the percentage of staff from an ethnic minority background decreases as seniority increases. In December 2023:<sup>55</sup>

- 12.6% of OSGs were from an ethnic minority background, up 1.6 percentage points from 2022.
- 11.8% of Bands 3 to 5 officers were from an ethnic minority background, up 2.0 percentage points from 2022.
- 6.3% of operational managers were from an ethnic minority background, down 0.4 percentage points from 2022.

### *Two-tier pay structure*

3.11 Since the introduction of Fair and Sustainable in 2012, staff have occupied both the Fair and Sustainable and the closed grade pay structures, with the latter including a number of TUPE<sup>56</sup> transferred in grades. Last year, our recommendations saw, for the first time, the basic pay for nearly all Fair and Sustainable grades overtake that of the closed grades, most notably at the most populous Band 3 level. We did this by taking a difficult, but what we saw as a necessary, decision to recommend that the closed grade pay structure be frozen, encouraging the majority of closed grades to opt in to Fair and Sustainable to achieve a pay increase. HMPPS expedited its opt in process, which saw around 80% of those who would financially benefit from opting in doing so. However, we note that there is still a small number of staff, around 120 FTEs at 31 December 2023, with legacy Locality Pay Allowances (LPA) and/or closed grade specialist allowances who currently do not financially benefit from opting in to Fair and Sustainable.

3.12 As at 31 December 2023, just 1.7% of our remit group remained on the closed grade pay structure, compared to 15.3% at 31 December 2022. As part of our recommendations last year, we stated that we would no longer make

<sup>54</sup> OME analysis of unpublished HMPPS data.

<sup>55</sup> OME analysis of unpublished HMPPS data.

<sup>56</sup> Transfer of Undertakings (Protection of Employment) Regulations 2006.

recommendations on awards for those in the closed grade pay structure, except for those who are unable to benefit financially from opting in. These staff would receive non-consolidated, non-pensionable payments. HMPPS told us that it will, given the far smaller number of closed grades, undertake more focused and targeted communications for those who would benefit financially from opting in but have yet to do so.

- 3.13 HMPPS's evidence this year endorsed the position we have taken and proposed no consolidated increase for closed grades, but asked us to make recommendations on non-consolidated awards for those closed grades who would not benefit financially from opting in. The POA stated in its evidence that its closed grade members were angered by our 2023 decision not to recommend awards for those closed grade staff who would benefit financially from opting in to Fair and Sustainable. They felt "betrayed" and were being "bullied" and "extorted" to opt in to Fair and Sustainable to achieve a consolidated pay increase. The POA asked us to reverse this decision and to recommend the same consolidated award for closed grades and those on Fair and Sustainable. The POA also asked that anyone opting into Fair and Sustainable after the 2024 pay review should have both pay and pension increases backdated to the pay review date.

## **Allowances**

- 3.14 Allowances are paid for a variety of reasons including working unsocial hours, hours in excess of contractual hours or standing in for other staff who may be unavailable. Allowances remain a significant cost to HMPPS and represented 20% of the remit group paybill in 2022-23, up 2 percentage points from 2021-22. A large proportion, 8% of the paybill, is due to the nature of the unsocial hours allowances being paid as a separate element in Fair and Sustainable, whereas in the closed structure payment for unsocial hours was built into base pay. Unsocial hours allowances, which were increased from 17% to 20% from April 2022, for our remit group accounted for £114 million of the paybill in 2022-23, an increase of over £30 million (37.2%) compared to 2021-22. However, HMPPS still spends significant amounts on other allowances. From 2021-22 to 2022-23, total expenditure on allowances increased by around 18.6%, from just under £236 million to over £280 million.
- 3.15 Payment Plus is another significant cost to the Service and increased from around £49 million in 2021-22 to over £62 million in 2022-23, the highest we have seen on record. When factoring in bedwatch and constant watch, which are also paid at the Payment Plus rate, this figure increases to just over £90 million. HMPPS data also showed increases in OSG overtime of around 15%, a 20% increase in the cost of dirty protest (the highest total we have seen) and a 100% increase in Operation Tornado payments, although the latter has not returned to pre-coronavirus (Covid-19) levels.
- 3.16 As we noted in our previous reports, time off in lieu (TOIL) is a debt HMPPS accrues of time owed to staff who have carried out additional, unpaid hours of work. This needs to be repaid in the future by allowing the relevant staff time off. Working longer hours for indefinite periods can have a detrimental impact on motivation and morale. At 31 March 2023, the total number of TOIL hours owed to officers and support grades was 338,674, a 2.3% increase from 31 March 2022 (331,183 hours). However, by December 2023 this had decreased by 1.0% to 335,330 hours. While this is not the highest number of hours owed by HMPPS to its staff, it is substantial

and HMPPS should aim to reduce this, allowing staff to take the time off to which they are entitled.

- 3.17 From 31 March 2022 to 31 March 2023, the total number of staff receiving temporary cover payments remained broadly static at around 1,700. In previous years we have had concerns about the upward trend in the use of temporary cover, and the prolonged periods for which temporary cover was used. Therefore, it is positive that this seems to have flattened out, although we would like to see this reduce in future years, both in terms of numbers and time.
- 3.18 We are also aware that there are additional costs associated with detached duty, although these are not calculated separately. HMPPS did show us data that suggested on average around 350 staff were on detached duty each month during the year to January 2024. However, the numbers on detached duty had started to reduce by February and March 2024. Around 50 staff were on detached duty to HMP Lowdham Grange following HMPPS stepping in to run elements of the private sector prison in December 2023.<sup>57</sup>
- 3.19 We are continuing with our rolling programme of reviewing allowances to ensure these are not left to stagnate and still achieve their designed effect. In 2022, we intended to consider unsocial hours payments, Payment Plus and OSG overtime along with the London pay differentials. However, we were disappointed at the lack of evidence received following our request. In our 2023 report, we again asked HMPPS to work with the unions to discuss these allowances further and to bring forward proposals and evidence to us in relation to these issues for this year's report. Once again, no information or evidence on this was received from HMPPS, which is disappointing. We return to this issue in Chapter 5. This year, we also committed to reviewing the Operation Tornado allowance and dirty protest payments. We were pleased to receive evidence and proposals from both HMPPS and the POA on these two allowances and we present our recommendations in Chapter 4.

## **Recruitment and retention**

- 3.20 As stated in our terms of reference, we are required to consider the Prison Service's ability to recruit, retain and motivate suitably able and qualified staff when making our recommendations. In its written evidence, HMPPS stated that the early indications were that recent pay awards were having a positive impact on both recruitment and retention. Leaving and resignation rates had fallen, recruitment rates increased, and exit interviews suggested that pay and reward had dropped out of the top five ranked 'primary reasons for leaving'. However, HMPPS also said that it was too early to fully understand the impact of the last two pay awards and while there had been improvements to recruitment and retention nationally, capacity and staffing challenges remained at specific sites. We note also that HMPPS have felt it necessary to add to their list of red and red plus market supplement sites. We say more about this below.

### *Recruits and conversions to officer*

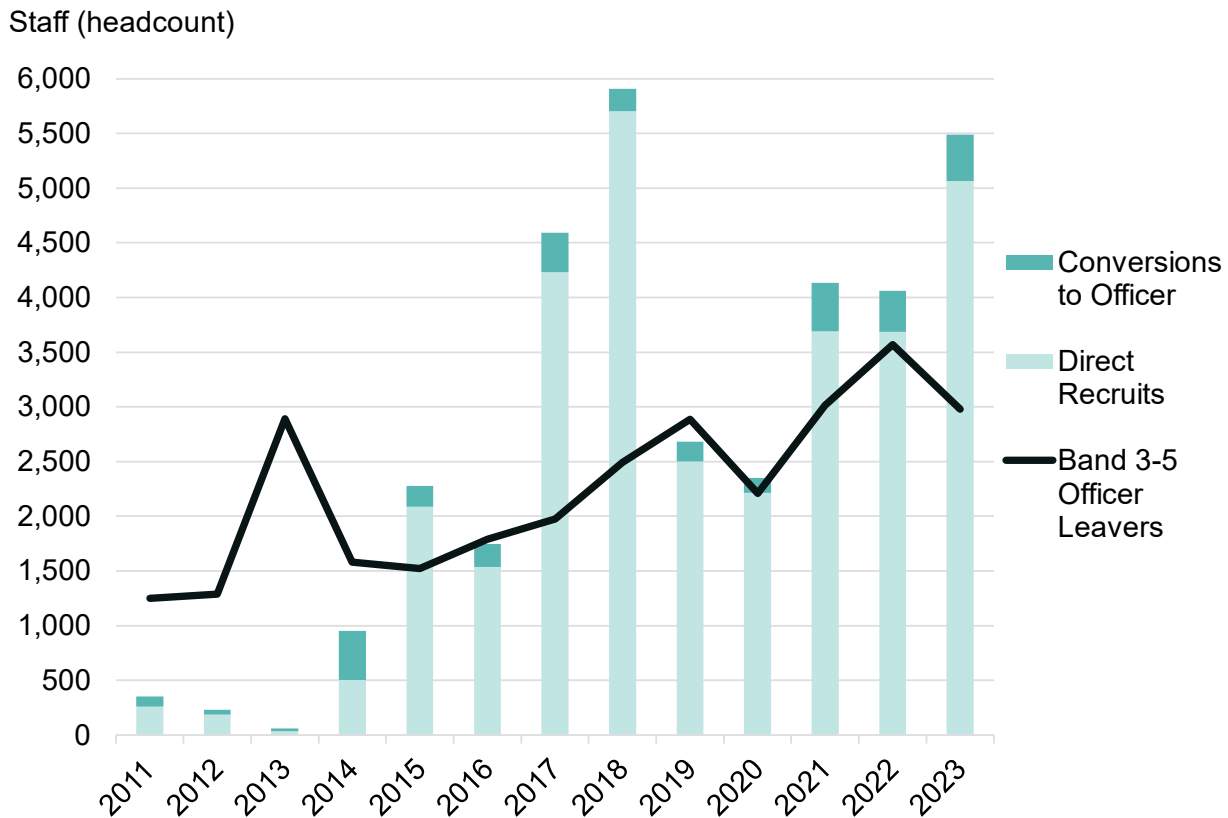
- 3.21 Following the Covid-19 related decline in officer leavers and joiners, the numbers of joiners and leavers have both increased. There were 5,491 new Band 3 to 5 officers

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<sup>57</sup> GOV.uk, (2024). *Press release: HMP Lowdham Grange contract to transition to public sector control.* (online) Available at: <https://www.gov.uk/government/news/hmp-lowdham-grange-contract-to-transition-to-public-sector-control> [accessed on 31 May 2024].

in the year to 31 December 2023, a 35.2% increase from the previous year. Of the new officers recruited, 5,066 (92.3%) were new recruits and 425 (7.7%) were conversions from other Prison Service roles. The number of Band 3 to 5 leavers was 2,978, a 16.5% decrease from the previous year. Overall, in the year to December 2023, there was an increase of 1,634 FTE Band 3 to 5 officers (12 months ending 31 December 2023), representing a total increase of 7.6% (see Figure 3.2).

**Figure 3.2: Staff headcount of direct recruits into Band 3, conversions to Band 3 officers from existing staff, and Band 3 to 5 officer leavers, year to December 2011-2023.<sup>58</sup>**



3.22 HMPPS previously informed us that the delivery of the planned 20,000 additional prison spaces would require up to 5,000 additional prison officers across both public and private prisons, with 2,000 of these expected in the public sector. During oral evidence in March 2024, HMPPS told us that the expansion of the prison estate was behind schedule due to planning delays, which had consequentially eased some of the expected staffing pressures. It was originally expected that the 20,000 additional prisoner places would be operational by the mid-2020s. However, two new prisons were now not expected to be operational until the late 2020s, with a third around 2030. The Service said it needed to recruit around 300 additional prison officers to deliver the planned increase to the existing prison estate in 2025.

3.23 HMPPS told us that recruitment was generally going well, that the total headcount was nearly at its target for the number of officers it required and that there had been a net gain of over 1,600 Band 3 to 5 staff in the year to December 2023. It said it had been consciously over-recruiting in the North and the Midlands, to then send staff further south on detached duty. Given the improving picture, HMPPS said that it hoped to reduce recruitment in the North and the Midlands, and correspondingly

<sup>58</sup> OME analysis of unpublished HMPPS data.

reduce the need for detached duty. This will require increased recruitment in the South. HMPPS's written evidence also provided details of steps it was taking to improve the recruitment process.

- 3.24 HMPPS publishes statistics on recruitment diversity.<sup>59</sup> These statistics are based on self-declared ethnicity and declaration rates were typically high, at above 98%. Between 1 January 2022 and 31 December 2023, ethnic minority candidates made up 30.8% of all prison officer applicants and 20.6% of formal offers accepted. Over the same two year period, ethnic minority candidates made up 28.6% of OSG applicants and 16.7% of formal offers accepted. These rates are above HMPPS's commitment, in accordance with recommendation 28 of the 2017 Lammy Review,<sup>60</sup> of 14%.
- 3.25 Within prison officer and OSG applicants, there was evidence of a disparity in outcomes when comparing ethnic minority candidates with white candidates, showing that a higher proportion of white applicants progressed through the process compared to ethnic minority applicants. The stage that caused the largest disparity was between being made a provisional offer and accepting a final offer. There was also evidence of a disparity in outcomes when comparing female applicants to male applicants for prison officer roles. For OSG applicants, the statistics suggested that the progression of female applicants through the application process was at a higher rate but not enough to show a meaningful disparity. There are proportionally more female OSGs than female prison officers.
- 3.26 Disabled candidates made up 4.8% of all prison officer applicants between January 2022 and December 2023. There was evidence of a disparity in outcomes when comparing disabled applicants to non-disabled applicants for OSG and prison officer roles, with progression through the application process at a lower rate for disabled applicants. This may be influenced by the fitness test which takes place between the provisional and final offer.<sup>61</sup>
- 3.27 HMPPS reported that it found no adverse impact against any group, including ethnic minority candidates, participating in the prison officer recruitment process at any stage of that process, publishing the Prison Officer Recruitment Evaluation in November 2023. In its written evidence, HMPPS reported that it continued to support prisons where there was a disparity between the staff in post who identify as being from an ethnic minority background and the regional working population and is tailoring recruitment information and job advertisements to encourage diversity of applications. During oral evidence, HMPPS told us that there was emerging evidence to suggest that offer rates to ethnic minorities were improving. It also told us that equality and diversity outcomes were better with national recruitment.

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<sup>59</sup> These statistics are classified as experimental and the statistics within the release should be treated as estimates. HMPPS, (2024). *Recruitment Diversity Statistics: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023/recruitment-diversity-statistics-december-2023> [accessed on 31 May 2024].

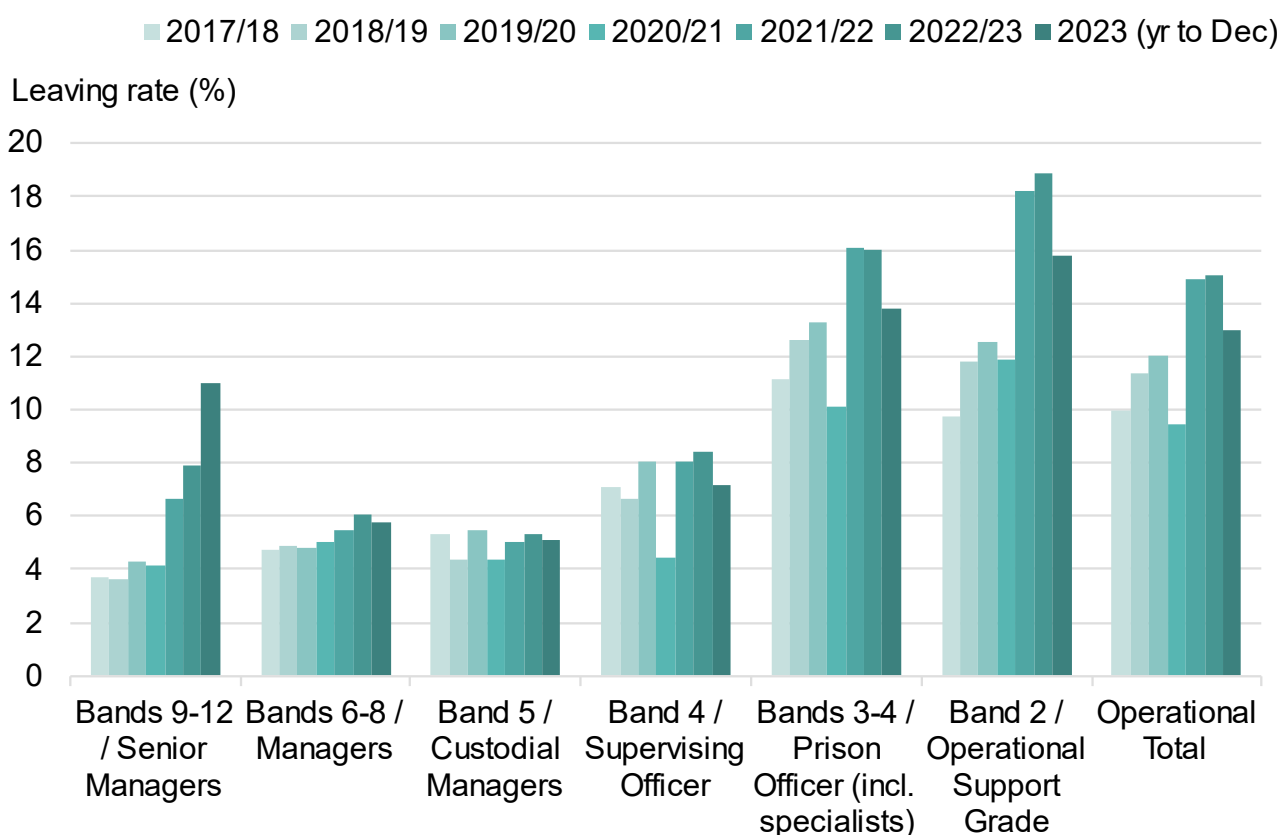
<sup>60</sup> HMPPS, (2023). *Lammy review: final report*. (online) Available at: <https://www.gov.uk/government/publications/lammy-review-final-report> [accessed on 31 May 2024].

<sup>61</sup> HMPPS, (2024). *Recruitment Diversity Statistics: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023/recruitment-diversity-statistics-december-2023> [accessed on 31 May 2024].

## Leaving rates

3.28 Figure 3.3 shows the leaving rate by grade for the years ending 31 March 2018 to 31 March 2023. More recent data covering the year to 31 December 2023 are also shown. The overall leaving rate decreased during the Covid-19 pandemic but increased in 2021-22 and 2022-23 to above pre Covid-19 levels, decreased in the year to 31 December 2023, reaching 13.0%. Leaving rates for Bands 3 and 4 Prison Officers (including specialists) and Band 2 / Operational Support Grade staff have decreased in the year to 31 December 2023 to 13.8% and 15.8% respectively. Leaving rates also decreased for Band 4 and 5 staff, to 7.2% and 5.1% respectively in that year. Leaving rates for Bands 9 to 12 / Senior Managers increased to 11.0%.

**Figure 3.3: Annual leaving rate of permanent operational staff by grade, 12 months to 31 March 2018-2023 and 12 months to 31 December 2023<sup>62</sup>**

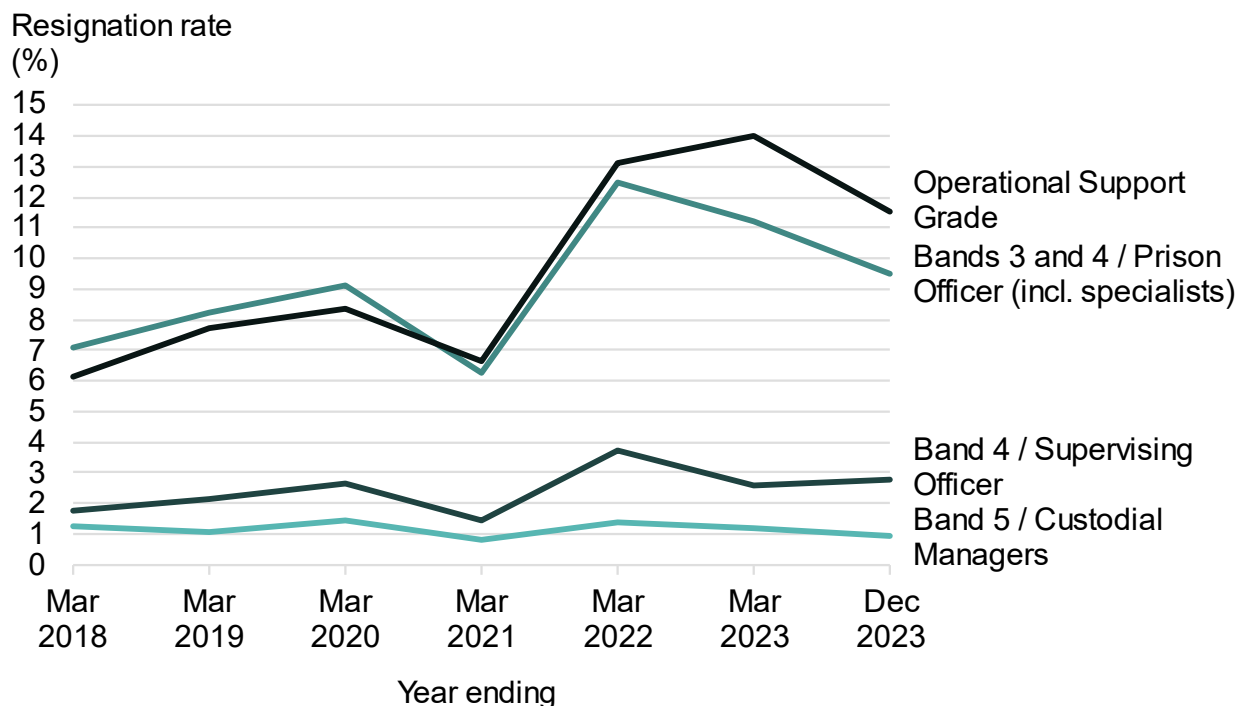


## Reasons for leaving

3.29 The main reason for leaving across grades in Prison Service establishments was resignation. In the year to 31 December 2023 resignations accounted for 63.9% of all leavers from establishments, down from 67.2% in the previous year. After resignation, dismissal - unsatisfactory attendance/medical inefficiency and retirement were the next most likely reasons for leaving. During 2023, resignation rates have decreased for Band 2, Bands 3 and 4 (Prison Officer including specialists) and Band 5, whilst the rate has increased slightly for Band 4 (Supervising Officer), see Figure 3.4.

<sup>62</sup> OME analysis of HMPPS, (2023). *HM Prison and Probation Service workforce quarterly: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023> [accessed on 31 May 2024].

**Figure 3.4: Annual resignation rate of permanent operational staff by grade, 12 months to 31 March 2018-2023 and 12 months to 31 December 2023<sup>63</sup>**

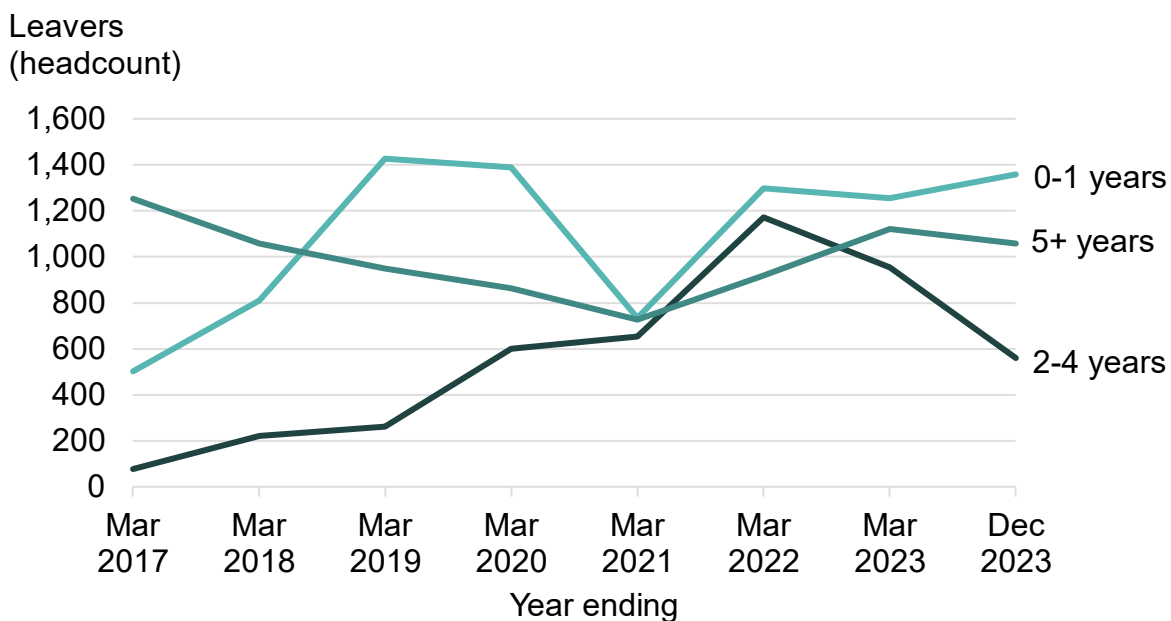


*Leavers by length of service*

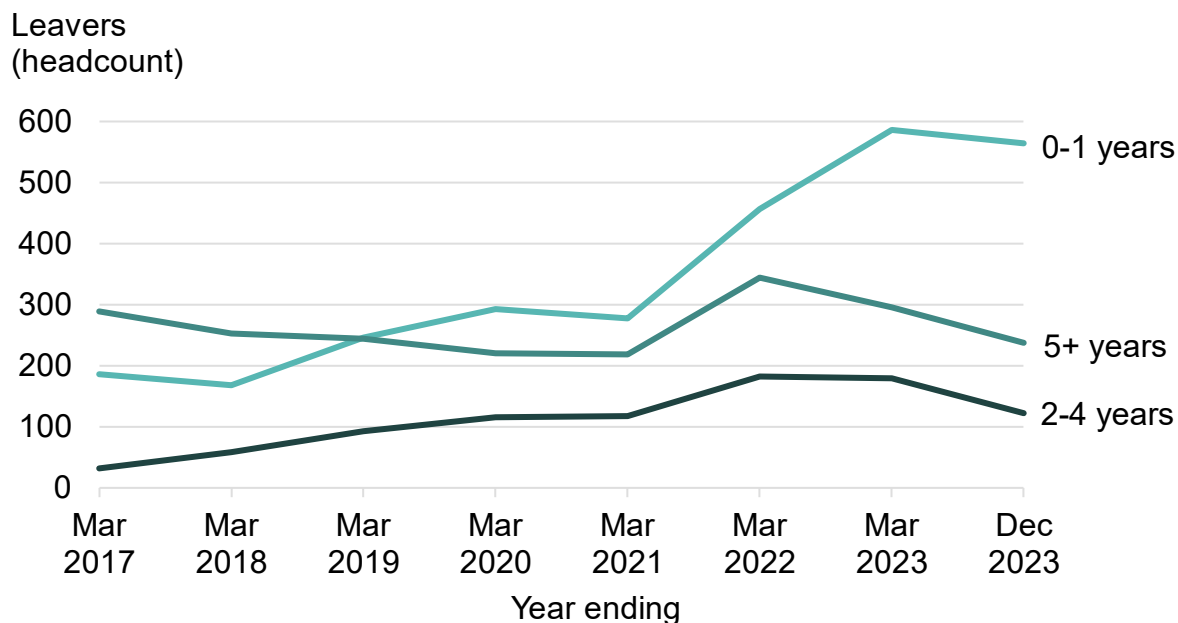
3.30 Figures 3.5 and 3.6 show Bands 3 to 5 and Band 2 leavers in recent years by length of service. In the year to 31 December 2023, the number of Band 3 to 5 leavers with two to four years of service decreased sharply, compared with the years to 31 March 2022 and 31 March 2023. Leavers with five or more years of service decreased slightly. Leavers with zero to one years of service accounted for the greatest number of leavers in the year to 31 December 2023. For Band 2 / OSGs the number of leavers across all experience lengths decreased between the year to 31 March 2023 and the year to 31 December 2023.

<sup>63</sup> OME analysis of HMPPS, (2023). *HM Prison and Probation Service workforce quarterly: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023> [accessed on 31 May 2024].

**Figure 3.5: Bands 3 to 5 leavers by length of service, 12 months to 31 March 2017-2023 and 12 months to 31 December 2023<sup>64</sup>**



**Figure 3.6: Band 2 leavers by length of service, 12 months to 31 March 2017-2023 and 12 months to 31 December 2023<sup>65</sup>**



### Staff by length of service

3.31 The composition of our remit group in terms of length of service has changed over time. Figure 3.7 shows that the number of Bands 3 to 5 staff with more than five years' service has decreased since 31 March 2013. At 31 December 2023, 49.9% of Bands 3 to 5 staff had more than five years' service, compared with 89.1% at 31

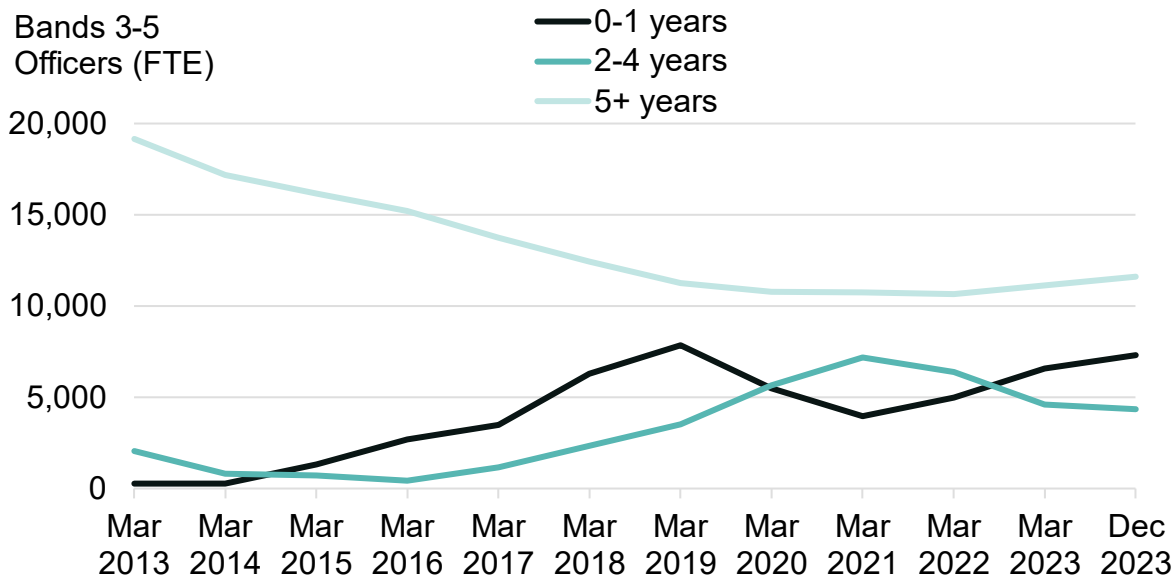
<sup>64</sup> OME analysis of HMPPS, (2023). *HM Prison and Probation Service workforce quarterly: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023> [accessed on 31 May 2024].

<sup>65</sup> Ibid.



March 2013. We note however, that since March 2022 there has been a small increase in Band 3 to 5 officers with more than five years' service. The proportion of staff with zero to one years of service has been steadily increasing over recent years, standing at 31% for Bands 3 to 5 and 44% for Band 2 in December 2023 (compared with 18% and 28% in March 2021).

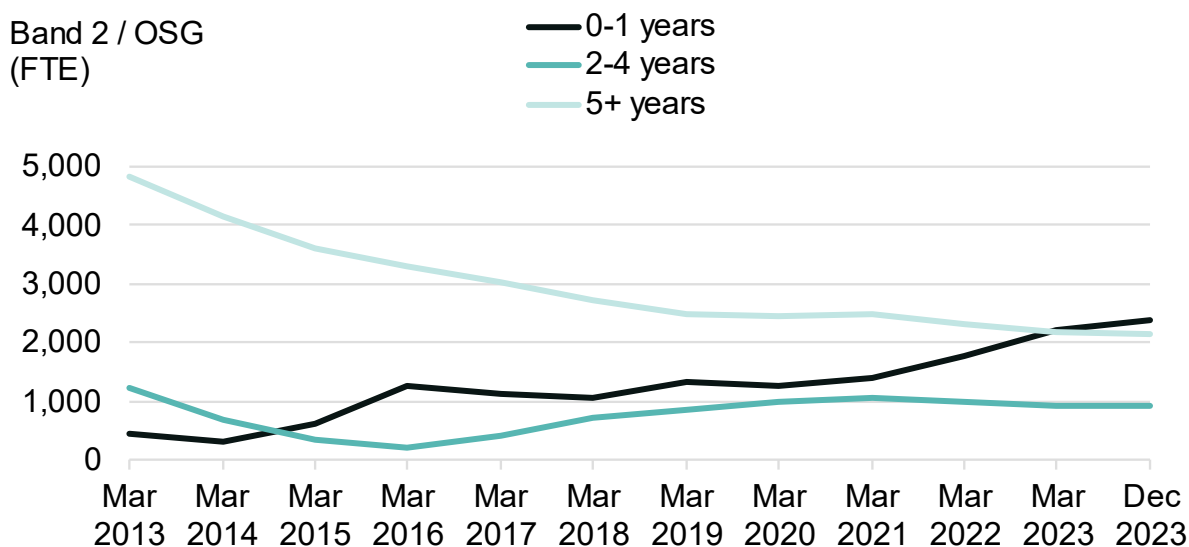
**Figure 3.7: Band 3 to 5 officers in post (FTE) by length of service, at 31 March 2013-2023 and at 31 December 2023<sup>66</sup>**



3.32 There is a broadly similar pattern for Band 2 / OSG staff. At 31 December 2023, 40.5% of these staff had more than five years' experience, a decrease from 74.4% as at 31 March 2013. This was similar to the proportion with less than two years' experience at 43.7% as at 31 December 2023, as seen in Figure 3.8.

<sup>66</sup> OME analysis of HMPPS, (2023). *HM Prison and Probation Service workforce quarterly: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023> [accessed on 31 May 2024].

**Figure 3.8: Band 2 staff in post (FTE) by length of service, at 31 March 2013-2023 and at 31 December 2023<sup>67</sup>**



*Evidence from the parties*

- 3.33 HMPPS provided examples of initiatives it is running to bolster recruitment. These include: the Advance into Justice Scheme, to fast track armed forces service leavers and veterans into roles in prison establishments; the OSG to Prison Officer Fast-track Scheme; National First Time Officer, where new applicants are directly recruited with additional financial incentives to prisons with a challenging local labour market; Prison Officer Futures, where candidates are hired in to establishments with a strong track record of recruitment, but are deployed to sites that are difficult to recruit to for their first 23 months; Prison Officer Alumni Network; improved candidate relationship management; a redesigned online assessment centre; and the Aspiring Prison Officer scheme, whereby unsuccessful Prison Officer applicants can be offered an OSG position through a near-miss process.
- 3.34 Overall, HMPPS believed that resourcing was in the best place for years and that they were only about 500 staff below optimal resource levels at April 2024. HMPPS also accepted that the current resourcing assumptions about ‘non-effective’ staff needed to be updated, and they were working on this.
- 3.35 HMPPS offers an exit interview to all staff who are leaving the Service, to identify why staff are choosing to leave, to identify any patterns, to feed into improvements and to build a national picture of who is leaving and why. While all leavers are offered an exit interview, it is not compulsory and there was a relatively low response rate of 24% in December 2022 to November 2023 (including non-operational staff). For the first time since exit interviews were introduced in August 2021, ‘pay and reward’ was not included in the top five primary drivers for leaving. The top five drivers for leaving given in these interviews were: career progression; ways of working; health & wellbeing; leadership; and retirement.

<sup>67</sup> OME analysis of HMPPS, (2023). *HM Prison and Probation Service workforce quarterly: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023> [accessed on 31 May 2024].

- 3.36 In its written evidence, the POA told us that the Prison Service remained in a recruitment and retention crisis reflected in increasing levels of violence and continuing high turnover of staff. It did not agree with HMPPS that there had been a recovery in recruitment and retention and gave examples of establishments with severe staffing shortfalls with the Service relying on staff working overtime or Payment Plus.
- 3.37 The POA also stated that there were over 350 prison officers on detached duty as at 15 January 2024 and, during the year, HMPPS had sought the POA's opinion on transferring staff to work away from home on compulsory detached duty. While prison officers are mobile grades, the POA said it was opposed to compulsory detached duty and said that staff are recruited as prison officers on the promise of a career that would provide a reasonable work-life balance. The union considered that staff would be shocked to find themselves expected to volunteer – or forced – to live away from home and their families for two weeks or longer on detached duty. In oral evidence, the POA questioned why detached duty was needed if the overall staffing position was as healthy as HMPPS stated. It considered that if there was no “decent” pay award, then retention would be in a worse position in a year's time.
- 3.38 The Prison Governors' Association (PGA) noted that the prison system was under significant strain, and that there had been a 6,000 increase in the prisoner population. It said that despite improved pay, staff were still leaving the Service, although the recruitment and retention picture had improved over the last year. The PGA said that to reach prison officer recruitment targets, the Service had over recruited in some areas with the surplus staff sent on detached duty to those places where recruitment remained challenging. Detached duty was supposed to be a short-term tactic but appeared to be a long-term solution for the Service. During oral evidence, the PGA pointed out that there remained high levels of temporary cover at Bands 7 to 11 and that if there were really no recruitment issues then there should be very little need for temporary cover.
- 3.39 In its written evidence, the Public and Commercial Services (PCS) union said that while recruitment had been improving following the two most recent pay awards, the leaving rate remained high. It said that those aged under 30 had the highest leaving rate, which showed that market-facing pay was crucial for retention. During oral evidence, the PCS pointed out that new prisons were being built, for which more staff would need to be recruited. The Service was still using detached duty and market supplements, so recruitment was still an issue, and detached duty left the sending prisons short staffed. Staff left because of pay and conditions and would generally do a “harder” job if pay was seen as acceptable. Additionally, younger staff had far more career opportunities especially as there was low unemployment in many areas. The PCS also focused on the lack of flexible working options for HMPPS staff which it believed was hindering recruitment and retention.

### **Locality pay and market supplements**

- 3.40 Two different sets of locality pay arrangements apply to staff in our remit group. Staff in the closed grades at certain establishments continue to qualify for one of six rates of LPA ranging from £250 to £4,250 per year (see Appendix E). Under these legacy arrangements, the relevant rate of LPA was paid to all staff at each eligible location, irrespective of the extent of recruitment and retention difficulties for their particular grade at that location. With the introduction of Fair and Sustainable in 2012, LPAs were replaced with three pay zones: a basic National pay range and enhanced

ranges for those working in Inner and Outer London establishments and headquarters.

- 3.41 In February 2017, HMPPS introduced market supplements for 31 sites across England and Wales for an initial period of four years, which was later extended and further sites were added. The amber market supplements were completely removed by the recommendations in our 2022 report, being consolidated into base pay, leaving the balance of red (£2,000) and red plus (£3,500) market supplements, paid at 19 sites at the time of writing. As at 31 October 2023 there were 2,757 FTE Band 3 staff eligible to receive a market supplement, around 350 FTE more when compared with 31 October 2022.<sup>68</sup> This is likely to have been driven by closed grade Prison Officers opting in to Band 3 and now being eligible to receive the market supplements at those prisons plus a few changes in categorisation. Market supplements do not form part of pensionable pay.
- 3.42 The establishments remaining eligible for market supplements are those that HMPPS considers have the most severe recruitment and retention issues. Last year, we decided not to make a recommendation on further consolidating the market supplements, as we wanted to focus on the headline award. In its written evidence this year, HMPPS again proposed maintaining these residual market supplements at existing levels. However, unlike last year's evidence, HMPPS did not include the long-term aim of completely eroding market supplements. During oral evidence, HMPPS confirmed that it has changed its view and sees retaining market supplements as a long-term policy. We note that one site was added to the red market supplement list over the last year, and two sites were moved from red to red plus. We remain concerned about the potential ripple effect that market supplements could have on other prisons, particularly those close to market supplement sites, and the complexity these supplements add to the pay system.
- 3.43 We also discussed market supplements in our oral evidence sessions with the unions. The POA considered that market supplements had failed, demonstrated by sites being added to the list or moved up from red to red plus, but still not being able to recruit and retain sufficient staff. The union said that market supplements should be consolidated into base pay, which would also have the benefit of allowing staff to include that income when applying for mortgages etc. The PCS noted that HMPPS seemed to have changed its position on market supplements, i.e. that the payments were intended to be temporary. The union maintained its position that market supplements were divisive and did nothing to resolve recruitment and retention issues.

### **Fair and Sustainable analysis**

- 3.44 Each year, we consider a range of pay comparability data to examine the state of the labour market for Fair and Sustainable grades. We place a particular emphasis within our analysis on Band 3 Prison Officers. Our analysis of the relative position of Prison Service pay in England and Wales is based on comparing gross annual earnings, recorded in the ONS Annual Survey of Hours and Earnings (ASHE) data. We have also included updated comparator analysis based on the approach used by Incomes Data Research (IDR) in its 2019 Prison Pay Comparability Study.<sup>69</sup>

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<sup>68</sup> OME analysis of unpublished HMPPS data.

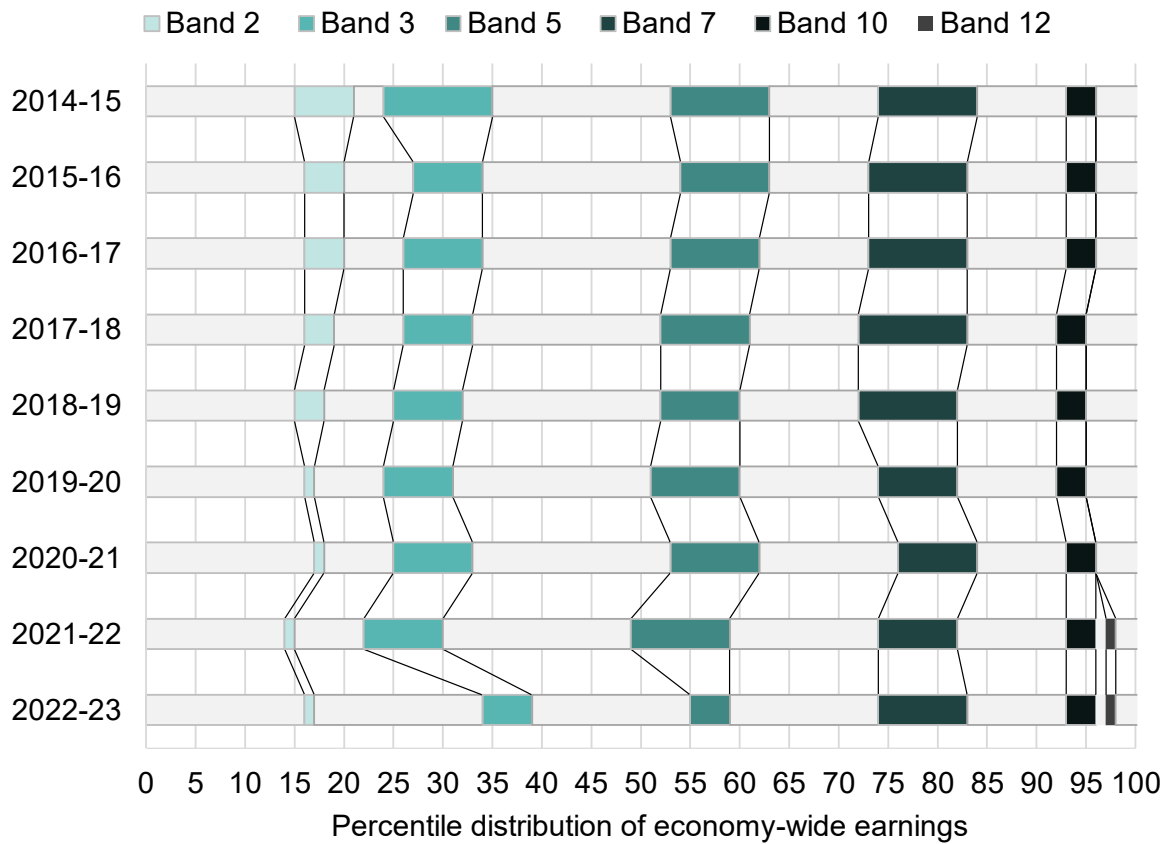
<sup>69</sup> IDR, (2019). *Prison Pay Comparability Study*. (online) Available at: <https://www.gov.uk/government/publications/prison-pay-comparability-study> [accessed on 31 May 2024].

### *ASHE analysis*

3.45 Our ASHE analysis is based on comparing Fair and Sustainable pay bands with gross annual earnings across the economy, recorded in the ONS ASHE data. The latest ASHE data relate to the financial year 2022-23.

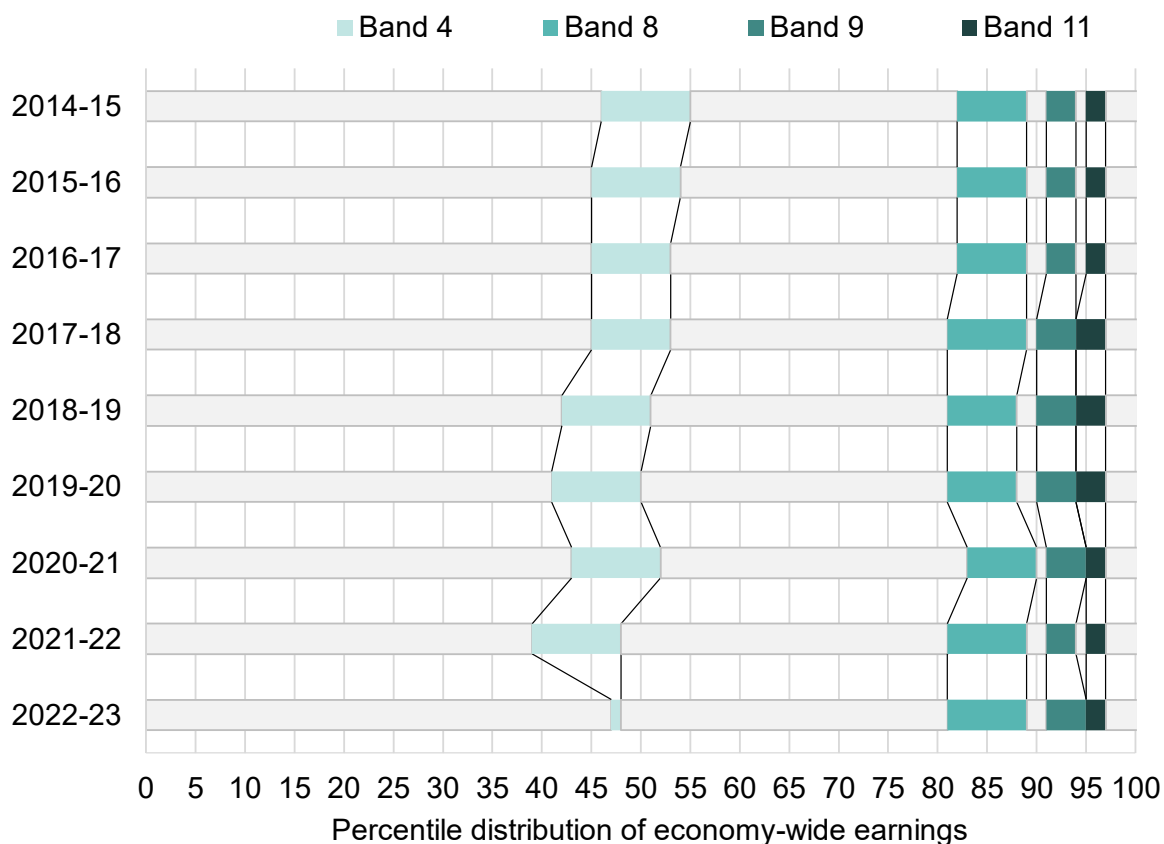
3.46 Figures 3.9 and 3.10 show where the Fair and Sustainable pay bands fall in the economy-wide distribution of earnings over time, from financial years 2014-15 to 2022-23. Pay bands have been split over two figures to avoid overlap in the bands. Over this period, Bands 2 and 4 both changed to a spot rate. These spot rates now sit both above their previous respective minima and below their respective maxima, when compared to the relative position within economy-wide earnings. The relative position of the Band 3 minimum and maximum both increased over the same period compared to economy-wide earnings. Band 5 has become narrower, where the minimum has increased and the maximum has decreased. For Band 7 and grades above, the relative positions of the pay scales remained stable when compared to economy-wide earnings. From 2021-22 to 2022-23, the relative positions of Bands 2 to 5 pay improved, particularly for Band 3. This is likely due to restructuring and the pay award linked to the erosion of the amber market supplement as part of the 2022 report. However, Band 2 remained below its 2015 position and the gap between Band 2 and Band 3 was nearly 20% in 2022-23.

**Figure 3.9: Position of National Fair and Sustainable Bands 2, 3, 5, 7, 10 and 12 in the percentile distribution of economy-wide earnings, England, and Wales, 2014-15 to 2022-23<sup>70</sup>**



<sup>70</sup> OME analysis of unpublished ASHE data. 2021-22 data has been revised, and 2022-23 data is provisional.

**Figure 3.10: Position of National Fair and Sustainable Bands 4, 8, 9 and 11 in the percentile distribution of economy-wide earnings, England, and Wales, 2014-15 to 2022-23<sup>71</sup>**



3.47 Figure 3.11 compares the Fair and Sustainable Band 3 pay range (minimum and maximum) to the 25<sup>th</sup>, 50<sup>th</sup> (median) and 75<sup>th</sup> percentiles of gross regional earnings for 2022-23 and includes Scotland and Northern Ireland. Pay for Band 3 is for 37 hours plus 20% unsocial hours payments. It shows:

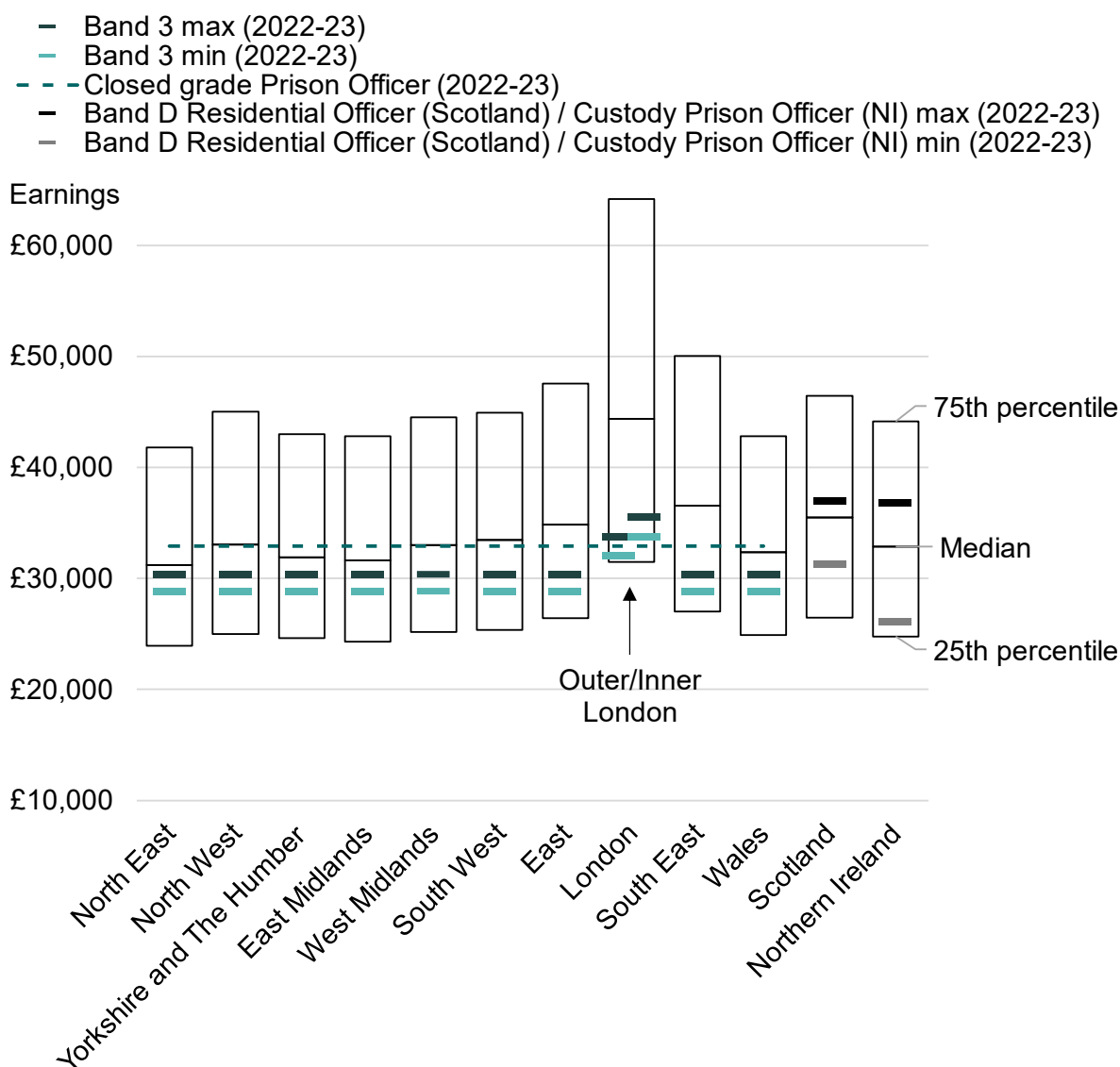
- In the financial year 2022-23, the Band 3 maximum was below median earnings in all regions, as had been the case for several years. The largest differentials are in London, followed by the South East and East.
- Compared to 2021-22, in absolute terms, the gap between the Band 3 maximum and median pay has decreased and pay range minima exceed the 25<sup>th</sup> percentiles for all regions. This is again likely to be due to restructuring and the pay award linked to the erosion of the amber market supplement as part of the 2022 report.
- In 2022-23, the closed grade Prison Officer maximum of £32,915, shown by the dashed line in the chart, matched or exceeded most comparator median earnings, except in the London, South East, East and South West regions. Closed grade locality pay, where relevant, may increase the maximum salary by £250 to £4,250, dependent on the establishment.

<sup>71</sup> OME analysis of unpublished ASHE data. 2021-22 data has been revised, and 2022-23 data is provisional.

- When market supplements (£2,000 and £3,500, paid at red and red plus sites respectively) are factored in for the regions they apply to, they markedly improve the relative position of prison staff pay. However, the enhanced maxima were still below median earnings.
- Scotland and Northern Ireland have wider pay ranges for their respective grades, the Residential Officer in Scotland and the Custody Prison Officer (CPO) in Northern Ireland. In absolute terms, the difference between the National Band 3 maximum and minimum was £1,530 in 2022-23. For Scotland the difference was £5,774 and for Northern Ireland, £10,668.
- In both Scotland and Northern Ireland, the minima of the pay scales were above the 25<sup>th</sup> percentile of earnings and the maxima also exceeded respective median earnings. This contrasts with the Band 3 pay scale maximum in England and Wales, which did not exceed median earnings in any region. We note that the CPO in Northern Ireland is eligible to receive the Supplementary Risk Allowance (SRA), which was £3,669 from September 2022. When this allowance is included, the position of the pay scales markedly improves relative to economy-wide earnings.



**Figure 3.11: Comparison of Band 3 pay (37 hours plus 20% unsocial) with regional earnings, 2022-23. The 2022-23 closed grade Prison Officer (39-hour week) max, excluding locality pay, Scottish Band D Residential Officer and Northern Ireland Prison Custody Officer rates are also shown, financial year, 2022-23<sup>72,73</sup>**



### Comparator analysis

3.48 The 2019 IDR study provided pay comparisons for operational Prison Service staff against other occupations judged by IDR as being suitable comparators. Figure 3.12 below sets out, for Band 3 staff outside London, the values for base pay including unsocial hours from 1 April 2023, against the pay of the comparators. The chart seeks to demonstrate the range of pay available in similar roles, compared with the Band 3 Prison Officer pay range. The data were retrieved in February 2024 and use the latest available salaries.

3.49 The Band 3 salary including unsocial hours and 2 x Additional Committed Hours (ACH) has also been included. This darker green bar is most comparable with the private sector prison officer salary figures. We note that as at October 2023, the

<sup>72</sup> OME analysis of unpublished ASHE data. ASHE data for 2022-23 is provisional.

<sup>73</sup> Note that y-axis does not start at zero.

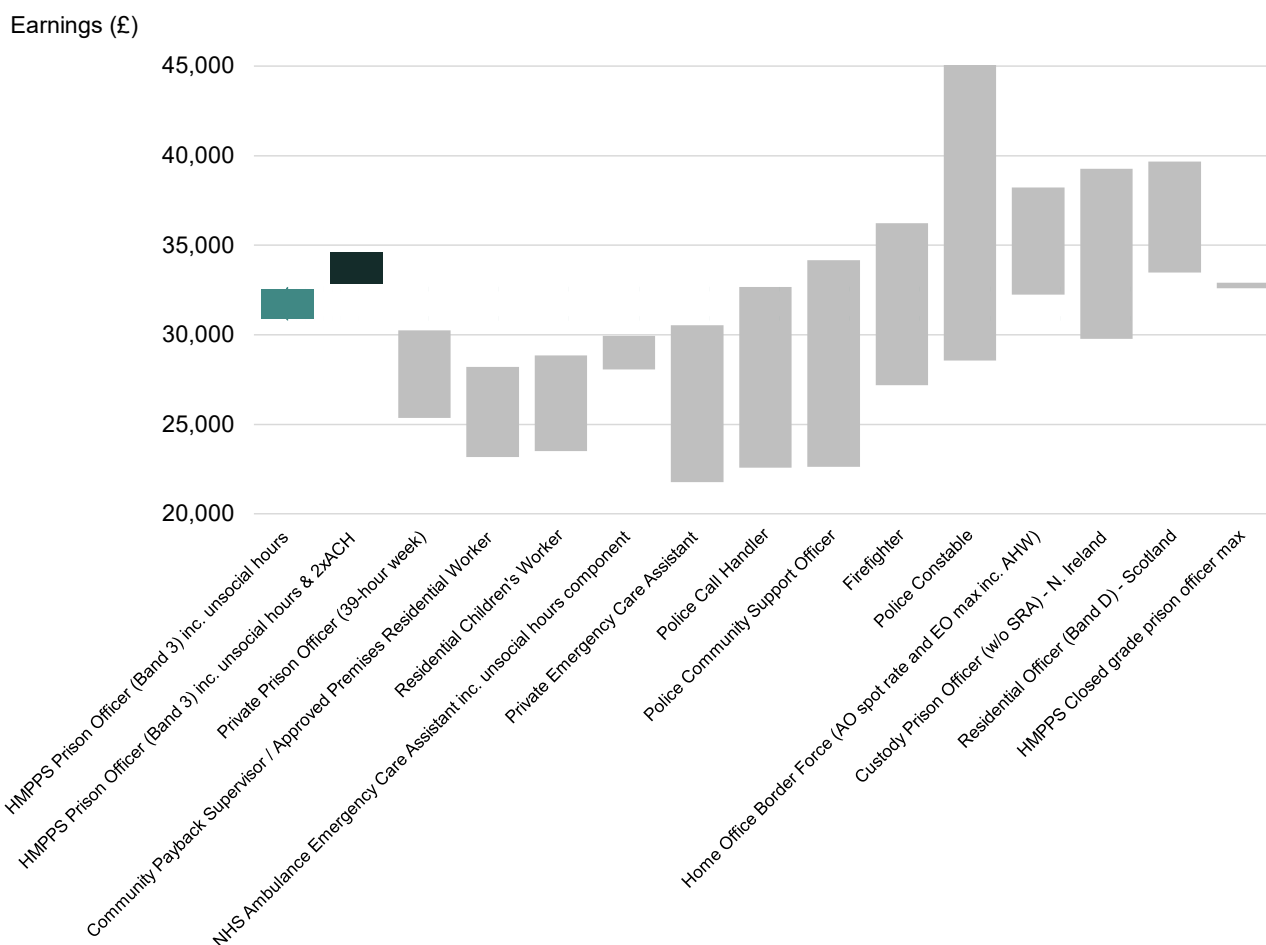
majority of Band 3 staff (50%) worked a 37 hour week, 27% worked 2 x ACH (or a 39 hour week) and 11% worked 4 x ACH (or a 41 hour week).<sup>74</sup> Figure 3.12 shows that:

- The Band 3 pay range including unsocial hours overlaps with four of the seven comparators. Most comparators have larger ranges.
- Band 3 pay scale including unsocial hours is completely above pay for Private Prison Officer (39 hour week), Community Payback Supervisor / Approved Premises Residential Worker, Residential Children's Worker, NHS Ambulance Emergency Care Assistant (including unsocial hours) and Private Emergency Care Assistant.
- It overlaps at the top end with Police Call Handler and Police Community Support Officer, the middle with Firefighter and the bottom end of Police Constable. Although there was overlap between Band 3 pay and Border Force Administrative Officer / Executive Officer in 2022-23, this overlap has reduced, with Band 3 almost below the range. The relative position of Band 3 has also deteriorated against CPO (without SRA) in Northern Ireland.
- Band 3 pay is entirely beneath that of the Scottish Prison Service (SPS) Residential Officer. This was driven by SPS restructuring the Residential Officer pay scale, removing its first point (a move from a four point pay scale to three).
- Compared with the sample of private prison sector roles, the Band 3 minimum (from 1 September 2023) including unsocial hours and 2 x ACH was above the maximum. The private sector prison minimum was below that of all comparators and may reflect a more regional approach to pay, compared with a national pay scale for Band 3 prison officers.

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<sup>74</sup> OME analysis of unpublished HMPPS data, at October 2023.

**Figure 3.12: Band 3 National pay and closed grade Prison Officer pay (from 1 April 2023) compared to selected IDR-based comparators<sup>75,76,77</sup>**



<sup>75</sup> Note y-axis does not start at zero. Adapted from IDR (2019). *Prison Pay Comparability Study*. (online) Available at: <https://www.gov.uk/government/publications/prison-pay-comparability-study> [accessed on 31 May 2024].

<sup>76</sup> Data from multiple sources. Band 3 and closed grade Prison Officer pay values – unpublished HMPPS payroll data from 1 April 2023. Community Payback Supervisor / Approved Premises Residential Worker – Probation Service (Band 3) – based on unpublished data from HMPPS. Private Prison Officer (n=11), Residential Children’s Worker (n=5), Police Call Handler (n=5), Private Emergency Care Assistant (n=2), Police Community Support Officer (n=14) – OME analyses of publicly advertised roles, sourced in February 2024. NHS Ambulance Emergency care assistant – NHS Employers– Pay scales for 2023/24 (online) Available at: <https://www.nhsemployers.org/articles/pay-scales-202324> [accessed on 31 May 2024]. Firefighter – Fire Brigades Union, Pay settlement 2023 (online) Available at: <https://www.fbu.org.uk/pay-rates/pay-settlement-2023> [accessed on 31 May 2024]. Police constable– Police Federation, Constable pay scale from 1 September 2023 (online) Available at: <https://www.polfed.org/resources/pay-scales/constable-pay-scales/> [accessed on 31 May 2024]. Northern Ireland Custody Prison Officer – based on PSPRB 2023 report on Northern Ireland. Scottish Residential Officer – based on unpublished Scottish Prison Service data from 1 April 2023. Home Office Border Force – unpublished Home Office payroll data from 1 July 2023.

<sup>77</sup> The salary points for NHS Ambulance Emergency Care Assistant and Border Force both include an estimate of unsocial hours. These estimates were based on IDR’s calculations in the 2019 report. Firefighter assumes no overtime. IDR only included pay points 2 to 4 for Police Constable, all pay points have been included here. Community Payback Supervisor was privatised at time of IDR report and is now again part of the Probation Service (Band 3). Private Prison Officer, Residential Children’s Worker, Police Call Handler, Private Emergency Care Assistant, Police Community Support Officer pay values may include/attract shift and/or unsocial and/or other allowances and may be based on annual or hourly pay.

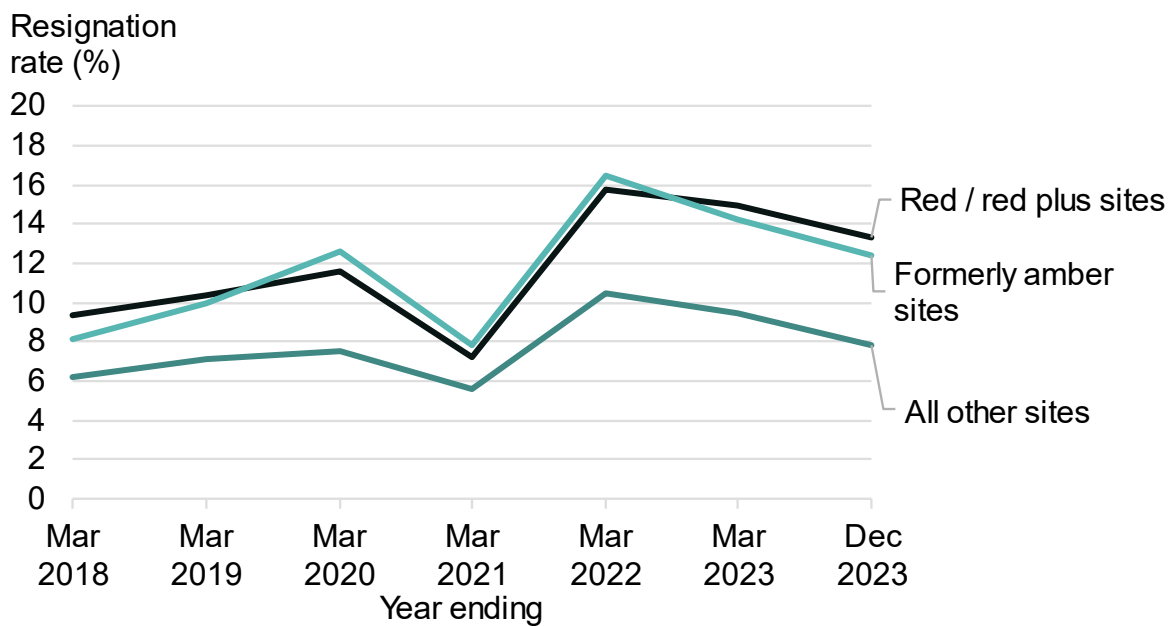
*Recruitment and retention*

3.50 In addition to the workforce data provided above, we also drew on the latest HMPPS workforce data to examine recent trends across a number of indicators, specific to Bands 2 and 3 staff.

3.51 Figure 3.13 shows Band 3 and 4 (including specialists) resignation rates split by prison type. Resignation rates for all groups decreased in the year to 31 December 2023. Resignation rates were similar for red / red plus sites (13.3%) and formerly amber sites (12.4%) and 7.8% for non-market supplement sites. The overall Bands 3 and 4 (including specialists) resignation rate was 9.5% in the year to 31 December 2023. Resignation rates for Band 4 / Supervising Officer and Band 5 Custodial Managers tend to be lower than for Bands 3 and 4 (including specialists). In the year to 31 December 2023, the resignation rate was 2.8% for Band 4 / Supervising Officer and 0.9% for Band 5 Custodial Manager.

3.52 We note, however, that some prisons, which have never had a market supplement, have higher leaving rates than red and red plus sites. This indicates that there continues to be variability in leaving rates and that some non-market supplement sites may face similar retention issues compared to those which pay a supplement.

**Figure 3.13: Bands 3 and 4 (including specialists) resignation rates split by prison type, 12 months to 31 March 2016-2023 and 12 months to 31 December 2023<sup>78</sup>**



3.53 Figure 3.14 below shows Band 2 resignation rates split by prison type. The figure shows that resignation rates for both site types decreased in the year to 31 December 2023. Resignation rates for formerly red sites were 15.6% and 10.8% for non-market supplement sites. The overall resignation rate for Band 2 was 11.6% in the year to December 2023.

<sup>78</sup> OME analysis of unpublished HMPPS data.

**Figure 3.14: Band 2 resignation rates split by prison type, 12 months to 31 March 2016-2023 and 12 months to 31 December 2023<sup>79</sup>**



### Summary

3.54 Overall, the key points which we drew from this analysis were:

- Analysis of ASHE data shows that between financial years 2021-22 and 2022-23, Band 3 maximum pay was below median earnings in all regions, even when market supplements were factored in. However, in absolute terms, the gap between the Band 3 maximum and median pay has decreased and the pay range minima now exceed the 25<sup>th</sup> percentiles for all regions. Prison officer maxima in Scotland and Northern Ireland were above median earnings in Scotland and Northern Ireland respectively.
- Bands 2 and 4 are spot rates which both sit between their previous respective minima and maxima, when compared to the relative position within economy-wide earnings. The relative position of the Band 3 minimum and maximum both increased over the same period compared to economy-wide earnings. Band 5 has become narrower but maintained its relative position when compared to economy-wide earnings. From 2021-22 to 2022-23, the relative positions of Bands 2 to 5 pay improved, particularly for Band 3. However, Band 2 remained below the 20<sup>th</sup> percentile.
- Band 3 pay compares more favourably against comparator pay than in the financial year 2022-23. However, many of the other comparators have a higher range of earnings available and Band 3 pay tends to overlap at the lower end of the comparator ranges.
- Resignation rates for Bands 3 and 4 staff (including specialists) in the year to 31 December 2023 continued to decrease from historic high levels in the financial

<sup>79</sup> Relevant Band 2 staff were formerly eligible to receive one of three types of market supplement: red, red Outer London and red plus. Following our recommendation from 1 April 2023, all three market supplements for Band 2 staff ceased to be payable as they were consolidated into base pay. OME analysis of unpublished HMPPS data.

year 2021-22, for both red plus and non-market supplement sites. In the year to 31 December 2023, Band 2 had a higher overall resignation rate than Bands 3 and 4. Band 2 resignation rates also decreased from historically high levels seen in the financial year 2021-22. However, resignation rates for Bands 2 and 3 remain above pre-Covid-19 levels.

3.55 We comment further on our findings in Chapter 4.

#### *Evidence from the parties*

3.56 HMPPS noted in its written evidence that staff were increasingly wanting greater flexibility and a better work-life balance, which could often be found in alternative roles outside of the Service. Therefore, it was launching a programme called Shaping a New Employee Offer (SANEO), which aimed to increase the options for flexible working. It was also aiming to improve retention by offering development opportunities for staff who were looking to build a long career in the Prison Service. HMPPS's written evidence also included details of the large number of interventions it had in place to address each of the ten drivers of attrition it had identified, at both a national and local level. We asked HMPPS for information on flexible working, and the number of applications received. It was unable to provide data on flexible working. We return to this in Chapter 4.

3.57 In its written evidence, the POA said that the potential to earn higher rates of pay in less-demanding employment was "luring keen and capable young staff away". They considered that there needed to be a long-term financial incentive to get these staff to commit to a vocation as a prison officer. The union stated that longer-serving members of staff were disillusioned by pay awards that were behind inflation and that reinforced the feeling of being part of a "forgotten service" that failed to respect them, treat them fairly or compete with other public-sector pay structures. In oral evidence the POA stated that staff left to join the police, Border Force, to become lorry drivers, or for jobs on the railways and for lower paid but safer jobs. In addition, the POA said staff also left the Service due to a lack of support from management and the Service more widely. We also heard from the POA and PCS in oral evidence that the SANEO-related flexible working opportunities were very limited, and SANEO was, as far as they were concerned, a complete failure, with the POA stating that they knew of no-one working flexibly. During oral evidence the POA also commented that the SANEO project had stalled and the union had not met HMPPS on this issue for many months.

3.58 The PGA told us that several senior managers had left the Service to take up roles in the private or voluntary sectors and that it was getting more difficult to encourage those remaining to take on the most challenging prisons. It reported that staff were reaching the top of the pyramid quicker and with an increased pension age, this meant more staff would either be "stuck" at Bands 10 and 11 for longer in their careers or would need to look for roles outside the Service. There would be a narrowing of opportunity and highflyers would leave. The PGA reported that private sector prisons would offer salaries of around £25,000 more to governing governors, which could tempt several staff to move.

3.59 The PCS considered that, while there had been a slight improvement, leaving rates were still too high to be sustainable. The PCS considered that improved opportunities for flexible working would encourage better retention and would help with childcare and travel costs. However, such opportunities were limited, there was a culture of presenteeism and the union considered that the Prison Service was

generally averse to having part-time staff. During oral evidence, the PCS reported on pay increases that prison-based contractor staff working for Amey and Sodexo prison officers had recently received. These were an increase of 8.3% or move to £12 an hour for Amey facilities management staff, and an increase of 6% for Sodexo prison officers.

### **Performance management**

- 3.60 The current performance management system was introduced in April 2022. The system was introduced throughout the MoJ, moving away from performance markings, guided distributions and moderation meetings, and instead focused on regular conversations about performance and development. In previous years the POA and PGA have argued that the MoJ system was not suitable for the Prison Service but HMPPS said it is working well. We note that higher proportions of in-year awards are made to the manager grades.
- 3.61 The POA stated that, in practice, performance management was not being used at all for their grades. In oral evidence the POA also referred to spans of control being too large to effectively manage staff performance and referred to some Custodial Managers overseeing more than 26 staff. The PGA stated in its written evidence that there was a concern that operational managers were not being effectively monitored in relation to in-year rewards. It considered that HMPPS had not introduced a fair system for progression and not provided performance specific data. In its written evidence, the PCS proposed that pay progression should be paid to those working through formal poor performance measures. It said that denying those on poor performance procedures could not be applied consistently, given Bands 2, 4, 7 and 12 were spot rates and many other staff were on pay maxima. The union also believed that denying those on formal poor performance procedures a pay award disproportionately impacted those with protected characteristics. The PCS emphasised that point during oral evidence, adding that the performance management system was flawed and not being used as intended.

### **Motivation and morale**

#### *Civil Service People Survey*

- 3.62 The annual Civil Service People Survey began in 2009 and aims to gauge attitudes and experiences of those working in Government departments. The 2023 survey ran from 19 September to 23 October and received a total of 28,017 responses from HMPPS staff and 10,718 responses from staff in His Majesty's Prison Service (HMPS) and the YCS, both slightly higher than the previous year. Due to the relatively low response rates for the Prison Service and the factors affecting selection bias, it is important to treat results from this survey with caution. The results cover both remit group and non-remit group staff.
- 3.63 The Employee Engagement Index (EEI) is a summary index designed to measure employee engagement and commitment to their organisation's goals and values. The EEI score is calculated from responses to five specific questions; the scale ranges from very disengaged (0%) through to very engaged (100%). The EEI for HMPPS as a whole was the same in 2023 as it was in 2022, at 60%. For HMPS and the YCS the EEI rose slightly from 57% in 2022 to 58% in 2023.
- 3.64 On the pay and benefits theme, in HMPS and the YCS, 31% of people were satisfied with the total benefits package (up five percentage points from 2022). 29% thought

their pay adequately reflects their performance (up four percentage points), and 26% felt their pay was reasonable compared to people doing a similar job (up five percentage points). Relating to future intentions, 59% of people in HMPS and the YCS said that they want to stay working for the organisation for at least the next three years up one percentage point from 2022. In 2023, 20% said they want to leave their organisation within the next 12 months or sooner, the same proportion as in 2022. We also note that the main reason given by staff as wanting to leave HMPS and the YCS in the 2023 survey remained better pay, followed closely by better work-life balance and poor leadership. Scores for each of these had improved over the 2022 survey results but they remained the main reasons given by staff for wanting to leave. We note the differences in this survey compared with the reasons staff who were actually leaving gave in their exit interviews.

- 3.65 In HMPS and the YCS, 61% of respondents said they could access support to cope with the emotional demands of their work, the same as in 2022. 68% felt safe in their working environment in 2023, down one percentage point from 2022. Reported levels of discrimination, bullying and harassment remained at the same level in HMPS and the YCS in 2023 as 2022, at 15%. In 2023, of those who indicated that they had been bullied and/or harassed at work, 42% said they had reported it and 23% said they saw appropriate action being taken to address the behaviour. In 2022, 39% of people said they had reported the bullying and/or harassment and 20% said appropriate action was taken to address the behaviour.

#### *Sickness absence*

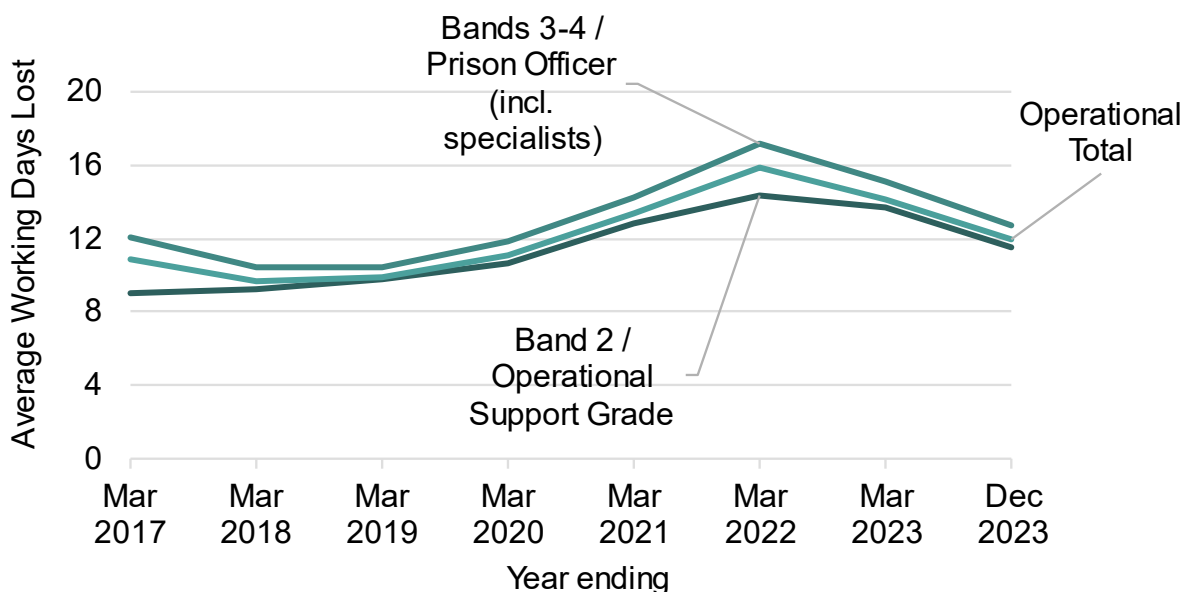
- 3.66 High levels of sickness absence are often a sign of low morale and motivation. It also significantly affects staffing levels and operational decisions.
- 3.67 In the year to 31 December 2023, operational staff in HMPS, YCS and HMPPS headquarters lost an average of 12.0 working days (AWDL) due to sickness absence.<sup>80</sup> This is down from 14.1 in the 12 months to 31 March 2023 and down from 15.8 in the 12 months to 31 March 2022. By grade, in the year to 31 December 2023, Band 3 and 4 prison officers (including specialists) had the highest AWDL, at 12.7, followed by Band 4 / Supervising Officer (11.6) and Band 2 / OSG (11.5). Operational manager grades had lower AWDL compared with Band 4 staff and below. AWDL decreased for all grades during the year to 31 December 2023 compared to the year ending 31 March 2022.

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<sup>80</sup> OME analysis of HMPPS, (2023). *HM Prison and Probation Service workforce quarterly: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023> [accessed on 31 May 2024].



**Figure 3.15: Average Working Days Lost for Band 3 and 4 Prison Officers, Band 2 Operational Support Grades and total operational staff, 12 months to 31 March 2017-2023 and 12 months to 31 December 2023<sup>81</sup>**



3.68 In the year to 31 December 2023, the most common reason for sickness for Band 3 to 5 officers was ‘mental and behavioural disorders’, accounting for 33.1% of known sickness absence reasons. This was higher than in the year to 31 March 2023 (27.0%). ‘musculoskeletal system’ was the second-most common reason (22.3%) in the year to 31 December 2023. Since March 2022, the category of sickness with the greatest change was ‘epidemic/pandemic’ which has fallen from 26.6% to 4.5% in the year to 31 December 2023.

3.69 For Band 2 / OSG, ‘mental and behavioural disorders’ was also the most common reason for absence in the year to 31 December 2023, accounting for 25.4% of known sickness absence reasons. This was followed by ‘musculoskeletal system’ at 22.5%.

3.70 Across HMPPS grades in aggregate, ‘mental and behavioural disorders’ was the most common known reason for sickness absence in the year to 31 December 2023 (39.2% of known reasons). Over the same period, ‘musculoskeletal system’ accounted for 17.7% of all known reasons.

*Evidence from the parties*

3.71 During oral evidence, HMPPS told us that the Civil Service People Survey results indicated that morale and motivation were improving, but on some of the key metrics this was from a low baseline. It said that the divide between Fair and Sustainable and closed grades had diminished. However, staff still experienced challenges including the level of support needed for inexperienced staff, with around a third of Band 3 staff having less than two years’ service. HMPPS officials also said the Service was reviewing complaints of bullying and harassment by having a deputy director and barrister in the MoJ look strategically at professional standards and culture within the Service.

<sup>81</sup> OME analysis of unpublished HMPPS data.

- 3.72 The POA included the results of a survey of its members, which had over 2,300 responses, and included questions relating to motivation and morale. The results indicated that the majority of respondents: did not feel valued for the work they did; disagreed or strongly disagreed that staff morale was good in the prison they worked in; and felt stressed a few times a week or more when at work. In oral evidence, the POA said that morale in the Service was depleted and the closed grades felt “abandoned”. It also said it had recently agreed a bespoke survey for operational grades in the Northern Ireland Prison Service that it would also like to see for England and Wales. The POA also said in oral evidence that they had never known morale to be so poor. This was echoed by the PGA who also mentioned that morale was increasingly adversely affected by dilapidated and overcrowded prison environments.
- 3.73 The PGA said in its written evidence that days lost through sickness absence had increased significantly in the last five years. It noted that there was a lack of training and investment in operational manager grades. It further stated that its members were suffering negative mental and physical health and often experienced relationship breakdowns at home, due to the pressure they were put under at work including excessive working hours.
- 3.74 In its written evidence, the PCS stated that prison capacity issues had placed extreme pressures on PCS members and shown how vital non-operational roles were in prisons. The union welcomed the fact that governors were starting to appreciate staff working in such roles more. In oral evidence, the PCS said that morale was reported to be low, although comradery was generally better and, in small pockets, it was good. However, support from managers was not considered to be good.
- 3.75 Taking a step back from the detailed evidence, while there have been some improvements over the last year, the evidence indicates that the Service continues to face varied and ongoing challenges. We set out our analysis of the evidence and our resulting recommendations in Chapter 4.



## **Chapter 4: Our recommendations on pay**

### **Introduction**

- 4.1 This chapter summarises our analysis of the evidence we considered and sets out our recommendations on pay and allowances with effect from 1 April 2024.
- 4.2 In previous chapters, we covered the evidence we considered from a range of sources, including: His Majesty's Prison and Probation Service (HMPPS), the trade unions, and our remit group, including the evidence gathered during visits; economic evidence from a range of sources; pay data; evidence specific to the remit group such as recruitment, retention and morale; equality and diversity; and the competitiveness of Prison Service staff remuneration. As we indicate in Chapter 2, our remit group continues to face a number of challenges, some of which are likely to remain over the medium to long term. We received evidence suggesting that the prison estate in England and Wales has been under significant strain, in particular over the last year, especially in relation to the rising prison population. Although new prison places are being built, the need for these to be adequately staffed is critical.
- 4.3 When framing our recommendations this year, our main objectives included:
- maintaining the improved market position of Prison Service pay arising from our previous recommendations. While we acknowledge that the data are beginning to show improvements in recruitment and retention, we do not consider that the job is finished and do not want to risk undermining the progress over the last two years; and
  - giving all staff a pay award, or the opportunity of accessing a pay award, which broadly reflects developments experienced by other workers in the rest of the economy.
- 4.4 This year we are proposing an across-the-board award for those in Fair and Sustainable, rather than a differentiated award as last year. We recognise the financial constraints within which HMPPS needs to operate, particularly in the context of the final year of the 2021 Spending Review period, and that our recommendations will cost more than HMPPS may have budgeted for. However, we believe our evidence-based recommendations are appropriate and build on the steady progress made in the last two years and recognise the critical role which the Prison Service plays to keep communities safe. We also believe that appropriately rewarding staff will assist with recruitment and retention of staff longer term, and thereby reduce costs in both of these areas.

### **Analysis**

- 4.5 We were concerned to hear from all parties that levels of violence in prisons have been increasing. This continues a worrying trend as prison regimes have, largely, returned to their normal (pre-pandemic) state. While violent incidents have not reached pre-pandemic levels, the recent increases are a serious concern. Such conditions not only impact the individuals concerned but also have a considerable financial cost and can contribute to staff leaving to take up roles with less risk.
- 4.6 In both its written and oral evidence, HMPPS told us that there were early indications of improvements in recruitment and retention. The Service was nearly at its target for the total number of officers it needed, and there were around 23,000 Band 3 Prison

Officers in post – a net gain of over 1,600 in the year to December 2023. There had also been a reduction in the resignation rate of Band 3 to 5 staff (at 8.3% in the 12 months to December 2023, down 2.4 percentage points on a year earlier). It was, however, still the case that officers were most likely to leave in their first or second year of service, but HMPPS said this was similar to other sectors. Overall, HMPPS believed that resourcing was in the best place for years and that they were only about 500 staff below optimal resource levels at April 2024. However, HMPPS also accepted that their resourcing assumptions for “non-effective” staff needed to be updated and told us they were working on this.

- 4.7 While there appear to be early signs of an improved picture overall, the Service needs to recruit thousands of staff each year because of attrition, and difficulties also remain in specific locations. A significant increase in the use of Payment Plus and overtime detailed in Chapter 3 indicates staffing levels continue to be stretched. In Chapter 3, we also reported on the continued use of detached duty, an organisational strategy whereby establishments in the North and Midlands had over-recruited and sent those surplus staff further south to cover shortfalls. Staff in some establishments expressed concern at the sustainability of this. HMPPS said, should the recruitment and retention situation continue to improve, it aimed to reduce surplus recruitment in the North and Midlands and reduce its reliance on detached duty.
- 4.8 In Chapter 3, we set out the evidence relating to motivation and morale which we consider when forming our recommendations. We note that, while the results for many of the indicators covered by the annual Civil Service People Survey were more positive in 2023 over the previous year, there is still much room for improvement. Sickness absence rates declined compared with the previous year, with an average of 12.0 days lost per member of staff in the year to 31 December 2023, compared with 15.8 a year earlier.<sup>82</sup> As in previous years, the unions told us that morale was very low among their members. We have noted above that levels of violence in prisons have continued to increase following the pandemic, which affects staff motivation and morale. The position of our remit group’s pay relative to the market and the characteristics of our remit group are also covered in Chapter 3.
- 4.9 We are very conscious of the heavy emphasis on affordability that ran through HMPPS’s written evidence and that was reiterated in oral evidence. This is the last year of the 2021 Spending Review period, and HMPPS told us that it faced significant financial challenges. HMPPS also told us that it did not want any large across the board increases as it felt that the current pay scales and ranges were market aligned across the country. However, it accepted that there were still issues at the market supplement sites. Unusually, HMPPS’s written evidence did not include a proposal for a headline award amount for this round. However, in oral evidence the Minister and HMT stated that the budget assumption for increases was 2%.
- 4.10 Our recent recommendations have focused on the lower paid which aimed to improve our remit group’s relative market position, particularly for Band 3 staff where there were particular challenges last year. This year, we are aiming to maintain this improved market position to ensure that ground is not lost within the wider labour

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<sup>82</sup> HMPPS, (2023). *HM Prison and Probation Service workforce quarterly: December 2023*. (online) Available at: <https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2023> [accessed on 31 May 2024].

market, with the accompanying detrimental effect on recruitment and retention. We believe this is necessary to continue to attract, motivate and retain the calibre and quantity of staff needed for the years ahead. We also note from the data available to us that there are still a relatively large number of prisons where leaving rates remain high, in particular for Band 2 and Band 3 staff. We consider that it would be premature to conclude that the improvements in pay and allowances over the past few years have resolved the recruitment and retention issues longer term.

- 4.11 In our 2023 report, we decided to pause progress on consolidating the remaining market supplements into pay, preferring to focus on the overall award. We signalled that we would return to the issue of market supplements in future years. As last year, in its written evidence, HMPPS proposed that we make no further changes to market supplements. However, unlike last year, the evidence did not contain a longer-term aim to fully erode market supplements – a position emphasised during oral evidence, where HMPPS said that market supplements were part of the recruitment and retention package and should be retained. HMPPS also considered that the pay complexity issue had largely been resolved by closing the gap between Fair and Sustainable and the closed grades.
- 4.12 It remains our view that market supplements distort the pay system, impact negatively on nearby non-market supplement sites, are divisive and may well prove to be counterproductive in the medium to long term. In addition, we remain concerned that, as history has shown us, the number of market supplement sites seldom if ever reduces, but year on year new sites are added. This would result in increasing complexity and cost if there was a reversion to the previous, but quite recently held, HMPPS view that market supplements should be temporary, and that further erosion of the red and red plus sites would be appropriate. In oral evidence for our 2023 report, HMPPS said that it intended to erode market supplements altogether by the end of the decade.
- 4.13 While we remain committed to eroding the remaining market supplements fully in the longer term, we have decided not to make a recommendation on further erosion this year. Given affordability constraints, and listening to the views of the interested parties, we believe it is more appropriate this year to concentrate on the headline award. We are also aware that the erosion of the amber market supplement following our 2022 report was not well received by some staff at market supplement sites because, while it increased pensionable pay, it decreased take-home pay due to pension contributions being payable as a result. It remains our intent however, to return to market supplements in subsequent years and we ask that HMPPS provides us with continuing information on their use, together with detailed analyses of their impact on recruitment and retention over time.
- 4.14 We received written evidence from HMPPS on the various non-pay measures it had implemented to try to help improve recruitment and retention. Whilst such initiatives can be constructive and lead to positive outcomes, many, in all sorts of different organisations, do not. While we welcome the energy which goes into developing the multitude of new ideas and initiatives to address recruitment and retention challenges, we rarely hear about the evaluation of these initiatives, nor of any form of cost-benefit analysis, nor of capturing the learning to evidence those actions which worked, and those which did not. Given the cost, disruption and effort which many of these initiatives require, we would like to better understand what evaluations have been carried out for the recent major initiatives we have heard about, and how new initiatives will be evaluated in the future.

4.15 Our recommendations this year aim to consolidate the position of our remit group relative to the wider labour market. We believe it is essential to build on the progress made in the last few years and not to risk any detrimental impact to recruitment and retention that less competitive pay could bring. Our recommendations would also make it financially beneficial for even more closed grade staff to opt in to the Fair and Sustainable pay structure, leaving only a very small minority for whom that would not be the case. We ask the Government to consider carefully the package of recommendations we make, the positive strategic impact which they seek to achieve, and the evidence on which they are based.

## **Pay award and restructuring**

### *Bands 3 to 5 pay award*

- 4.16 For Bands 3 and 5, HMPPS emphasised that any headline award we recommended should recognise its affordability constraints and asked us to determine the appropriate increase. It further proposed that the headline percentage should be converted into a cash amount based on the maximum of each pay scale with that same cash amount applied to each pay point in the relevant scale. For Band 4, HMPPS proposed that the headline award percentage be applied to the spot rate.
- 4.17 As noted, the POA proposed that all staff in Fair and Sustainable Bands 2 to 5 and all closed grade staff should receive a consolidated uplift of 8.3%, with staff receiving interest of 5.3% on back pay for each month the award was late. The union also proposed that Fair and Sustainable pay should be increased to overtake those staff with a market supplement or closed grade Locality Pay Allowance (LPA). In addition, the POA requested the introduction of five additional pay points for all support and officer grades (both Fair and Sustainable and closed grades) that staff would progress along on the anniversary of them joining the Service or on the implementation date of the pay award.
- 4.18 The Public and Commercial Services (PCS) union's written evidence did not contain a headline award figure because inflation was "ever changing". The union did say that pay restoration was a crucial element of its national claim and that any award should be above inflation. During oral evidence, PCS referred to pay research it had commissioned Queen Mary University to undertake, which indicated how far civil service pay had fallen behind average pay since the 1970s.<sup>83</sup>
- 4.19 We note that annual growth in regular pay (excluding bonuses) for the whole economy was at 6.0% in December 2023 to February 2024. Data on pay settlements indicate that the median increase in basic pay by number of pay reviews, was 4.8% in the three months to the end of March 2024.
- 4.20 In accordance with our terms of reference, we considered a wide range of relevant pay and workforce data to reach our conclusions on the pay award for Bands 3 to 5. Despite recent signs of improvement, we remain concerned about recruitment and retention of Band 3 staff, and attrition at Bands 4 and 5. We consider that the data have not been captured over a sufficiently long enough period of time to reach a conclusion as to whether the improvement is the start of a trend, or something more short-term. Band 3 is the main operational recruitment grade into the Service, which is why it has been the focus of our attention in recent years. We hear that staff

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<sup>83</sup> Public and Commercial Services Union, (2024). *Civil Service pay report 2024*. (online) Available at: <https://www.mypcs.pcs.org.uk/s/article/Civil-Service-pay-report-2024> [accessed on 31 May 2024].

morale remains low and HMPPS continues to make use of market supplements and has signalled its intention to continue to do so. HMPPS has also been utilising detached duty, moving staff around the estate and Payment Plus costs have increased to the highest level on record. Leaving rates in the first two years of service remain relatively high and lead to a very material recruitment, training and financial burden as well as increasing the load on experienced staff.

- 4.21 Our most recent recommendations have sought to improve the pay position of Band 3 staff relative to a number of comparable occupations which create the competitive labour market within which HMPPS operates. We do not want progress to stall or indeed to be undone, resulting in a return to the challenging position of a few years ago. While we are aware that the most recent inflation figures are considerably lower than at this time last year, the cost of living has continued to increase and continues to erode the real value of pay for the remit group. We have kept a close watch on pay settlement data, as reported in Chapter 3. We are also mindful that, unlike the remit groups for most other Pay Review Bodies, most of our remit group are unable to take industrial action. Given this picture, we consider an award of 5% to be appropriate and justifiable, based on the evidence. Therefore, we recommend that the Fair and Sustainable National Bands 3 and 5 base pay points and the Band 4 spot rate are increased by 5%.

**Recommendation 1:** We recommend that from 1 April 2024, the Fair and Sustainable National Bands 3 and 5 base pay points and Band 4 spot rate be increased by 5%, as set out in Appendix D. This award to be consolidated and pensionable.

#### *Band 2 pay award*

- 4.22 For Band 2 staff, HMPPS proposed that the spot rate be increased from 1 April 2024 to meet the 2024 National Living Wage (NLW), citing affordability issues as the constraint on doing anything more. The NLW increased to £11.44 per hour on 1 April 2024. HMPPS also proposed that Inner and Outer London Band 2 rates be increased by the same amount to maintain existing differentials. We note that HMPPS has already increased the Band 2 base pay spot rate from 1 April 2024 to remain compliant with the NLW. HMPPS asked that, were we to recommend an overall award that was higher than this increase for Band 2 staff, it should not be on top of the NLW increase but instead the difference between the NLW increase and our headline award should be paid as a “top up”.
- 4.23 During oral evidence, HMPPS accepted that staff could view its evidence as suggesting that Band 2 was an NLW role but said that staff also received the 20% unsocial hours payment. The POA proposed that all staff in Fair and Sustainable Bands 2 to 5 should receive a consolidated pay uplift of 8.3%. It also proposed that Band 2 staff be removed from our remit and returned to collective bargaining. PCS proposed that any Band 2 pay increase should be on top of the NLW increase.
- 4.24 We gave a great deal of thought to the interaction of Band 2 pay with the NLW and sought to establish a firm position on this. We also recognise that there was some confusion and disappointment in how our recommendation for Band 2 pay was communicated last year. As mentioned in our 2023 report, we do not consider that there should be a formal link with the NLW for Band 2 staff, given their



responsibilities and the critical role they play in the safe and effective running of prisons. We have regard to the same issues of recruitment, retention and market comparisons when considering Band 2 staff as for all other staff in our remit, and these will continue to underpin our recommendations. Additionally, we have recently focused on improving the market position of Band 3 pay to address the recruitment and retention issues there and note that the recruitment and retention picture for Band 2 remains the most challenging for the Service. The NLW is mandatory for all employers, so we believe that our award should be in addition to this increase, which also removes any staff confusion. Therefore, we recommend that Band 2 staff receive the same overall headline award of 5% as for all other staff in our remit, in addition to the NLW increase they have already received.

**Recommendation 2:** We recommend that from 1 April 2024 the Fair and Sustainable National Band 2 base pay spot rate be increased by 5%. This should be in addition to the National Living Wage increase that Band 2 staff received from 1 April 2024. This award to be consolidated and pensionable.

#### *Bands 8 to 11 restructuring*

- 4.25 HMPPS again proposed to shorten the pay ranges for Bands 8 to 11. Its proposals would result in a range of 10%, with proposed progression of 3.33%, meaning staff would progress to the maxima in three years for Bands 8 to 10, with Band 11 becoming a spot rate. HMPPS said that its proposal aimed to address for these grades the insufficient financial incentives for progression and the unintended consequences around staff movements, such as overlaps and leapfrogging, building on the previous work that was completed for officer grades in 2022-23.
- 4.26 HMPPS said it believed that it did not take those in Bands 8 to 10 five years to become fully competent and three years was now, as for those in Bands 3 to 5, more realistic. HMPPS stated in its written evidence that shortening the pay ranges would help it to manage pay progression in the future, moving towards paying the rate for the job. Shorter ranges would also address pay range overlaps, particularly between Bands 9 and 10, in turn reducing promotion disincentives and a reliance on temporary cover. The written evidence also included a statement from the Prison Governors' Association (PGA) giving support for HMPPS's principles of: reducing pay range overlaps; shortening the pay ranges for Bands 8 to 11; and progression through the pay ranges (from minimum to maximum) within no more than three years, but not necessarily endorsing the specific proposals made by HMPPS.
- 4.27 HMPPS proposed that Band 11 would become a spot rate. It said that typical career progression would see a Band 10 Governor of a prison progress to be a Band 11 Governor of a more complex or challenging prison. In addition to emphasising the above points during oral evidence, HMPPS added that in discussions with the PGA there was a suggestion that the spot rate at Band 7 had encouraged more staff to move into that band. However, the Service had no ambition to put all operational managers on spot rates.
- 4.28 During its oral evidence session, the PGA said that it was indeed supportive of the aim of reducing the overlap between bands and quicker progression. It said that it was becoming more difficult to persuade Band 10 Governors to apply for Band 11 roles. The union said there were several Band 11 vacancies. However, it also said

that staff could move directly from a Band 9 Deputy Governor role to a Band 11 Governor role. Therefore, the PGA countered that the bottom of the Band 11 pay scale was not in fact “redundant” and it was not in favour of Band 11 becoming a spot rate.

- 4.29 As we stated in our last report, we recognise, and agree with, the aspiration to shorten the ranges for Bands 8 to 11 but we consider that the minimum period to progress to the top of the range should not be less than three years. Given the alignment of PGA with HMPPS’s aims here, we endorse the proposed restructuring of Bands 8 to 10. However, we do not endorse the proposal to change Band 11 to a spot rate and consider that the changes to Bands 8 to 10 should also be applied to Band 11.

**Recommendation 3:** We recommend that from 1 April 2024, the Fair and Sustainable National Bands 8 to 11 be reduced in length from 20% to 10%, by increasing the minima, as set out in Appendix D. Those staff below the new minimum to move to that new minimum.

#### *Bands 7 to 12 pay award*

- 4.30 As mentioned previously, HMPPS did not submit a proposal for a headline award amount for this round. Other than the proposed restructuring covered above, HMPPS did not propose that Bands 7 to 12 should be treated any differently from Bands 3 to 5.
- 4.31 In its written evidence, the PGA proposed that the range minima and maxima, and spot rates in Bands 7 to 12 should be increased by 7% and staff should keep their relative position in the new pay scale. During oral evidence, the PGA noted that pay had been eroded over the last 10 years, recent awards had focused on the lower paid and cost of living increases affected their members too. It considered that the large pay increases for Band 3 had devalued the pay for operational managers.
- 4.32 We recognise that our recent recommendations focused on the lower paid, specifically aimed at improving the market position of Band 3 staff to address their severe recruitment and retention issues. However, we acknowledge that staff in the managerial grades have also faced cost of living pressures and wish to maintain the relative market position of their pay as well. We therefore recommend an award of 5% to all staff in Bands 7 to 12.

**Recommendation 4:** We recommend that from 1 April 2024, the Fair and Sustainable Bands 7 to 12 base pay minima and maxima, and spot rates be increased by 5%, as set out in Appendix D. This award to be consolidated and pensionable.

#### *Closed grades*

- 4.33 In our 2023 report we recommended no consolidated pay uplift for those closed grade staff for whom it would be financially beneficial to opt in. For those for whom it was not beneficial to opt in, we recommended a non-consolidated payment. This decision was taken after considerable deliberation. The POA asked us to reconsider

that decision this year while HMPPS asked us again to consider non-consolidated payments for those who do not financially benefit from opting in. On balance, we consider that we should continue on the path that we set out last year, especially given the recent successful opt in exercise. We discuss opt in later in this chapter.

- 4.34 Should our recommendations be accepted this year, further significant progress will be made in addressing the complexity of the pay structure with more closed grade staff in receipt of legacy LPA rates and other specialist pay being able to benefit financially from opting in to Fair and Sustainable. Our recommendations should result in the majority of those closed grade staff at the seven prisons in receipt of rate 4 of the legacy LPA system being able to benefit financially from opting in (unless in receipt of any other payments). This would leave closed grade staff at just four remaining prisons on LPA rates 2 and 3 who would not benefit from opting in. For this diminishing number of closed grade staff who would not financially benefit from opting in to Fair and Sustainable following our recommendations, we recommend a non-consolidated payment of 5% of base pay.

**Recommendation 5:** We recommend that from 1 April 2024, those closed grade staff who would not financially benefit from opting in to their equivalent Fair and Sustainable grade receive a non-consolidated, non-pensionable payment of 5% of base pay.

- 4.35 As discussed in Chapter 2, a number of closed support grades have already seen their pay increase from 1 April 2024 due to the increase to the NLW. Therefore, we recommend that HMPPS should ensure that the pay for all closed grades is, at least, compliant with the NLW.

**Recommendation 6:** From 1 April 2024, we recommend that HMPPS ensures that all closed grade pay rates at least match the National Living Wage.

### **Opting in to Fair and Sustainable**

- 4.36 Last year, we made the difficult decision that we would not recommend a consolidated pay award for the closed grades going forward, recommending that only those who could not financially benefit from opting in received a non-consolidated payment of £1,500. In our 2023 report, we noted some of the barriers staff reported to opting in. We also received clarification from HMPPS on the conditions which would change and which would remain the same upon opt in. We were therefore pleased to see that around 80% of closed grades, for whom it was it was financially beneficial, opted in. We also appreciate the proactive work undertaken by the POA on dispelling many of the “myths” around opting in to Fair and Sustainable.
- 4.37 As for last year, we recommend that closed grades should continue to opt in to the maximum of their respective Fair and Sustainable grade, thus providing an incentive to opt in and ensuring that their experience is rewarded by not placing closed grades on the same pay rates as less experienced staff. This also reduces the administrative burden for HMPPS when producing their opt in calculations for staff.

**Recommendation 7:** We recommend that from 1 April 2024 all closed grade staff who choose to opt in this year are moved on to the maximum of their respective Fair and Sustainable grade pay scale, range or spot rate. The opt in process should be expedited to start as close as possible to the publication date of this report.

- 4.38 We were pleased to hear in oral evidence that HMPPS is considering more tailored approaches to providing information to the just under 500 closed grade staff who remain, such as providing face to face briefings at those prisons that have higher numbers of closed grades. We would encourage HMPPS to continue this more focussed approach to communicating opt in implications this year to ensure that all those closed grades are fully furnished with the facts about and implications of opting in to Fair and Sustainable.
- 4.39 The POA raised an issue with us concerning the pensionability of “back pay” on opt in to Fair and Sustainable. HMPPS clarified that when staff opt in to Fair and Sustainable, they opt in at the time the exercise is being run, rather than at 1 April, when our recommendations take effect. As part of this exercise, HMPPS offers an incentive payment equal to the difference in pay they would have received had they opted in on 1 April. However, this is a cash amount and is not pensionable. This has been the case since Fair and Sustainable was introduced across 2011 and 2012. HMPPS also noted that those staff who opted in outside of the specific opt in windows are not entitled to this incentive payment. While this is a policy decision by HMPPS, it does highlight another issue connected with the pay round continually running late, as that means the opt in exercise cannot be run earlier in the pay year.

### **Performance management and pay progression**

- 4.40 As part of the wider Ministry of Justice, HMPPS introduced a new performance management system in April 2022. This system ended the link between end of year markings and progression through the scales and ranges. We received mostly negative feedback from staff and unions on this system. Therefore, in our 2023 report, we asked HMPPS to provide us with an evaluation of the new performance management system given it has been in operation for nearly two years. In its written evidence this year, HMPPS told us that it did not consider that the system was appropriate for evaluation as there were no formal records or recorded outcomes, except for poor performance measures. We also requested data on reward and recognition payments made over the 2022-23 performance period. HMPPS reported that the data were not held centrally and, as such payments were outside of our remit, the cost of providing the information was disproportionate.

### *Support and officer grades*

- 4.41 We make recommendations on progression for staff in Fair and Sustainable Bands 3 and 5 as they do not have contractual pay progression. We do not make progression recommendations for Bands 2 and 4 as these are spot rates. As for previous years, HMPPS proposed one pay point progression for staff in Bands 3 and 5 who are not subject to formal poor performance procedures. As this is consistent with the recent approach, we recommend that all staff progress to the next pay point unless they are subject to formal poor performance procedures.
- 4.42 In its written and oral evidence this year, PCS requested that progression was not held back for those working through poor performance procedures. It said that

denying those on poor performance procedures could not be applied consistently, as Bands 2, 4, 7 and 12 were spot rates and many staff were on their pay maxima. The union also believed that it disproportionately impacts those with protected characteristics when denying those on formal poor performance procedures a pay award. While we recognise the potential inconsistency given the differing pay band structures, we do not believe that poor performance should be rewarded and will therefore continue with our existing approach.

**Recommendation 8:** We recommend that all staff (except those subject to formal poor performance procedures) on Fair and Sustainable Bands 3 and 5 who are in post on 31 March 2024 progress by one pay point, effective from 1 April 2024.

### *Operational managers*

- 4.43 As covered earlier in this chapter, we have endorsed HMPPS's proposal to reduce the length of the pay ranges for Bands 8 to 11 from 20% to 10%. We have also accepted the view from the PGA and HMPPS that operational managers become competent in their roles within three years. Therefore, and to enable progression through the pay ranges from minima to maxima within three years, we recommend 3⅓% progression for staff in Fair and Sustainable Bands 8 to 11.

**Recommendation 9:** We recommend that all staff (except those subject to formal poor performance procedures) on Fair and Sustainable Bands 8 to 11 who are in post on 31 March 2024 receive a consolidated and pensionable progression increase of 3⅓%, capped at the 1 April 2024 band maximum.

### **Locality pay**

- 4.44 As set out in our terms of reference, we must consider 'regional/local variations in labour markets and their effects on the recruitment and retention of staff'. There are several locality payments available to staff in our remit group, including: the legacy Locality Pay Allowance rates; Fair and Sustainable Inner and Outer London differentials; and the red and red plus market supplements. The last we have discussed earlier in this chapter.
- 4.45 In its written evidence, HMPPS proposed that the Inner and Outer London differentials should be not increased due to its proposal to give cash value awards based on National maxima or spot rates rather than a headline percentage award. However, it did propose a small adjustment to the Inner and Outer London Band 10 rates to ensure that Band 9 staff received a full 10% increase in pay on promotion. We note that the pay data HMPPS provided shows there are no Band 10 staff in our remit group on the Inner or Outer London pay ranges. None of the other parties made proposals around the London differentials. As HMPPS's proposal would result in there being bespoke Inner and Outer London pay ranges for Band 10 staff, and that no staff in our remit group would benefit from the change, we do not endorse this proposal at this time.
- 4.46 As in previous years, we make no recommendations on the legacy Local Pay Allowance rates. We concluded that the Inner and Outer London cash differentials should be increased by the headline award as in previous years. We therefore

recommend that the Inner and Outer zones be increased by the 5% headline award. This results in the maxima for Inner and Outer London zones respectively being placed at £4,847 and £3,187 above the National maxima. We recognise that due to the NLW increase this will mean that those staff in Band 2 will receive a slightly different award in the two London zones than their counterparts in the National zone. The resulting scales and ranges are set out in Appendix D.

**Recommendation 10:** We recommend that from 1 April 2024, the fixed cash pay differentials for the Fair and Sustainable Inner and Outer London zones be increased by 5% and continue to be applied consistently across all bands, positioning maxima at £4,847 and £3,187 respectively above the 37 hour National maxima. We also recommend adjusting minima and intermediate points so that progression steps are the same percentage as on the National bands. The increases are to be consolidated and pensionable.

## **Allowances and payments**

4.47 For this report, we committed to considering Operation Tornado and dirty protest payments under our rolling review of allowances. There were also several other allowances from previous years where we had asked for additional information so that we might consider them as part of this report. We again note any requests for further data or information in Chapter 5.

### *Operation Tornado payments*

4.48 Operation Tornado payments are made to those staff who are specially trained to attend and deal with disturbances and incidents in prisons that require additional staffing assistance. Two broad groups of staff receive these payments – those prison officers and support grades who are part of their prison's Tornado team and those staff in the Operational Resource and Resilience Unit (ORRU), which consists of both the National Tactical Response Group (NTRG) and the National Dog and Technical Support Group (NDTSG). The ORRU is part of the Service's national resource and takes command of some of the most serious incidents along with incidents at height. It can also be called upon to deal with incidents at other organisations such as Immigration Removal Centres, prisons in the Isle of Man and Channel Islands, courts and the three secure hospitals.

4.49 The Operation Tornado allowance is currently set at £24.86 an hour for officers. This was last increased as part of our 2019 report, where the 2017 £5 an hour temporary uplift was made permanent. That year also saw the Operational Support Grade (OSG) rate increase from £14 to £19 an hour. This year, as part of our visit programme, we held additional virtual discussion groups with Tornado trained staff from a number of prisons. We spoke to staff more generally on our visits and also went to visit the ORRU, benefiting from watching videos of some real-life incidents and seeing the excellent training provided to staff. We would like to thank all those staff who volunteer to undertake Operation Tornado duties in what are potentially some of the most dangerous situations prison staff can find themselves in. Those staff to whom we spoke about the level of the Operation Tornado payments said it did not encourage staff to volunteer initially or to remain trained, with many staff not wanting to undertake initial or refresher training. Nearly all staff we spoke to felt that the difference in payment between Operation Tornado duties and bedwatch or

Payment Plus did not reflect the difference in responsibility or intensity. The POA made a similar point in its oral and written evidence.

- 4.50 As part of its evidence, the POA provided HMPPS's January 2023 Operation Tornado operating and training model review, which noted that feedback from staff found the reward and recognition for Tornado duties to be poor and there was a general feeling from staff that there was a lack of care for their wellbeing. This had meant that many establishments had fewer Tornado staff than required. The union asked that we increase the rate for officers to £40 an hour and the rate for OSGs to £35 an hour. HMPPS accepted that it had concerns around the recruitment and retention of Operation Tornado trained staff. It acknowledged that the rate at which the allowance was set was too close to the Payment Plus rate, noting that the Operation Tornado rates had not been reassessed for several years. HMPPS proposed that the rates should be increased by 40% to £34.80 an hour for officers and £26.60 an hour for OSGs. It felt that this would act as a financial incentive to attract staff to become Operation Tornado trained and remain trained.
- 4.51 We have considered the evidence carefully and agree with the POA, HMPPS and staff on visits that the allowance needs to be increased to encourage staff to volunteer and, crucially, that they continue to remain Operation Tornado trained. We also believe that increasing the allowance will restore its value to staff after not being uprated for some time. Operation Tornado is critical to the safe running of the Service which cannot afford to run out of volunteers and suitably trained staff. We recognise, given the risks to which Operation Tornado trained staff are exposed and the evidence of difficulty in recruiting and retaining volunteers, that the Operation Tornado rate needs to be set at a considerably higher rate than Payment Plus. We therefore accept the POA proposal for officer grades that the Operation Tornado officer rate should increase to £40 an hour but recommend £30 an hour for OSGs to reflect the differing levels of responsibility and related risks for officers and OSGs when attending Operation Tornado duties.

**Recommendation 11:** We recommend that from 1 April 2024 the Operation Tornado rate for officers increases from £24.86 to £40 an hour and from £19 to £30 an hour for Operational Support Grades.

- 4.52 During our visits, we heard a widespread concern that Tornado trained staff on duty were not able to claim the Operation Tornado allowance until their scheduled shift had been completed. We were told that this meant that if a member of staff was scheduled to work, for example from 07.00 to 17.00, and was called upon for Operation Tornado duties at 12.00, they would not be paid the allowance until after 17.00. We put this to HMPPS at oral evidence and were told that this was not how the allowance should operate. HMPPS stated that any staff called whilst on shift were entitled to claim the allowance from the moment they were called and would be required to use time off in lieu (TOIL) to cover any hours remaining on their scheduled shift. HMPPS said this TOIL approach was used because it could not effectively pay staff "twice" for those hours. HMPPS stated however, that there was flexibility that allowed those staff who did not want to lose TOIL to choose to claim the Operation Tornado allowance from the point at which their scheduled shift had finished rather than from the time of the Tornado call out.

- 4.53 We therefore ask that HMPPS recirculates the relevant Operation Tornado guidance on payment arrangements to all governing governors, operational staff and local Tornado coordinators to ensure Operation Tornado trained staff are all able to claim the allowance in their preferred way when on a scheduled work shift and are all being treated fairly under the policy. We also expect those OSGs, who fulfil an important part of the Operation Tornado response, to be able to claim their allowance in full, as we also heard on visits that their claims were not always being administered as they should be.
- 4.54 In its written evidence, the POA proposed a £500 a year payment for staff maintaining their training for voluntary specialisms, including Operation Tornado. We considered this but decided that we would like to see what the impact of our recommendation to increase significantly the Operation Tornado rate would have on recruitment and retention for Tornado duties. We will review the situation in our next report. We also considered that HMPPS might wish to address some of the other non-pay issues that staff raised on our visits, such as improving the protective equipment and other kit available to staff, promoting the importance that the Tornado role has within the Service and instituting events and awards to celebrate and show its appreciation to those staff who undertake what can be extremely dangerous and critical operational roles.

#### *Dirty protest payments*

- 4.55 Dirty protest payments are paid to those OSGs and prison officers who are required to deal directly with prisoners in a dirty protest situation, which includes those prisoners who smear excrement and urine across their cells and over themselves. It is paid at two rates: £10 for periods of four hours or less per day and £20 for periods of over four hours per day. Staff on visits told us that these duties were some of the most, if not the most, unpleasant situations they are required to work in.
- 4.56 We were pleased to receive proposals from HMPPS and the POA this year on the dirty protest payments, along with their rationales for increasing the payments. HMPPS proposed that both rates should be increased by 40%, with the payment for periods of four hours or less increasing to £14 per period and the payment for periods of over four hours increasing to £28 per period. It acknowledged that the rate had not been increased since 2016 and its proposal would cost around £0.5 million. The POA proposed that the rate for four hours or less should increase to £15 per period and for over four hours should increase to £30 per period.
- 4.57 We agree with staff that these are some of the most unpleasant conditions under which they are expected to undertake their duties and were pleased to see that both HMPPS and the POA proposed broadly similar payment levels. We recognise that the allowance has not been increased for some eight years and its real value has decreased considerably as a result. We therefore recommend that the payment for four hours or less should be increased to £15 per period and the rate for over four hours should be increased to £30 per period.

**Recommendation 12:** We recommend that from 1 April 2024 the dirty protest rate for periods of four hours or less per day is increased from £10 to £15 and for periods of over four hours per day from £20 to £30.



### *Payment Plus, OSG overtime and unsocial hours*

- 4.58 These allowances were previously due to have been considered under our rolling review of allowances. However, we have not been in a position to undertake such reviews due to a lack of detailed evidence provided by HMPPS over the last two years. In our last report, we highlighted our concern, which HMPPS accepted, that Payment Plus had effectively become an overtime payment rather than being for specifically designated reasons. We therefore asked that HMPPS and the POA discuss Payment Plus being set at an overtime rate and bring proposals to us. We requested that similar discussions took place in relation to OSG overtime. Unfortunately, we were offered no evidence that discussions had taken place between the two parties and the evidence from HMPPS on both of these areas was limited. In respect of unsocial hours, particularly for OSGs, HMPPS told us last year that there were a number of issues that it needed to consider (paragraph 5.13 of our 2023 report). In addition, we asked for data from each establishment on the percentage of unsocial hours worked by OSGs. Again, on this, we received very limited evidence and no data from HMPPS broken down by establishment.
- 4.59 HMPPS stated that there was no evidence that Payment Plus and OSG overtime rates were unattractive and that the Service had a plentiful supply of volunteers. However, it also stated that a large proportion of Payment Plus was being underpinned by a bonus incentive, which makes us question whether it is the Payment Plus bonus that is attracting a plentiful supply of volunteers rather than the headline Payment Plus rate itself. HMPPS stated that it was conducting trials of alternative approaches to managing and deploying the workforce, along with seeking to reduce the reliance on Payment Plus but provided no details. The POA noted that HMPPS had spent around £90.1 million on Payment Plus in 2022-23,<sup>84</sup> the highest figure in our time series. The union also told us in oral evidence that it was opposed to a contracted hours scheme as this was a less flexible option. The POA proposed this year that Payment Plus should increase to £30 an hour and OSG overtime should increase to time and a half for green hours and double time for red hours.<sup>85</sup>
- 4.60 In respect of unsocial hours payments, HMPPS said there was no evidence to increase these and that it would be open to possible challenge if these payments were suspected of being operational allowances “in disguise”. HMPPS also said it was cognisant of equal pay implications. However, as noted previously, it did not provide the information we requested or any evidence to underpin its position. It said its local data could be skewed by instances of staff working overtime solely at night or staff swapping shifts, along with it suiting some staff to work more unsocial hours. However, we still require the evidence against which we can test these assertions. The POA asked for all unsocial working hours payments for staff in Bands 2 to 5 to increase from 20% to 30% of base pay. It also, for the second year, provided us with a snapshot of establishments that identified the number of hours that OSGs were working unsocially, which echoed evidence from our visits that it was over 40%. The POA also claimed that the HMPPS shift profiling system understated the level of unsocial hours as it could not recognise when bank holidays were part of the rota.

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<sup>84</sup> The £90.1 million figure includes: £62.5 million for Payment Plus, £24.7 million for bedwatch and £2.9 million for constant watch which are all paid at the £22 an hour Payment Plus rate.

<sup>85</sup> Green hours are weekdays from 07.00 to 19.00 and red hours are weekdays from 19.00 to 07.00 and all-day weekends and bank/public holidays.

4.61 We return to the issue of Payment Plus, OSG overtime and unsocial working hours for OSGs in Chapter 5, outlining what information we expect to receive prior to the start of the next pay round and in the parties' written evidence.

#### *Care and Maintenance of Dogs allowance*

4.62 We stated in our previous reports that we want to maintain the real value of the Care and Maintenance of Dogs allowance. We stated that it would be our intention to increase it by the headline award each year and we see no reason to depart from that intent this year. We recommend that the single rate of the Care and Maintenance of Dog allowance should be increased by 5%, with the multiple dog rate remaining set at 25% above this single dog rate.

**Recommendation 13:** We recommend that from 1 April 2024, the Care and Maintenance of Dogs allowance be increased by 5% to £2,735 per annum to those with responsibility for a single dog. We further recommend that the rate for multiple dogs is set at 25% above the single dog allowance rate.

#### *Voluntary specialisms*

4.63 As mentioned above, we again received proposals this year from the POA and PCS for an allowance to be paid to those individuals who volunteer to carry out specialist roles over and above their basic job description, and to recognise specialist grades of staff. The PCS reiterated its position that staff who volunteer for specialist duties should receive a payment to remunerate and reward them for undertaking those duties. The POA again proposed an annual £500 payment for each voluntary specialism that staff undertake, including for being Operation Tornado trained. It also asked for a consolidated £1,500 payment each year for specialist grade staff, such as dog handlers, Physical Education Instructors (PEIs) and for Band 4 and 5 staff in the NTRG and NDTSG. The POA also asked for a £1,000 yearly allowance for all continuation dog trainers and £500 a year for all initial dog trainers.

4.64 Whilst we recognise the valuable contribution of staff who volunteer to undertake additional duties, we found no compelling case to introduce a payment for these kinds of tasks. We note that some of these duties are undertaken by Band 4 staff, whereas in the closed grade structure the bulk were Band 3 equivalents with a specialist payment. Band 4 staff earn significantly more under the current arrangements. We also stated last year that we do not believe in a blanket payment for every single task. However, we did say we would consider the matter of a particular specialism if any of the parties brought compelling evidence to us. We stand by this undertaking.

4.65 This year, we received evidence around difficulties HMPPS was having with the recruitment and retention of PEIs. Data from HMPPS indicated that it was around 15% short of trained PEIs. The POA informed us in oral evidence that the Service had a shortage of PEIs. They stated that these staff were required to undertake a 13 week pass or fail course along with yearly refresher training. The POA questioned why staff would volunteer to be a PEI when alternative routes to Band 4, such as becoming a wing-based Band 4 Supervising Officer, were possible without this additional training. The POA also said that the Service was considering offering PEIs Payment Plus to cover shortfalls. We raised these PEI issues in oral evidence with HMPPS and it confirmed that there were some localised concerns around the level

of pay and acknowledged there was a shortfall of trained PEIs at certain locations. It said it would review how it recruited PEIs and stated there was a pilot due for evaluation shortly on a new approach to PEI recruitment, including targeting relevant Armed Forces leavers.

- 4.66 Although there is an issue with PEI recruitment and retention, we accept that HMPPS is trialling a new approach to how it recruits PEIs. We would therefore like to see the outcome of this new approach before we consider the issue again in our next report. We return to this matter in Chapter 5 and highlight what information we require from the parties.

#### *Duty Governor and Band 8 Deputy Governor*

- 4.67 The PGA has raised the issue of recognition and reward for Band 8 deputy governors for a number of years. This year, the PGA proposed an allowance of 5% of base pay to recognise the additional qualification and reward the increased level of “accountability, responsibility, complexity and decision making” above that of a Band 8 Head of Function. We carefully considered this issue and concluded that it was not our place to make a decision based on the weighting of the two roles, which is fundamentally a job evaluation consideration. We also received no data on how many vacancies there were, nor how long these had been vacant, the evidence being largely anecdotal.

- 4.68 Whilst we are sympathetic to the issue the PGA raised, we believe that this should be addressed via the job evaluation system, which is not in our remit. We therefore suggest that the PGA and HMPPS discuss this issue, with a view to agreeing and implementing a way forward.

#### *Other allowances and payments*

- 4.69 We make no recommendations on other allowances and payments. For our 2025 report we have committed to considering the allowances paid to the NTRG and NDTSG as part of our rolling review of allowances. In Chapter 5, we return to this matter and identify the information we expect to receive to consider these allowances.

#### **Cost of our recommendations**

- 4.70 We estimate that our recommendations will result in an increase of approximately £72 million to the total paybill for our remit group, excluding pay progression and the statutory requirement to pay the NLW.<sup>86</sup> This equates to around 1% of HMPPS’s £6.1 billion annual budget for operating expenditure as of 2022-23.<sup>87</sup> This estimate does not include the cost of closed grade staff opting in to Fair and Sustainable, as we cannot know precisely which staff on other pay/allowance arrangements would financially benefit from opting in. As we have set out in previous reports, we do not

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<sup>86</sup> Our estimate takes account of both our recommended increase to pay scales, restructuring and those elements of the paybill that are not subject to any increase. Our estimate includes oncosts for employer pension and national insurance contributions. Our estimate does not include the cost of staff opting in to Fair and Sustainable, as we cannot be sure how many staff will be eligible for, and decide to opt in. Our estimate does not include the cost of increasing pay to meet the NLW requirement but includes the additional cost of the headline award when applied on top of the NLW.

<sup>87</sup> HMPPS, (2023). *HMPPS Annual Reports and Accounts 2022-23*. (online) Available at: <https://www.gov.uk/government/publications/hmppps-annual-report-and-accounts-2022-23> [accessed on 31 May 2024].

include the cost of pay progression or performance awards when calculating the cost of the annual pay award.

- 4.71 While our recommendations come at a cost, we believe that they could also bring savings for the Service. Better retention will result in fewer new recruits being needed, with associated recruitment costs. It also costs time and money to train new recruits, in terms of their initial training and then the on-the-job training needed once they arrive at their establishment. Improved retention should also help the Service in its aim of reducing its reliance on Payment Plus and overtime.



## **Chapter 5: Looking ahead**

### **Introduction**

- 5.1 In this final chapter we offer our thoughts and comments on a range of issues, along with highlighting several areas that we would like the parties to consider. We also include a number of data and broader evidence requests that we wish the parties to address fully for our next report.

### **Our timetable**

- 5.2 The pay review process is designed to work to a timetable which allows us to gather formal evidence, analyse data, draft our report and make our recommendations in time for the 1 April pay effective date. In practice however, the timetable to which we work has been a source of considerable frustration for us and for our remit group for the last seven years. Written evidence has been received so late that the submission and publication of our report has been long after the 1 April pay effective date. This has in some cases caused financial detriment for our remit group, particularly those in receipt of Universal Credit with larger backpay elements and complexity from a pension perspective. We therefore emphasise to the Government the importance of returning the pay round to its normal timetable. This requires evidence to be received at the beginning of October each year to allow us to submit our report in February, ready for a March publication and implementation in April. We realise that this may need to be achieved over several years, and we are open to considering multiyear pay awards if that would assist in realigning implementation of the pay and allowance changes with the pay year.

### **Allowances**

#### *Rolling review of allowances 2025*

- 5.3 For our 2025 report we have committed to looking at the National Tactical Response Group (NTRG) and National Dog Technical and Support Group (NDTSG) allowances. Our usual request when dealing with our rolling review is for the parties to provide us with the following information: the intended purposes of the two payments; information on any recruitment and retention difficulties, including any plans for improvement if appropriate; and finally, any external comparator information that may be available.
- 5.4 As we stated in our report last year, we expect the parties to supply the rationale and evidence to support their proposals, whether requesting an increase or to remain at current levels. In order to fulfil our function, we request information on the number of NTRG and NDTSG staff, broken down by protected characteristics. We understand there are two sites covering the north and south of the country, so would like to hear if there are any specific issues relating to a particular location. On our visit to the Operational Response and Resilience Unit site at Hatfield Woodhouse, we were told that the NTRG and NDTSG allowances were set from an older on-call allowance which had not been updated for some time. Therefore, we would like to understand from the parties how the current allowance rate was set, and what the previous on-call allowance rate was and when it was last updated. We also heard from the NDTSG and local POA committee that it was becoming harder to retain local dog trainers which meant more work falling to the NDTSG. We would welcome comment and data on this from His Majesty's Prison and Probation Service (HMPPS) and the unions. We would also encourage HMPPS and the POA to work together and

discuss these payments prior to our next report and share areas of agreement with us.

### *Payment Plus, OSG overtime and unsocial working hours payments*

- 5.5 This year, we again found ourselves in a position where we did not have enough evidence to review Payment Plus and Operational Support Grade (OSG) overtime. In both our 2023 report and this one, we noted that HMPPS said it would want to negotiate as the first step to proposing any changes. However, we were disappointed to hear from the POA that since our last report there had been no discussions with HMPPS on Payment Plus or OSG overtime. We also found the information contained in HMPPS's evidence to be lacking in detail as to why neither should be uprated, particularly given that the Service has been promising since our 2016 report that the volume and cost of Payment Plus would reduce. In 2022-23, Payment Plus and OSG overtime were at the highest total cost that we have seen in our data series.
- 5.6 Another area from our last report that remains outstanding is that of unsocial working hours, particularly for OSGs. We thank the POA who have, for the last two years, provided us with examples of establishments where OSGs appear to be working well over 40% of their time unsocially. These examples relate to selected prisons, which is why we asked HMPPS to provide data on a service-wide level. It was therefore disappointing that we received no data, other than an explanation that the Service thought the data would be skewed by those working overtime or those swapping shifts to work wholly at night. However, it is difficult for us to fully understand the situation if HMPPS has not commissioned or provided the data.
- 5.7 We therefore ask HMPPS to provide the information set out below, by the end of October 2024, prior to the start of the next pay round. This information should be in a format that can be fully shared with the trade unions so that they can use it to inform their own evidence.
- An overview of the pilots and schemes HMPPS refers to in its evidence to reduce the use of Payment Plus and OSG overtime.
  - The percentage of hours worked unsocially by OSGs, nationally and broken down by establishment. This should remove any skewing caused by shift swapping and overtime.
- 5.8 Secondly, as part of the parties' written evidence we would like to see:
- A report of the outcome of discussions held between HMPPS and the trade unions in relation to Payment Plus and OSG overtime, including areas of agreement and disagreement. We would also consider any joint proposals the parties may have reached.
  - A clearly laid out rationale for why Payment Plus, OSG overtime and OSG unsocial hours payments should or should not be increased.
  - Any legal implications in relation to increasing the unsocial hours payments and the read-across to the non-remit group.
- 5.9 We therefore expect to be in a position for our 2025 report to fully review Payment Plus, OSG overtime and unsocial hours payments.

**Recommendation 14:** We recommend that, prior to the end of October 2024, His Majesty's Prison and Probation Service provides us with an overview of the pilot schemes and new initiatives it is running in relation to the reduction in the use of Payment Plus and Operational Support Grade overtime. We also request data on the percentage of hours being worked unsocially by Operational Support Grades nationally and broken down by establishment. We further recommend that His Majesty's Prison and Probation Service provides information in its written evidence on discussions with the unions it has had on Payment Plus, Operational Support Grade overtime and Operational Support Grade unsocial hours, along with a clear rationale for what it is proposing, even if no changes are being requested.

## Request for evidence

5.10 We also wish to receive the following information from the parties for our 2025 report:

- We would like to see information from HMPPS on its prison officer resourcing plan for the short to medium term. HMPPS informed us in oral evidence that it was around 500 prison officers short of its target staffing levels. However, it will need to continue to recruit to replace those leaving, being promoted and to run new prison accommodation coming online. We would like data to better understand what the recruitment numbers and challenges are likely to be for the Service to maintain its target staffing level.
- Data on the filling of Operation Tornado vacancies, including leaving rates, following our recommendation to increase the payments significantly. We have stated that we will return to the issue of a retainer payment next year and would welcome the views from HMPPS and the unions on this.
- Information and data on any trials that seek to increase the number of Physical Education Instructors (PEIs). We would like to receive data on the numbers of PEIs in post, along with the target staffing levels needed, plus information on the numbers currently in training.
- For our 2023 report, HMPPS provided extremely useful information on the numbers of closed grade staff opting in to Fair and Sustainable by grade. We would again like to receive that information for 2024.

## Flexible working

5.11 HMPPS has previously told us that it was developing a new more flexible offer for staff, mainly via the Shaping a New Employee Offer (SANE0). However, it was disappointing to hear from the POA in oral evidence that talks on SANE0 had broken down and the union said "it knew of no prison officer currently working flexibly". Following this, we asked HMPPS for data and information on the numbers of staff working flexibly. We were told that all requests to work flexibly were handled locally and that there were no data being collected centrally. The inability to work flexibly is one of the top five reasons why staff leave the Service, so it is important for all parties to understand this crucial retention element and what is or is not working. Increasing flexible working does not have to come at a cost, but not providing the opportunity to work flexibly could give rise to staff resignations which in turn creates disruption and additional costs for the Service. We would therefore like



to see the Service's plans to monitor flexible working, including what is available to staff, along with data on the demand for flexible working from staff and how many are actually working flexibly.

- 5.12 There are equality and diversity implications which are important to understand as the HMPPS workforce becomes more diverse. As part of this, we heard from the POA that closed grade staff who wished to take partial retirement were being denied this as the Service could not accommodate their hours, instead being told they had to fully retire. We consider it makes no sense for the Service not to utilise the wealth of experience that these officers can pass on to their newer in-service colleagues.

### **Equality and diversity**

- 5.13 As in previous years, we repeat our request that we would like to receive, as a matter of routine, data that is broken down by protected characteristics. Equality and diversity remain an important part of our standing terms of reference for us to be able to consider the legal obligations on the Prison Service. This year we have made a number of data and further evidence requests and would like to receive as much of this data broken down by protected characteristics as possible.

### **Conclusion**

- 5.14 This year we have made recommendations intended to maintain the recent improvements in the competitiveness of Prison Service pay against the wider market and those direct comparator occupations. We note that HMPPS stated that the recruitment and retention picture has improved, although we treat this with some caution and consider that the recent improvements could potentially be more fragile rather than enduring changes. Whilst we understand affordability constraints, we believe it would not be appropriate to change our direction on consolidating the relative market position of Prison Service pay. In our view, to do so could jeopardise the recent improvements in recruitment and retention. We believe our package of evidence-based recommendations balances the competing demands placed on us, builds on the progress already made and ensures a fair and appropriate pay award for all staff in our remit group, who perform a critically important, at times dangerous and often invisible role on behalf of society.

## **Appendix A: Transcript of the Minister's activation letter<sup>88</sup>**

Dear Mr Flesher,

### **THE PRISON SERVICE PAY REVIEW BODY (PSPRB) REMIT 2024/25**

I would like to thank the Prison Service Pay Review Body (PSPRB) for their continued hard work and dedication to Prison Service pay for our hardworking staff.

I am writing to formally commence the 2024/25 pay round and set out how the Government intends to work with the PSPRB over the coming year.

The Government must once again focus on striking a careful balance of ensuring fair pay for public sector workers, including recognising cost-of-living pressures, whilst ultimately ensuring affordability, value for the taxpayer, and not driving inflation higher.

I am pleased that the Government was able to accept all recommendations from the PSPRB for the 2023/24 pay round. This delivered another set of substantial pay increases to prison staff, in recognition of their dedication to rehabilitating prisoners and keeping the public safe, and builds on the even more significant investment into pay in 2022/23.

In 2022/23 and 2023/24, the PRBs recommended historically high pay awards for their respective workforces in light of the extraordinary macroeconomic context. Accepting these recommendations, whilst not increasing borrowing, required tough decisions. It is vital that the PRBs consider the historic nature of the 2022/23 and 2023/24 awards and the Government's affordability position that will be set out further in written evidence.

As you are aware, the Department takes a holistic view to supporting Prison Service staff, and pay is just one element of improving working conditions. Investment in a range of other initiatives to support recruitment and retention and improve safety and security across the estate is crucial. It is therefore important that both the Department and the PSPRB consider the impact of trade-offs that will need to be made if recommendations exceed our affordability.

I appreciate that we were unable to achieve our aim of condensing the pay round timetable last year. Nonetheless, the Government is committed to improving the timeliness of pay rounds and bringing the pay award back in line with the pay year over the course of the coming years. I therefore ask that the PSPRB submit their report in May 2024, subject to further discussion with the secretariat in the Office of Manpower Economics (OME) on the detail of the timetable and my department being able to submit written evidence on behalf of HM Government by February 2024. As usual, we welcome the opportunity to discuss our proposals and evidence at an oral evidence session.

Thank you again for your valuable contribution and commitment to prison service pay. I look forward to working with you over the pay round ahead.

**RT HON EDWARD ARGAR MP**

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<sup>88</sup> GOV.uk, (2023). *Remit letter for the PSPRB 2024 England and Wales Pay Round*. (online) Available at: <https://www.gov.uk/government/publications/remit-letter-for-the-psprb-2024-england-and-wales-pay-round> [accessed on 31 May 2024].

## **Appendix B: Transcript of correspondence between the PSPRB and Prisons Minister regarding activation letter and round timetable<sup>89</sup>**

**PSPRB response to 2024-25 activation letter and written evidence – 18 January 2024**

Dear Minister,

### **PRISON SERVICE PAY REVIEW BODY 2024-25 REMIT**

Thank you for your letter of 20 December 2023, asking the Prison Service Pay Review Body (PSPRB) to re-engage for the 2024-25 pay round.

I have asked our secretariat to liaise with officials at His Majesty's Prison and Probation Service (HMPPS) and the trade unions with the aim of commissioning evidence and producing a report for 2024 as soon as is practicable.

I note that you have requested we submit our report in May 2024 and state that this would be subject to further discussion with our secretariat and your department's ability to submit its written evidence by February 2024. To ensure that we are in a position to deliver our 2024 report in May we would need to receive all the written evidence by 2 February. Our secretariat has already let all the parties know that this is the case. We take our role very seriously and have an established timetable to follow once we have received the written evidence from all parties. This schedule ensures we have the necessary time to fully consider all the information before us to make our evidence-based decisions. Therefore, delivering our report by the end of May is dependent on receiving all written evidence in early February.

Our 2023 round and several recent rounds have been delayed by the late arrival of both the activation letter and the Government's written evidence and we were very keen this year to have taken some steps towards getting the process closer to being back on track for this 2024 report. However, we would have needed to receive the Government's written evidence before the end of 2023 for this to happen. I recognise the issues faced by HMPPS but receiving their pay award on 1 April is very important to our remit group. We have frequently heard from them, especially on our visits, that delayed payment, even with the appropriate back-pay, can cause unnecessary hardship. Therefore, we are disappointed to be running to a similar timetable to last year and very much hope we can take steps towards getting the pay round back on to its former timetable for the next round. I know that you and HMPPS share this aspiration.

I look forward to receiving the written evidence from HMPPS, and to meeting and hearing from you at our Ministerial oral evidence session later in the spring.

Yours sincerely

Tim Flesher

Chair, Prison Service Pay Review Body

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<sup>89</sup> All three letters in Appendix B can be found using the following link. GOV.uk, (2024). *PSPRB and Minister response to the 2024 England and Wales round remit letter and timetable*. (online) Available at: <https://www.gov.uk/government/publications/psprb-response-to-the-2024-england-and-wales-round-remit-letter> [accessed on 31 May 2024].

**Letter from Minister regarding written evidence and timetable for report submission  
– 4 March 2024**

Dear Tim,

**PRISON SERVICE PAY REVIEW BODY 2024-25 REMIT**

Thank you for your letter dated 18 January 2024, regarding the 2024/25 Prison Service pay round.

I would firstly like to reiterate my thanks to the Prison Service Pay Review Body (PSPRB) for their dedication to Prison Service pay.

We have now submitted written evidence to the PSPRB for 2024/25, which was published on 29 February 2024. I understand you will be disappointed both at the 2024/25 PSPRB remit letter being issued later than in previous rounds, and our written evidence being submitted behind your requested deadline of 2 February. I fully appreciate the importance of a timely pay round process for staff and recognise their continued hard work and dedication in the context of the operational challenges faced by HMPPS. I can assure you I will make every effort to ensure the forthcoming stages of the process proceed in a timely manner, and I remain committed to bringing the pay round timeline forward in future rounds.

I look forward to participating in the oral evidence session in due course. I would greatly appreciate your support toward delivering the PSPRB report in May 2024, to ensure the pay award can be announced ahead of summer recess.

Thank you once again for your hard work and dedication, and I look forward to meeting you at the upcoming oral evidence session.

**RT HON EDWARD ARGAR MP**

## **PSPRB response on evidence receipt and confirmation of report timetable – 7 March 2024**

Dear Minister,

### **PRISON SERVICE PAY REVIEW BODY 2024-25 – GOVERNMENT EVIDENCE**

Thank you for your letter of 4 March 2024, following submission of the Government's written evidence on 29 February.

As I mentioned in my letter of 18 January, delivering our 2024 report by the end of May was dependent on receiving written evidence from all parties in early February. Whilst I am pleased that we have finally received Government's written evidence, we will now no longer be able to achieve delivery of our report in May. Receiving the evidence this late is extremely disappointing and discourteous to the Review Body, adding additional uncertainty to our process. Our secretariat is working with your officials, and trade union representatives, to arrange the oral evidence sessions, with shorter notice and less time for all parties to prepare than would usually be the case. Should we be able to complete oral evidence before Easter, we will aim to deliver our 2024 report by mid-June.

I have said that receiving their pay award on 1 April is very important to our remit group. We have frequently heard from them, especially on our visits, that delayed payment, even with the appropriate back-pay, can cause unnecessary hardship, as well as undermining confidence in the whole Review Body process.

We simply have to do better.

Yours sincerely

Tim Flesher

Chair, Prison Service Pay Review Body

## ***Appendix C: Visits and discussion groups held in 2023***

As part of our in-person visit programme we visited the following establishments and sites, along with holding a number of virtual discussion groups with Band 12 Prison Group Directors and Operation Tornado trained staff. We hold virtual discussion groups with Band 12 each year due to the small number of staff at this grade and their geographic spread across England and Wales. Additionally, this year we held virtual discussion groups with Operation Tornado staff in order that we were able to hear from a broad range of trained staff to aid our decision-making process when considering what the new rates for Operation Tornado duties should be. Unfortunately, this year we were not able to undertake our visits to HMPs Swansea and Wandsworth.

HMP & YOI Bedford

HMP & YOI Downview

HMP Frankland

HMP Grendon

HMP Lindholme

HMP Northumberland<sup>90</sup>

HMP Ranby

HMYOI Werrington

Operational Response and Resilience Unit – Hatfield Woodhouse

Prison Group Directors (Band 12) – two virtual discussion groups

Operation Tornado trained staff – two virtual discussion groups

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<sup>90</sup> Privately managed by Sodexo Justice Services.

## **Appendix D: Current and recommended pay levels**

**Current and recommended pay for Fair and Sustainable grades (£ per annum)<sup>91</sup>**

**Fair and Sustainable ranges – National**

*Bands 7 to 12 – National*

<b>Grade</b>	<b>From 1 April 2023</b>		<b>From 1 April 2024</b>	
	<b>37 hour base pay</b>	<b>37 hour inc 20% RHA</b>	<b>37 hour base pay</b>	<b>37 hour inc 20% RHA</b>
Prison Group Director (Band 12) spot rate	111,395	-	116,965	-
Governor (Band 11) Max	89,091	106,909	93,546	112,255
Governor (Band 11) Min	74,243	89,092	85,042	102,050
Governor (Band 10) Max	78,764	94,517	82,703	99,244
Governor (Band 10) Min	65,633	78,760	75,185	90,222
Deputy Governor (Band 9) Max	71,546	85,855	75,124	90,149
Deputy Governor (Band 9) Min	59,623	71,548	68,295	81,954
Deputy Governor/Head of Function (Band 8) Max	55,862	67,034	58,656	70,387
Deputy Governor/Head of Function (Band 8) Min	46,549	55,859	53,324	63,989
Head of Function (Band 7) spot rate	47,907	57,488	50,303	60,364

<sup>91</sup> Please see page 87 for explanatory notes on the Fair and Sustainable pay scales, spot rates and ranges.

*Custodial Manager (Band 5) – National*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	3	34,694	36,429
	2	33,890	35,585
	1	33,104	34,760
37 hour inc 20% unsocial	3	41,633	43,715
	2	40,668	42,702
	1	39,725	41,712
39 hour inc 2xACHP & 20% unsocial	3	43,883	46,078
	2	42,866	45,010
	1	41,872	43,967

*Supervising/Specialist Officers (Band 4) – National*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	Spot rate	30,471	31,995
37 hour inc 20% unsocial	Spot rate	36,565	38,394
39 hour inc 2xACHP & 20% unsocial	Spot rate	38,542	40,469



*Prison Officer (Band 3) – National*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	3	27,116	28,472
	2	26,653	27,986
	1	25,752	27,040
37 hour inc 20% unsocial	3	32,539	34,166
	2	31,984	33,583
	1	30,902	32,448
38 hour inc 1xACH & 20% unsocial	3	33,565	35,244
	2	32,992	34,642
	1	31,877	33,471
39 hour inc 2xACH & 20% unsocial	3	34,591	36,321
	2	34,001	35,701
	1	32,851	34,494
39 hour inc 2xACHP & 20% unsocial	3	34,298	36,013
	2	33,713	35,399
	1	32,573	34,202
40 hour inc 3xACH & 20% unsocial	3	35,617	37,398
	2	35,009	36,760
	1	33,826	35,517
41 hour inc 4xACH & 20% unsocial	3	36,643	38,476
	2	36,018	37,819
	1	34,800	36,541

*Operational Support Grade (Band 2) – National*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024 (inc NLW)</b>	<b>From 1 April 2024 (recs)</b>
37 hour base pay	Spot rate	21,355	22,095	23,200
37 hour inc 20% unsocial	Spot rate	25,626	26,514	27,840
39 hour inc 2xACHP & 20% unsocial	Spot rate	27,011	27,947	29,345

## Fair and Sustainable ranges – Outer London

Outer London covers – Belmarsh, Downview, Feltham, High Down, Isis and the controllers' offices at Bronzefield and Thameside.

### Bands 7 to 12 – Outer London

Grade	From 1 April 2023		From 1 April 2024	
	37 hour base pay	37 hour inc 20% RHA	37 hour base pay	37 hour inc 20% RHA
Prison Group Director (Band 12) spot rate	114,430	-	120,152	-
Governor (Band 11) Max	92,126	110,551	96,733	116,080
Governor (Band 11) Min	76,773	92,128	87,940	105,528
Governor (Band 10) Max	81,799	98,159	85,890	103,068
Governor (Band 10) Min	68,163	81,796	78,082	93,698
Deputy Governor (Band 9) Max	74,581	89,497	78,311	93,973
Deputy Governor (Band 9) Min	62,153	74,584	71,192	85,430
Deputy Governor/Head of Function (Band 8) Max	58,897	70,676	61,843	74,212
Deputy Governor/Head of Function (Band 8) Min	49,079	58,895	56,221	67,465
Head of Function (Band 7) spot rate	50,942	61,130	53,490	64,188

*Custodial Manager (Band 5) – Outer London*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	3	37,729	39,616
	2	36,855	38,699
	1	36,001	37,802
37 hour inc 20% unsocial	3	45,275	47,539
	2	44,226	46,439
	1	43,201	45,362
39 hour inc 2xACHP & 20% unsocial	3	47,722	50,109
	2	46,616	48,949
	1	45,536	47,814

*Supervising/Specialist Officers (Band 4) – Outer London*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	Spot rate	33,506	35,182
37 hour inc 20% unsocial	Spot rate	40,207	42,218
39 hour inc 2xACHP & 20% unsocial	Spot rate	42,380	44,500

*Prison Officer (Band 3) – Outer London*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	3	30,151	31,659
	2	29,637	31,119
	1	28,636	30,068
37 hour inc 20% unsocial	3	36,181	37,991
	2	35,564	37,343
	1	34,363	36,082
38 hour inc 1xACH & 20% unsocial	3	37,322	39,189
	2	36,686	38,520
	1	35,447	37,219
39 hour inc 2xACH & 20% unsocial	3	38,463	40,387
	2	37,807	39,698
	1	36,530	38,357
39 hour inc 2xACHP & 20% unsocial	3	38,137	40,044
	2	37,487	39,361
	1	36,221	38,032
40 hour inc 3xACH & 20% unsocial	3	39,604	41,585
	2	38,929	40,875
	1	37,614	39,495
41 hour inc 4xACH & 20% unsocial	3	40,744	42,782
	2	40,050	42,053
	1	38,697	40,632

*Operational Support Grade (Band 2) – Outer London*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024 (inc NLW)</b>	<b>From 1 April 2024 (recs)</b>
37 hour base pay	Spot rate	24,390	25,130	26,387
37 hour inc 20% unsocial	Spot rate	29,268	30,156	31,664
39 hour inc 2xACHP & 20% unsocial	Spot rate	30,850	31,786	33,376

## Fair and Sustainable ranges – Inner London

Inner London covers – Brixton, Pentonville, Wandsworth, Westminster headquarters and Wormwood Scrubs.

### Bands 7 to 12 – Inner London

Grade	From 1 April 2023		From 1 April 2024	
	37 hour base pay	37 hour inc 20% RHA	37 hour base pay	37 hour inc 20% RHA
Prison Group Director (Band 12) spot rate	116,011	-	121,812	-
Governor (Band 11) Max	93,707	112,448	98,393	118,072
Governor (Band 11) Min	78,090	93,708	89,449	107,339
Governor (Band 10) Max	83,380	100,056	87,550	105,060
Governor (Band 10) Min	69,480	83,376	79,591	95,509
Deputy Governor (Band 9) Max	76,162	91,394	79,971	95,965
Deputy Governor (Band 9) Min	63,470	76,164	72,701	87,241
Deputy Governor/Head of Function (Band 8) Max	60,478	72,574	63,503	76,204
Deputy Governor/Head of Function (Band 8) Min	50,396	60,475	57,730	69,276
Head of Function (Band 7) spot rate	52,523	63,028	55,150	66,180

*Custodial Manager (Band 5) – Inner London*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	3	39,310	41,276
	2	38,400	40,320
	1	37,510	39,386
37 hour inc 20% unsocial	3	47,172	49,531
	2	46,080	48,384
	1	45,012	47,263
39 hour inc 2xACHP & 20% unsocial	3	49,722	52,209
	2	48,571	50,999
	1	47,446	49,818

*Supervising/Specialist Officers (Band 4) – Inner London*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	Spot rate	35,087	36,842
37 hour inc 20% unsocial	Spot rate	42,104	44,210
39 hour inc 2xACHP & 20% unsocial	Spot rate	44,381	46,600

*Prison Officer (Band 3) – Inner London*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024</b>
37 hour base pay	3	31,732	33,319
	2	31,191	32,751
	1	30,137	31,644
37 hour inc 20% unsocial	3	38,078	39,983
	2	37,429	39,301
	1	36,164	37,973
38 hour inc 1xACH & 20% unsocial	3	39,279	41,244
	2	38,610	40,540
	1	37,304	39,170
39 hour inc 2xACH & 20% unsocial	3	40,479	42,504
	2	39,789	41,780
	1	38,445	40,367
39 hour inc 2xACHP & 20% unsocial	3	40,136	42,144
	2	39,452	41,426
	1	38,119	40,025
40 hour inc 3xACH & 20% unsocial	3	41,680	43,765
	2	40,970	43,019
	1	39,585	41,565
41 hour inc 4xACH & 20% unsocial	3	42,881	45,026
	2	42,150	44,258
	1	40,726	42,762

*Operational Support Grade (Band 2) – Inner London*

<b>Pay scale</b>	<b>Pay point</b>	<b>From 1 April 2023</b>	<b>From 1 April 2024 (inc NLW)</b>	<b>From 1 April 2024 (recs)</b>
37 hour base pay	Spot rate	25,971	26,711	28,047
37 hour inc 20% unsocial	Spot rate	31,165	32,053	33,656
39 hour inc 2xACHP & 20% unsocial	Spot rate	32,850	33,786	35,476

## Notes page for Fair and Sustainable pay scales

### *Bands 2 to 12*

1. The 37 hour base pay salaries are the basis from which other rates are calculated.
2. Base pay rates are calculated by rounding up to the nearest £.

### *Bands 2 to 5*

3. These staff may also qualify for an additional Unsocial Working Hours (UWH) allowance of 20% which is pensionable.
4. The UWH allowance, Additional Committed Hours (ACH) and Pensionable Additional Committed Hours (ACHP) are calculated by rounding to the nearest £.
5. ACH and ACHP also attract unsocial hours payments of 20%, which are pensionable.
6. Outer and Inner London scales are calculated by setting the scale maximum at a value equal to the equivalent National pay band maximum plus the Outer London differential - £3,187 from 1 April 2024 (previously £3,035 from 1 April 2023) - or plus the Inner London differential - £4,847 from 1 April 2024 (previously £4,616 from 1 April 2023). Other points are then calculated so that they are the same proportion of the maximum as the equivalent point on the equivalent National scale.
7. The base pay rate for National Band 2 was increased on 1 April 2024 to ensure compliance with the National Living Wage (NLW). Therefore, an additional column is included to show the impact of that change. This also impacts on the calculation for Inner and Outer London Band 2 pay rates as per paragraph 6 above.

### *Bands 7 to 12*

8. The Bands 8 to 11 ranges do not have fixed incremental pay points. Band 7 and 12 are spot rates.
9. Pay with Required Hours Addition/Allowance (RHA) is presented as rounded to the nearest £, is pensionable and calculated as 20% of base pay.
10. Outer and Inner London ranges are calculated by setting the range maximum at a value equal to the equivalent National pay band maximum plus the Outer London differential £3,187 from 1 April 2024 (previously £3,035 from 1 April 2023) - or plus the Inner London differential - £4,847 from 1 April 2024 (previously £4,616 from 1 April 2023). Minima are then calculated so that they are the same proportion of the maximum as is the minimum of the equivalent National range.
11. From 1 April 2024, the Bands 8 to 11 ranges were shortened from 20% to 10% from minima to maxima.



## Current pay for non-Fair and Sustainable grades (£ per annum)<sup>92</sup>

### Non-Fair and Sustainable operational manager grades

Grade	From 1 April 2024
Senior Manager A	94,896
Senior Manager B	92,110
Senior Manager D (post-2009 scale)	70,003
Manager E	52,691
Manager F	44,697
Required Hours Addition (pensionable) <sup>93</sup>	6,206

### Non-Fair and Sustainable support and officer grades<sup>94,95</sup>

Grade	From 1 April 2024
Principal Officer	38,087
Senior Officer	35,429
Prison Officer	32,915
Operational Support Grade	23,290
Night Patrol	26,276
Prison Auxiliary	23,290
G4S Security Officer <sup>96</sup>	23,290

### Non-Fair and Sustainable TUPE transfer grades

Following the transfer of HMP Birmingham back to His Majesty's Prison and Probation Service (HMPPS) in 2019, staff TUPE transferred on G4S pay and grading arrangements. Staff are therefore treated as closed non-Fair and Sustainable grades and are entitled to the pay award applied to the non-Fair and Sustainable closed grade equivalent as recommended in this report. Those staff that opt in to Fair and Sustainable will be covered under the Fair and Sustainable rates of pay. The closed grades covered are: G4S C2, G4S E1, Prison Officer (off-scale) and Operational Support Grade (off-scale).

<sup>92</sup> Senior Manager C, Senior Manager D (pre-2009 scale), Prison Officer 2 and G4S Prison Custody Officer have been removed as there are no longer any remit group staff on these scales.

<sup>93</sup> This applies to the following grades: Senior Manager D (post-2009), Manager E and Manager F.

<sup>94</sup> The pay shown in this table is based on a 39 hour week, except for the Night Patrol grade, which is a 44 hour week.

<sup>95</sup> The base pay for the following grades has been uplifted to the 1 April 2024 National Living Wage: Operational Support Grade, Night Patrol, Prison Auxiliary and G4S Security Officer.

<sup>96</sup> This grade was formerly part of HMP Wolds run by G4S.

## **Appendix E: Locality Pay Allowance rates**

We recommend no change to legacy Locality Pay Allowances (LPA) rates for the closed, non-Fair and Sustainable grades so the rates remain as below. These rates are pensionable and are only payable to those staff in post at 31 March 2012.

<b>Rating structure</b>	<b>£ a year</b>	<b>Establishment/sites covered:</b>
Rate 1	4,250	Brixton, Pentonville, Wandsworth and Wormwood Scrubs
Rate 2	4,000	Feltham, Huntercombe, The Mount and Westminster headquarters
Rate 3	3,100	Belmarsh, Bronzefield, <sup>97</sup> Coldingley, Downview, High Down, Isis and Send
Rate 4	2,600	Aylesbury, Bedford, Bullingdon, Chelmsford, Grendon/Springhill and Woodhill
Rate 5	1,100	Lewes and Winchester
Rate 6	250	Birmingham, <sup>98</sup> Bristol, Littlehey, Long Lartin and Onley

<sup>97</sup> Payable to eligible staff in the controllers' office at this establishment.

<sup>98</sup> There may be a number of former HMPPS staff that were TUPE transferred to G4S at this establishment who have now TUPE transferred back to HMPPS, that may also be in receipt of this LPA rate.

## **Appendix F: Allowances and payments**

We recommend three changes to allowances: to both rates of the Care and Maintenance of Dogs allowance; to both rates of the dirty protest payment; and to the Operation Tornado payments for officers and Operational Support Grades. Below are the continuing rates from 1 April 2024.

<b>Allowances and payments</b>	<b>Closed grades from 1 April 2024</b>	<b>Fair and Sustainable grades from 1 April 2024</b>
Care and Maintenance of Dogs Rate 1 – single dog	£2,735 a year	£2,735 a year
Care and Maintenance of Dogs Rate 2 – multiple dogs <sup>99</sup>	£3,419 a year	£3,419 a year
Specialist allowance (pensionable): Caterers; Librarians; Patrol and Search Dog Handlers; Physical Education Instructors; Trade Instructors and Works Officers	£1,200 a year	Not applicable
National Tactical Response Group allowance	£6,670 a year	£6,670 a year
National Dog and Technical Support Group allowance	£6,670 a year	£6,670 a year
Operation Tornado payment (officers)	£40.00 an hour	£40.00 an hour
Operation Tornado payment (OSGs)	£30.00 an hour	£30.00 an hour
Payment Plus	£22.00 an hour	£22.00 an hour
Dirty protest allowance: four hours or less per day	£15.00 a day	£15.00 a day
Dirty protest allowance: over four hours per day	£30.00 a day	£30.00 a day
On-call (radio pager): weekdays	£5.67 per period of more than 12 hours	Not applicable
On-call (radio pager): weekends and privilege holidays	£16.13 per 24 hour period or proportionately for periods less than 24 hours	Not applicable
On-call (radio pager): public and bank holidays	£20.41 per 24 hour period or proportionately for periods less than 24 hours	Not applicable

<sup>99</sup> The Care and Maintenance of Dogs allowance multiple dog rate is calculated at 25% of the single dog rate.

<b>Allowances and payments</b>	<b>Closed grades from 1 April 2024</b>	<b>Fair and Sustainable grades from 1 April 2024</b>
On-call (home): weekdays	£7.09 per period of more than 12 hours	Not applicable
On-call (home): weekends and privilege holidays	£20.17 per 24 hour period or proportionately for periods less than 24 hours	Not applicable
On-call (home): public and bank holidays	£25.47 per 24 hour period or proportionately for periods less than 24 hours	Not applicable
On-call (home): <sup>100</sup> weekdays and privilege holidays	Not applicable	£9.00 per period of 12 hours or more
On-call (home): weekends and public holidays	Not applicable	£25.00 per period of 24 hours or more or proportionately for periods less than 24 hours
On-call (home): (hourly rate)	Not applicable	(£1.04 per hour whilst on call outside of normal office hours)
Stand by (office): weekdays	£13.43 per period of more than 12 hours	Not applicable
Stand by (office): weekends and privilege holidays	£38.46 per 24 hour period or proportionately for period of less than 24 hours	Not applicable
Stand by (office): public and bank holidays	£48.26 per 24 hour period or proportionately for period of less than 24 hours	Not applicable

<sup>100</sup> For staff on Fair and Sustainable grades the on-call payments are payable as two rates: (a) work days and (b) rest days or weekends and bank or public holidays.

## **Appendix G: Rolling review programme for Prison Service staff allowances and payments**

The table below outlines our rolling review programme and which allowances and payments will be considered in detail in which report and year.

<b>PSPRB Report</b>	<b>Allowances or payments to be considered</b>
Twenty Fourth (2025)	National Tactical Response Group National Dog and Technical Support Group
Twenty Fifth (2026)	Closed grade specialist allowances On-call allowances (both pay structures)
Twenty Sixth (2027)	Unsocial hours payments in Fair and Sustainable Care and Maintenance of Dogs
Twenty Seventh (2028)	Payment Plus OSG overtime
Twenty Ninth (2029)	Operation Tornado payments Dirty protest payments

## **Appendix H: Summary of recommendations from the 2023 England and Wales report**

- The Band 2 spot rate is increased by a consolidated £2,000 from 1 April 2023.
- Bands 3 to 5 pay scales and spot rates increased by a consolidated 7% from 1 April 2023.
- From 1 April 2023 the Bands 7 to 12 pay ranges and spot rates increased by a consolidated 5%.
- Band 7 to become a spot rate set at the maximum from 1 April 2023.
- Those closed grades that are not able to financially benefit from opting in to their equivalent Fair and Sustainable grade to receive a non-consolidated, non-pensionable payment of £1,500.
- HMPPS to ensure all closed grade pay rates at least match the NLW.
- All closed grades that opt in to Fair and Sustainable to opt in at the maximum of their respective Fair and Sustainable grade pay scale, range or spot rate. The opt in process should be expedited to start as close as possible to the report publication.
- All staff (except those on formal poor performance procedures) on Bands 3 and 5 who are in post on 31 March 2023 progress one pay point, effective from 1 April 2023.
- All staff (except those on formal poor performance procedures) on Bands 8 to 11 who are in post on 31 March 2023 progress by 4% capped at the 1 April 2023 band maximum.
- From 1 April 2023 the fixed cash pay differentials for Inner and Outer London zones increased by 7% and applied consistently across all bands, positioning maxima at £4,616 and £3,035 respectively above the 37 hour National maxima. Intermediate points and minima are adjusted so progression steps are the same percentage as on the National bands.
- The Inner and Outer London cash differentials to be applied in the same way to the Band 12 spot rate, replacing the £5,000 non-consolidated payment
- The Care and Maintenance of Dogs allowance increase by 7% to £2,604 a year for a single dog and the multiple rate to remain set at 25% above the single dog allowance rate.

## **Appendix I: Summary of PSPRB headline pay award recommendations from 2014 to 2022**

- **2022** – a consolidated 4% to Bands 3 to 5 and Bands 7 to 11, including all closed grade staff. The Band 2 spot rate to increase by £1,500 and Band 12 spot rate by 5% (the latter was reduced by the Government to 3%), all from 1 April 2022. From 1 September 2023 a £3,000 total increase to Band 3, eroding the amber market supplement. A reduction in pay points for Bands 3 and 5. Increasing the UWH allowance for Bands 2 to 5 and the Required Hours Additional for Bands 7 to 11 from 17% to 20%.
- **2021** – Government pay freeze for those earning over £24,000 full-time equivalent a year with a £250 consolidated pay increase for those earning under this figure.
- **2020** – a consolidated 2.5% increase for all Fair and Sustainable and closed grades from 1 April 2020. From 1 September 2020 the Fair and Sustainable National Band 3 base pay points increase by £2,564 giving a total consolidated and pensionable award of £3,000 when the 17% unsocial hours payment is included.
- **2019** – a consolidated 2.2% increase for all Fair and Sustainable and closed grades, except Fair and Sustainable Band 3, which was recommended a 3.0% consolidated pay increase.
- **2018** – a consolidated 2.75% increase for all Fair and Sustainable and closed grades, except Fair and Sustainable Band 3 and 4, which were recommended increases of 5.25% and 3.5% respectively. Rejected by the Government and reduced to a 2.0% consolidated and 0.75% non-consolidated award for all Fair and Sustainable and closed grades.
- **2017** – a consolidated flat cash award of £400 to all uniformed grades (both those on Fair and Sustainable and closed grades) and an increase of 1% to the maxima of the Fair and Sustainable National Bands 7 to 11.
- **2016** – an increase of 1% to the maxima of the Fair and Sustainable National bands and non-consolidated awards of £300 for Prison Officers and support staff, £325 for Senior Officers and £350 for Principal Officers.
- **2015** – an increase of 1.8% to the maxima of the Fair and Sustainable National bands but no recommended pay awards for those on closed grades. The Government then provided non-consolidated retention bonus payments (£300 for Prison Officers and support staff, £325 for Senior Officers and £350 for Principal Officers) shortly after the publication of our 2015 report.
- **2014** – a 1% consolidated pay increase for all officers and support staff on all pay structures and changes to some Fair and Sustainable National Band 7 to 11 pay structures to provide 2% to staff who opted in.

