



**The Professional Trades Union for Prison,
Correctional & Secure Psychiatric Workers**

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POA Circular 039/2021

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Dear Colleagues

2021 POA SUBMISSION TO PSPRB

Please find attached the 2021 POA submissions to the Prison Service Pay Review Body for your information.

The POA submissions were completed and forwarded to Prison Service Pay Review Body on the 19th February 2021, however we were unable to share our submissions with the membership until the HMPPS submissions were submitted.

The Pay Review Body will now consider our evidence alongside the employers evidence and evidence from other recognised unions within the remit group.

A series of engagement meetings will take place, the POA NEC would urge members to fully engage on these events.

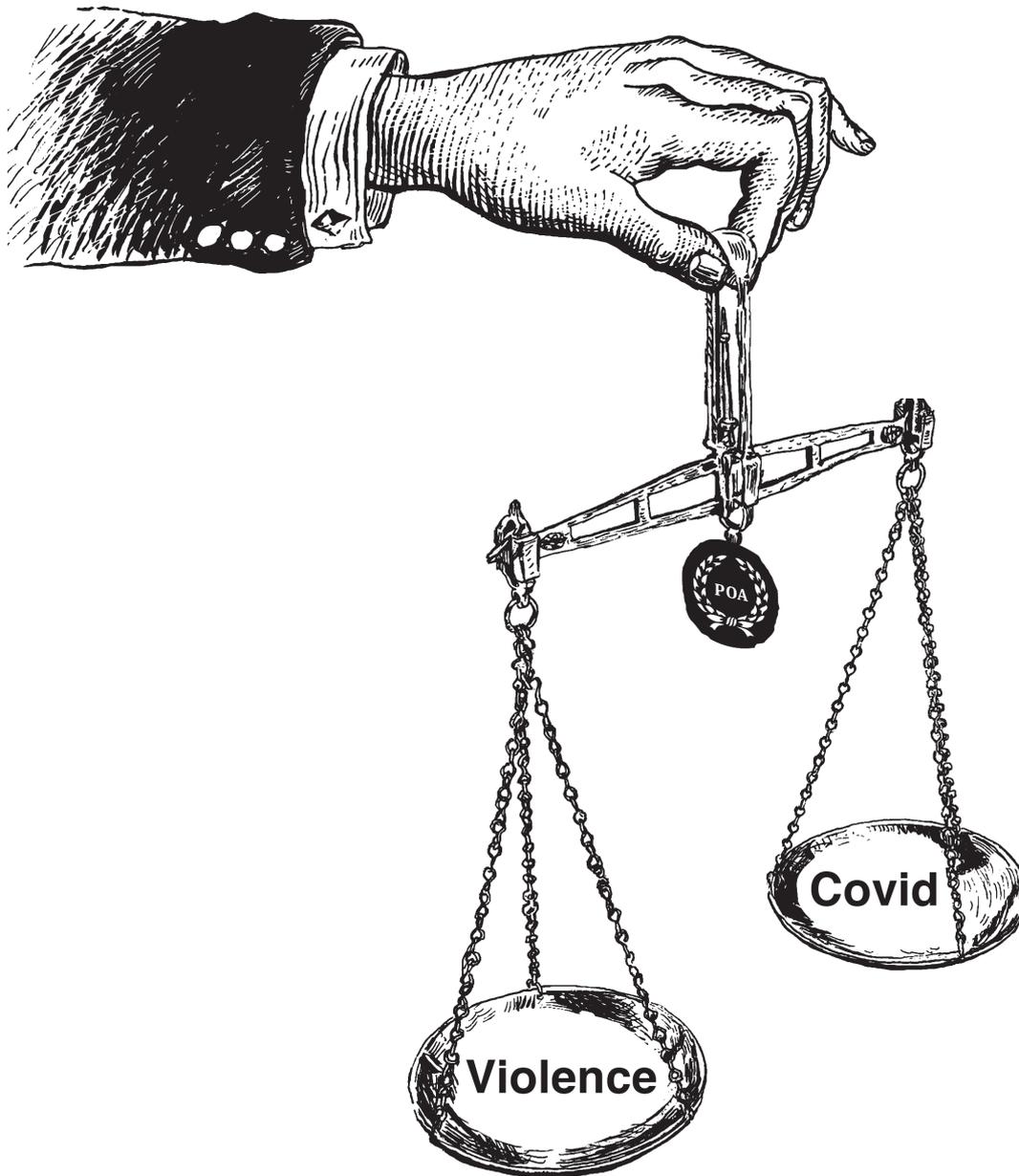
The NEC have been invited to provide oral evidence to the Pay Review Body and will update the membership when that is complete.

Yours sincerely

STEVE GILLAN
General Secretary

ENCLOSURE

POA submission to the Pay Review Body 2021



PAY JUSTICE NOW

**for a genuinely fair
and sustainable future**

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Glossary of Terms

PSPRB	Prison Service Pay Review Body
F&S	Fair & Sustainable
HMPPS	Her Majesty's Prison & Probation Service
FTE	Full Time Equivalent
JES	Job Evaluation Scheme
TOIL	Time Off in Lieu
OSG	Operational Support Grade
PP	Payment Plus
TSF	Target Staffing Figure
IC	In Charge
Victor 1	Duty Governor
Oscar 1	Orderly Officer
ECR	Emergency Control Room
NI	National Insurance
ONS	Office for National Statistics
AWE	Average Weekly Earnings
PPE	Personal Protective Equipment
ACCT	Assessment Care in Custody & Teamwork
HSE	High Security Estate
TUC	Trade Union Congress

Foreword

This is the sixteenth submission to the Prison Service Pay Review Body (PSPRB) on behalf of POA members working in public-sector prisons in England and Wales.

In 2015 the POA membership directed the NEC not to engage with the PSPRB. The membership thought that the Pay Review Body was not independent, as year on year the POA challenged the PSPRB due to its recommendations mirroring that dictated by Government. Previous recommendations for non-consolidated payments as an annual cost-of-living rise have undermined morale and retention. Prison Officer grades and OSGs are severely lagging behind many other industries and public-sector bodies when pay is considered.

However, following recent recommendations by the PSPRB the NEC has made an executive decision to re-engage. These are the first submissions since 2015.

The PSPRB has been operating since 2001 and forms part of the Government's compensatory measures due to the restriction placed on the POA and its members by the 1994 Criminal Justice & Public Order Act and subsequent amendments. We ask that you take this into consideration when making your recommendations to Government.

We seek a fair and just pay award that reflects the demanding, professional work carried out by uniformed staff daily on behalf of society.

Prior to the Coronavirus pandemic, prison officer grades and OSGs were dealing with unprecedented levels of violence. Serious assaults were rapidly rising. Deaths in custody were at an all-time high and POA members had to deal with some horrific murders and other violent incidents. POA members have been forced to work in the most hostile and violent workplace in Western Europe.

Since the onset of the Coronavirus pandemic, regimes have been heavily restricted, with only low numbers of prisoners unlocked on each wing at any time. This has led to a reduction in the levels of violence – although, prior to this current lockdown, when regimes were being expanded and the number of prisoners unlocked was gradually rising, so were the levels of violence. The return to Tier 4 for most establishments has seen a reduction again.

HMPPS cannot continue to operate with significant shortfalls of staff. The expectation for those employed to work additional hours, paid or unpaid, is unacceptable. Currently, the service relies on Payment Plus and the goodwill of staff to facilitate everyday tasks. This cannot continue. Staff are becoming despondent and “burnt out”. Prison Officer grades and OSGs see themselves as the “forgotten service” and perceive that they are not valued or respected by the employer or the Government. The recent announcement of a 12-month pay freeze and the rejection of a key recommendation that would have improved morale, supported retention and competed with comparable occupations would seem to support these perceptions.

We ask for a pay recommendation that will be a real-terms increase for all uniformed staff in our remit.

Attached is evidence to justify this, considering the demand placed on uniformed staff, the complexity of the work, the daily danger they face, their professionalism and the resilience they show to keep prisons running and society safe.

From the POA National Executive Committee

Section 1 – Pay Claim

- A pension age of 60 years of age across the board.
- All staff within the remit group to receive a consolidated pay increase of £3,000.
- Uniformed frontline staff, Bands 2, 3, 4 and 5 to be paid a bonus of 5% for their work throughout the COVID-19 pandemic showing operational commitment, bravery and resilience.
- The dog handler Care & Maintenance Allowance to be increased to £2,000 for one dog and £500 for each additional dog rather than the current policy of a set amount for more than one dog, regardless of the quantity.
- The unsociable hours allowance of 17% to be increased to 25% to make it better reflect the operational and emotional demands for uniformed grades.
- Payment Plus to be increased to £30 per hour and to be pensionable.
- OSG overtime to be increased to time and two-thirds for green hours and double time for red hours, and for it to become pensionable.
- The PSPRB recommendation 3 of 2020 to be resubmitted to Government.
- Uniformed staff who volunteer to train in a specialism to be paid a consolidated annual allowance of £500 per specialism.
- All uniformed Bands 3, 4 and 5 pay scales to be compressed to two pay points to aid retention.
- Those who are temporarily promoted to receive the pay equivalent to those working at that higher grade.
- Payments for dirty protest and tornado to be raised to:

Dirty Protest	£15 for up to 4 hours £30 for over 4 hours
Tornado	£35 per hour officers and above £30 per hour OSGs
- Market Supplements to be paid to all uniform grades in red or amber sites.

Section 2 – Evidence

The motivational impact of Pension Scheme Reform and a realistic retirement age

The POA's last submission to the PSPRB was in 2015, and there have been significant developments for our members in relation to their pension arrangements since we last gave evidence.

It would be remiss of the POA in returning to give evidence to the PSPRB not to request that the PSPRB pays particular attention to some of those pension developments and their impact on our members' pay, morale, motivation and retention.

Those pension reforms and increased NI contributions have seen an increase in contributions for all our members aligned to a decrease in average pension benefits, and an increase in the age our members can access pension benefits where there is no reduction for early payment.

Clearly, the POA position on Operational Prison Officer Grades and OSGs being made to wait until they are 68 to access their hard-earned and paid-for pension benefits without reduction is a well-rehearsed argument and one that will be brought back year on year until the Government of the day realises the covenant of care it owes to the men and women who serve the public so diligently.

The POA believe it is a morally repugnant situation that adds more weight to the existing stress load our members already carry.

It adds more expense for Government, as medical inefficiency and ill-health departure will become the expensive new normal.

Obviously, the POA demand a realistic attainable retirement age for all Operational Prison Officer grades and OSGs. Such a development would provide a massive boost to morale and allow our members to work towards a dignified departure.

The POA believe that a mandatory pension age of 60 for Operational Prison Officer grade and OSGs would ultimately provide financial benefits to both the employer and HM Treasury, and the POA would work with any Government to progress this issue.

In years prior to the 2015 pension reform, the employer as HMP – then NOMS – always maintained in their submissions to the PSPRB that Prison Officers and OSGs had to look at the full package of benefits. They referred to non-contributory pension schemes and described those benefits as deferred pay.

That is clearly no longer the case. The take-home pay for our members has reduced significantly to contribute to these pension schemes. That decline clearly constitutes a real-terms reduction in the full package of benefits, yet our members are left with making domestic financial decisions on how to meet the needs of their families whilst contributing to their pension.

Therefore, in the same way that HMP and NOMS used that evidence to direct the PSPRB to consider the full package of benefits, the POA now urge the PSPRB to recognise the shrinkage of that overall benefit and make good that loss to POA members and their families.

In the 2012 PSPRB report there was a clear statement of intent:

As we said last year, if significant changes are made to the pension scheme or other elements of the package for prison service staff we shall wish to assess over time whether this has any impact on the ability of the Service to recruit, retain and motivate staff.

In the 2013 PSPRB report it stated:

While public sector salaries have been frozen for those earning over £21,000, prices have increased, and pension contributions have risen. This means most of those in our remit group, and elsewhere in the public sector, have suffered a reduction in their take-home earnings and have to pay more to sustain the same standard of living, something which may affect their motivation and morale.

In 2014 the PSPRB report stated:

In addition, staff continued to be affected by the ongoing reduction in their take-home earnings and its purchasing power caused by increasing pension contributions and inflation. Overall, it seems clear to us that the real value of average take-home pay for our remit group has been decreasing since April 2011. As we reported in Chapter 2, all the unions raised this in their evidence to us and it was the concern most frequently voiced by the staff we met on visits. We recognise that this has had a large impact on staff motivation and morale.

In 2015 the PSPRB report stated:

The value of the pension is an important part of total reward for our remit group. However, it is not within our remit other than when we take account of the competitiveness of the overall employment package compared to the private sector. Changes to the pension scheme are a matter for the Government.

In 2016 the PSPRB repeated:

The value of the pension is an important part of total reward for our remit group. However, pension provision is not within our remit other than when we take account of the competitiveness of the overall employment package compared to the private sector. Changes to the pension scheme are a matter for the Government.

However, in relation to motivation, the PSRB in 2016 did feel compelled to write:

Finally, we are aware that staff have seen pension contributions increase in recent years and will be affected by the increase to National Insurance Contributions from 1 April 2016. These reduce the effect of pay rises on take-home pay and have an impact on staff morale and motivation. In addition, the financial pressures and the constraints on public sector pay policy have continued for far longer than expected. Overall, we conclude motivation and morale within the Prison Service continue to be low.

In 2017 the PSPRB stated:

Changes to the pension schemes offered to prison staff are a matter for the Government and pensions are not formally within our remit. The value of the pension, and pension contribution, is nevertheless an important element when looking at total reward for our remit group which we take account of when considering the competitiveness of the overall employment package compared to the private sector.

In 2018 the PSPRB stated:

The changes in contribution rates mean that our remit group currently make the following contribution rates, dependent on salary, for 2018-19:

- *Support grade contribution rates are generally either 4.60% or 5.45%.*
- *Prison officer grade contribution rates are generally either 4.60% or 5.45%, although most will pay the higher rate.*
- *Class 1 NICs increased by 1.4% (of relevant earnings between Her Majesty's Treasury thresholds)*

Whilst NICs are a matter for the Government, we are aware that this change affected the take-home pay of our remit group. This has been raised frequently on visits in the last few years and has impacted on morale and motivation.

In 2019 and 2020 the PSPRB chose not to comment on pension provision nor on the associated detrimental impact those changes continue to have on retention and motivation.

The POA still await that assessment by the PSPRB, as promised in 2012.

The POA accept that the setting of pension contribution rates is outside of the PSPRB remit. However, making those additional contributions affordable is within the gift of the PSPRB.

The PSPRB has had five opportunities to make good the deficit suffered to Prison Officers and OSGs in relation to the 2015 pension contribution increases.

The POA remind the PSPRB of its obligation to consider matters that impact on motivation and retention and clearly since 2012 those pension changes have and do indeed continue to demotivate Operational Prison Officer Grades and OSGs.

PSPRB, the POA urge you to make 2021 the year that you live up to the 2012 commitment.

All staff within the POA pay remit group to receive a consolidated £3,000 uplift in pay

In 2021 it appears likely to the POA that HMPPS has a belief that the resulting Covid-19 recession and higher levels of unemployment will improve its ability to recruit and reduce the pressures on Band 3 Prison Officer & Band 2 OSG retention. However, the POA do not believe that will be the case.

The POA believe that, as we move into Covid-19 recovery and a decision is made to relax the more controlled prison regimes that have had to be a feature of pandemic reduction, we will see a return to high levels of incidents, to the drug dealing of old and its associated bullying and debt, to higher levels of self-harm, to higher levels of prisoner-on-prisoner violence and to higher levels of assaults on our hard-working members.

A return to the former chaotic regimes will come as a shock to any new members of staff recruited since Q1 2020. A return to that chaos could also trigger reactions from the pre-existing staff group that now realise that working in a prison does not just have to be about running around all shift long answering general alarms and dealing with the chaos and lawlessness created in the name of relaxed regimes and unconstructive unproductive time out of cells.

The POA believe that constructive time out of cells, learning real-life vocational skills and addressing offending behaviour in structured programmes are vital components of a rehabilitative culture. However, prisoners out of cells for the sake of statistics reduces control, reduces safety and fuels criminality.

The POA recognise and welcome the short-term reductions in incidents but urge the PSPRB to look at long-term trends:

- There has been an increase in the number of deaths in custody in the year to December 2020, up 18 to 318. The total number of deaths in custody remains 61% higher than in the 12 months to December 2010 (199).
- The data for Self-Harm Incidents shows a reduction of 2,786 (-4.51%) over the 12 months to September 2020 compared to the previous year, 61,656 to 58,870. However, this is an increase of 120.3% since December 2010 (26,721).
- The number of self-harm incidents fell by 3.37% to 12,356 from 12,787. This is 90.2% above the 2010 figure of 6,497.
- Hospital Attendances were down by 16.9% to 2,843 from 3,422. This is 104.8% higher than the 1,333 in the 12 months to September 2010.
- All Assault incidents are at 24,407 (66.9 a day), down 26.7% on the year from 33,308 but up 68.2% since 2010 (14,508).
- Serious assaults are at 2,734 (7.5 a day), down 29.8% on the year from 3,897 but up 93.9% since 2010 (1,410).
- Prisoner-on-prisoner assaults are at 16,258 (44.5 a day), down 31.3% on the year from 23,653 but up 42.4% since 2010 (11,419).
- Serious prisoner-on-prisoner assaults are at 1,958 (5.4 a day), down 34.5% on the year from 2,988 but up 75.6% since 2010 (1,115).
- Assaults on Staff are at 8,476 (23.2 a day), down 15.9% on the year from 10,081 but up 188.6% since 2010 (2,937).
- Serious assaults on staff are at 823 (2.3 a day), down 14.8% on the year from 966 but up 165.5% since 2010 (310).

The figures above show there is still a long way to go to tackle the general prison population's propensity to use violence.

The POA believe that violence in prisons is a complex problem. Its rise was fuelled by a reduction in staff numbers and experience, unplanned last-minute regime curtailments, the impact of psychoactive substances and the perpetuation of on-going criminality within our prison walls. Longer prison sentences combined with a propensity to use violence, affiliations to street gangs, debt problems, lack of respect for authority and a willingness to use weapons, alongside high levels of mental illness, have resulted in a workplace described as a dark place by Professor Nick Hardwick when addressing the Howard League.

The POA have significant concerns in relation to the growing number of assaults on female staff, and have asked HMPPS to break down assault statistics by gender. However, to date the employer has not provided that information.

Since 2015, when the POA last gave evidence to the PSPRB, serious assaults against our members have resulted in numerous broken bones, faeces and urine assaults, members spat upon, fractured jaws, facial scarring, attempted rapes, sexual assaults, scalding, knocked-out teeth, members rendered unconscious, spinal injuries, fingers bitten off, heads stamped on to the point that brain surgery was required, attempted terrorist attacks, attacks leaving work, staff and inspectorate team cars fire-bombed, and a young officer with less than a year in service had his throat cut whilst simply unlocking his landing.

As of February 2020, the Prime Minister’s commitment to the recruitment of 20,000 new Police Constables continues at pace, and there remain in place 23 Police forces in England and Wales that have continuing recruitment campaigns. The POA believe that Prison Officers are well placed following HMPPS training and experience to secure roles as Police Officers. The glaring difference is that Police Constables have the opportunity to advance through increments within the constable rank to salaries in excess of £40k within 7 years.

Please also consider the eventual rise in prison population that will inevitably follow as a result of 20,000 new police constables.

The vast majority of staff within the remit group have experienced real-terms reductions in pay since 2010. Staff are accessing payday loans, with some even resorting to food banks in an attempt to maintain a decent standard of living, whilst others engage in a culture of excessive working as they continue to rely on non-consolidated Payment Plus to support their families.

The Office for National Statistics compiles a Real Average Weekly Earnings index, as noted in its 26th January 2021 report.

To November 2020, the Real Average Weekly earnings index monthly rise was 3.5% and the 3-month average was currently running at 2.8%.

The table below shows the compound annual pay rises of our remit group between 2015 and 2020 compared to ONS-compiled Whole Economy Average weekly earnings.

Grade	Pay Max 2015	Pay Max 2020	Compound Annual % Increase over 5 Years
OSG Closed Grade	£18,943	£20,670	1.82%
B2 OSG F&S	£19,482	£21,550	2.12%
B3 Closed Grade	£29,219	£31,649	1.66%
B3 F&S	£24,161	£26,812	2.19%
B4 Closed Grade	£31,481	£34,066	1.64%
B4 F&S	£30,571	£33,516	1.92%
B5 Closed Grade	£33,872	£36,622	1.62%
B5 F&S	£34,875	£38,161	1.88%
ONS Whole Economy Average Wage Weekly	£484	£567	4.25%

Source: ONS AWE Whole Economy level (£); Seasonally adjusted total pay excluding arrears Nov 2015 to Nov 2020. Published as a weekly wage only.

We have explored in our pension contribution section the effect on our remit group of the 2015 pension changes, increased contributions and uplifted NI contributions.

Pay is and can be a great motivator, but the POA believe that annual pay rises allow staff to see a long-term future in the job. In the past a laid-out pattern of increments and a clearly defined realistic retirement age allowed officers to commit heart and mind to their role on the basis of a clear life plan and career.

The POA accept that labour markets have become more transient and that younger generations experience numerous periods of employment, but we look back to the days where becoming a Prison Officer was a life choice for an individual and their family.

The POA believe that the role of a Prison Officer is so diverse that it has to be considered a vocation, and staff must have certainty around future pay and access to pension to make the lifelong commitment required to gain the maturity and jail craft skills that can safely influence others away from unstructured lives of crime. (See Alan Beith's The Role of a Prison Officer:

<https://publications.parliament.uk/pa/cm200809/cmselect/cmjust/361/361.pdf>

The HMPPS pay model is broken. It is too complex and overly confusing.

The POA remain open to multi-year pay strategies aligned to simplifying the pay model and removing the equality injustice caused by the current two-tier pay system.

The POA call on the PSPRB to improve morale and motivation by making fair and just recommendations, ensuring that all uniformed staff from within the remit group receive a consolidated cost-of-living pay award of £3000 that reflects erosion of pay and the working environment they face and adequately rewards them for the duties they deliver on behalf of the state.

For clarification, this £3000 consolidated rise would be in addition to PSPRB 2020 Recommendation 3.

In 2020 HMPPS stated in its submissions to the PSPRB: "Our core workforce challenges remain the same: attracting and retaining the right staff to do the job in increasingly challenging operational environments."

The POA remind the PSPRB that our members and union officials face financial sanctions and potential imprisonment if they adopt any industrial response, including withdrawal from voluntary work, and to that extent they rely solely on the PSPRB to act independent of Government economic interference.

Recommended Further Reading:

Justice Select Committee, Alan Beith MP – The Role of a Prison Officer

<https://publications.parliament.uk/pa/cm200809/cmselect/cmjust/361/361.pdf>

Uniformed frontline staff, Bands 2, 3, 4 and 5 to be paid a bonus of 5% for their work throughout the COVID-19 pandemic showing commitment, bravery and resilience

COVID-19 has created unprecedented circumstances for frontline staff and has had a negative impact on the homelives of many, not to mention their challenging keyworker roles. The subsequent emotional, psychological and physical demands, 24 hours a day, 7 days a week, need to be recognised during these unique circumstances. The bravery and professionalism shown by staff during this pandemic is above and beyond any JES banding.

The competence of these hidden heroes extends to completing their duties and returning to scheduled, extended and additional shifts to maintain precarious regimes and to cover staff shortfalls.

Frontline staff (uniform staff of Bands 2, 3, 4 and 5) continue to deal with the COVID-19 pandemic and are still subject to the psychological and emotional demands of:

- dealing with the death of prisoners, colleagues, family members and friends
- psychological and emotional fear of contracting COVID-19
- being untrained and inexperienced to provide optimal caring of prisoners to maintain quality of life and decency in COVID-19 times
- security bed watches/hospital escorts, the risk of entering COVID-19 confirmed areas and the obligation to remain for long periods of time with COVID-19-positive prisoners often with insufficient or lack of PPE, and insufficient PPE training
- additional mental and physical demands of wearing PPE for long periods of time (12 hours or more)

Disruptions to family life

COVID-19 has brought unprecedented disruptions to many of the families of frontline staff, including:

- significant impact on work-life balance caused by unpredictable attendance patterns and impacted staff availability
- mental health concerns
- marital and relationship strains and problems caused by exceptional work commitments and restrictions
- temporary/long-term accommodation away from family members and loved ones
- makeshift living accommodation, i.e. campervans, caravan, tents, sheds, garages, hotels and Centre Parcs accommodation
- social distancing within the household (as returning from a high-risk area)
- not being able to cuddle family members and loved ones

Exceptional Operational Resilience

- Many frontline staff sold their annual leave back to the employer to supplement take-home pay.
- When Track and Trace diminished staffing levels to unrealistic and unworkable numbers, e.g. At HMP Wormwood Scrubs, frontline staff voluntarily went to establishments that were COVID-19 red sites.
- Staff experienced continued pressure to attend work and deliver additional hours.

Examples of workforces thanked for their service during this pandemic

First Minister Nicola Sturgeon has today announced a one-off payment for Scotland's lifesavers and caregivers on the frontline throughout the coronavirus (COVID-19) pandemic. A pro-rated payment of £500 will be made as soon as is practicable to all NHS and social care workers employed since 17 March 2020 – including staff who have had to shield, or who have since retired.

Marks & Spencer had already promised staff an extra 15% pay, while Aldi, Sainsbury's and Tesco have pledged 10%. Asda meanwhile has offered an extra week's pay in June, working out as a 25% bonus for the month. Bosses say they are rewarding "dedication and commitment" and "outstanding work".

Morrison's: The chain says all frontline staff will receive a 6% bonus on their earnings for the next 12 months after staff complained they were initially offered just 0.75%. The changes represent a bonus of £1,050 for a full-time worker compared to the £351 that would have been paid last year.

Aldi: "Aldi has announced enhanced pay for its amazing colleagues, who have been working tirelessly throughout this extremely busy time. Store and distribution colleagues will receive a 10% bonus on hours worked, effective from 9 March 2020."

Sainsbury's: "As a small thank you for all their efforts, we will be giving colleagues a payment of 10% of the hours they have worked since March 8. The 10% additional pay will be awarded in May to hourly paid colleagues in Sainsbury's and Argos retail, Sainsbury's transport and warehouse teams, Argos distribution and all Retail contact centres."

Tesco: "Tesco will be giving a 10% bonus on the hourly rate for hours worked to colleagues across its stores, distribution centres and customer engagement centres. All permanent colleagues who are currently in work will receive the increased hourly pay rate till Friday 1 May, when we will review the situation."

Asda: "There will be an extra week's pay in June to our colleagues in recognition of their extra efforts to protect the health of their colleagues who needed to step away during this time."

Lidl: "Our teams are playing a crucial role in serving communities across the country and their incredible commitment and hard work is hugely appreciated. As a token of our gratitude, Lidl colleagues across the business are being given a £150 voucher each."

Co-op: "It's important to reward our colleagues for working through these difficult times. That's why we've given them a bonus, money to spend and extra time off."

Waitrose: "We are looking at a number of options to ensure we find a suitable way to recognise our partners who have shown incredible professionalism and dedication."

M&S: "Our frontline colleagues across stores and supply chain who continue to work will receive an additional 15% pay reward in recognition of the work they are doing to support their teams and the national effort to help customers access the products they need during these unprecedented times."

The dog handler Care & Maintenance Allowance to be increased to £2,000 for one dog and £500 for each additional dog rather than the current policy of a set amount for more than one dog regardless of the quantity

This allowance is paid for looking after prison service dogs in the handler's own time.

It is currently paid at:

- £1,526 for one dog
- £1,908 for more than one dog

Having more than one dog attracts additional commitment to dog welfare. This includes added cleaning time of kennels and equipment, grooming, feeding, training and exercising time.

Many handlers have more than one dog and it is common for those dogs not to be able to "live" together, causing increased demands.

Dr Jamie Bennett's letters introduced stronger operational protocols for the care and controlled supervision of HMPPS dogs.

A "knock-on" effect following his letters led to all patrol/tornado dog handlers having to keep their dogs on a lead when in a public area and for handlers of search dogs having to complete a dynamic risk assessment of every intended exercise area. In addition, all HMPPS dogs, when at the handler's home, must be secured in a kennel.

This has led to handlers having to spend more of their own time exercising their prison dogs to build and keep up stamina, which is difficult when the dogs are not allowed to run loose. This, along with having to keep dogs in the kennel and not allowing them in their gardens, has led to handlers having to exercise their dogs more often and for longer periods of time on a lead.

Unsociable Hours Allowance

The current unsociable hours allowance must be expanded to better differentiate between the pay of Uniformed staff and their non-uniform non-operational colleagues in order to better represent the emotional demands faced by Uniformed staff

There is no mechanism to reward Uniformed staff for the unique emotional demands their work puts them under. The POA submit that the unsocial hours allowance be expanded to 25% to reflect those emotional demands.

The HMPPS Job Evaluation Scheme fails to distinguish and reward the unique differences between operational and non-operational roles.

The POA have clear evidence that the emotional demands placed upon staff, especially in the formative years of their careers, can be a significant factor in relation to retention, morale and motivation.

The POA have consistently asked the following questions:

- What reward do Uniform grade staff receive for the unique emotional demands that their work puts them under?
- What in pay differentiates a Uniformed member of staff in recognition of the operational and emotional demands faced in that role, over and above the pay of a non-operational Band 3 colleague?

When this question is asked of HMPPS, they inform us that uniformed prison staff receive an unsocial hours allowance.

The POA would like to be clear, the 17% unsociable hours allowance is paid in relation to Prison Officers and Operational Support Grades having to work alternate weekends, work on an evening, having to work early mornings and having to work night shifts and bank holidays.

The introduction of a separate operational allowance would have to be negotiated as part of changes to Terms and Conditions.

Therefore, the POA suggest that the unsociable hours allowance is increased to reflect the emotional demands faced by uniformed staff.

Since the introduction of benchmarking, we have seen numerous cases across the country where uniformed staff are struggling, and under certain circumstances they are forced to accept a regrade to a non-operational role to remain in employment.

They tell us that they cannot believe they receive the same base pay working as an administrator as they did for walking the landings, for having to don PPE and pick up a riot shield, for having to deal with the care and support of suicidal prisoners, for being assaulted, for being exposed to psychoactive substances, for having to pass a fitness test. Then, they conclude, they no longer have to work evenings, weekends or night shifts and Christmas or any other bank holidays.

There is no recognition in pay for uniformed staff and the unique emotional demands they face.

Our members have witnessed and are still witnessing gruesome homicides. Our members have dealt with prisoners who have gouged out their own eyes, prisoners who

have slit their throats, wrists and femoral arteries, prisoners who have hung themselves or poisoned themselves. Unfortunately the list goes on.

Across 2019 and 2020 the POA NEC engaged with HMPPS to review their Job Evaluation Scheme. The POA NEC were mandated by POA Conference to establish a review of the employers JES scheme and in particular the Factor 9 Emotional demands.

As part of the JES Review, with a focus on Factor 9, HMPPS visited a number of establishments to seek staff feedback in relation to emotional demands they faced. The HMPPS team reported:

On those site visits Operational Prison Officers responded to the HMPPS JES review team in relation to emotional demands on Uniform Grade Band 3 to Band 5.

- Staff unanimously reported being the recipient of abusive language, while both verbal and physical intimidation has increased since 2012 or earlier.*
- Increase in emotional demands as a result of being assaulted at work. The severity and volumes of assaults varied by establishment.*
- Increase in emotional demands as a result of an increase in self-harm. In the women's estate it was reported that the severity of self-harm has increased.*
- Deaths in custody and self-harm have risen significantly.*
- There is a perception by some that the complexity of prisoners has changed since 2012, with more prisoners with mental health problems and vulnerabilities now in the system. Some staff feel that they are not equipped – and some establishments do not have the resources – to provide the level of support required, thus putting additional emotional pressures on staff to support prisoners.*
- A sense of the prisoners' wellbeing, care and opportunities come at all costs and at the expense of staff wellbeing and safety.*
- Staff reported that a great cause of emotional pressure is the aftermath and the fear of being blamed when things go wrong.*

Staff reported that the consequences of emotional demands and risks in the prison environment has led to the following:

- trauma across all sites visited*
- feeling of being isolated, with knock on impacts on home-life and in some cases leading to increases levels of alcohol consumption*
- desensitisation, although this was not consistent across all staff*
- mental health issues, with some staff reporting an increase in colleagues being diagnosed with PTSD.*

The JES team observed that staff became very emotional during interviews and forums.

It was highlighted that the OSCAR 1 role in some ways mirrors the pressures and anxieties observed in VICTOR 1 role. There is a lack of resources when on OSCAR 1-night duties and increased stress levels due to IC responsibilities. It was reported that there are small numbers of prisoners who cause continuous and significant issues that take up lots of resources from the staff, depriving other prisoners of time, which is causing emotional pressures on staff, which may not be covered within the current scheme for measuring the emotional demands on the role.

Increased emotional pressures and anxiety when attending Coroner's Court.

The POA remain disappointed that the HMPPS JES review team did not include Band 2 OSGs or closed grade OSGs within their study. Our Operational Support Grade members often find themselves alone on residential units on nights, caring for and dealing with the needs and demands of a high number of prisoners subject to ACCT support.

Operational Support Grades inevitably often find themselves first on the scene at cell fires and prisoner suicides. They stand at cell doors in the small hours of the night, providing counsel and support to mentally ill prisoners and those that are low in mood, night after night.

Our Operational Support Grades in both the closed and open estate often face abuse in their front-of-house role. They are our first line of challenge against contraband coming into the establishment, they provide perimeter patrols and are our emergency call controllers dealing with often distressing incident radio traffic and relaying of distressing information to other staff and emergency service colleagues.

The POA believed that the introduction of an Operational Demands Allowance would be the best way to reflect these unique emotional demands. However, that proposal sits outside of the PSPRB remit, and to aid implementation we request that going forward the PSPRB look to reflect these emotional demands within the current unsociable hours allowance.

The POA urge members of the PSPRB to read the 2020 Work-related well-being survey report by Dr Gail Kinman, the visiting Professor of Occupational Health Psychology at Birkbeck University of London, and Dr Andrew Clements, a lecturer in Occupational Health Psychology at Coventry University:

<https://www.poauk.org.uk/media/1888/poa-survey-of-work-related-wellbeing-1.pdf>

Following a survey in 2020, the report was published in January 2021. This year's report concluded:

- Although some areas have improved slightly since the 2014 survey, POA members continue to report lower well-being than average for all the HSE's work stressor categories, with levels lower than those found in many other emergency and safety-critical services such as the Police and the Fire and Rescue Service.
- Members who report poorer well-being tend to be at greater risk of mental health problems and burnout and have less job satisfaction, more work-life conflict and stronger leaving intentions.
- Retention of staff is a continuing problem in the employing bodies. Nearly half reported that they are seriously considering leaving their job soon.
- Most POA members who responded to the 2014 survey were unhappy about being expected to work over the age of 60, and these concerns have grown. The proportion of respondents who believe that working for longer will adversely affect their ability to do their job has increased.

It is clear that, when the HMPPS Factor 9 review report and Dr Kinman's reports are read in parallel, the emotional demands on Uniformed Prison Staff continues to be an area of significant concern. The POA remain of the position that JES Factor 9 does nothing to financially reward its members for those demands and urges the PSPRB to reshape and increase the unsocial hours allowance to meet that need.

Recommended further reading:

Gail Kinman POA Work Related Wellbeing Survey August 2020:
www.poauk.org.uk/media/1888/poa-survey-of-work-related-wellbeing-1.pdf

HMPPS Factor 9 Review Report V0.7

Payment Plus

The payment of additional hours, referred to as Payment Plus Scheme, has been the subject of numerous discussions since 2008 between HMPPS and the POA. Whilst the finer details of the Scheme are rightfully not within the ambit of the Pay Review Body, it is acknowledged by the employer that the rate of pay is a matter for the PSPRB. The current hourly rate is a flat rate of £22, which the POA does not believe adequately rewards prison officers for the additional hours worked over their contracted hours, and to that end the POA submit to the PSPRB that an hourly rate of £30 would better recompense employees for working overtime.

The process by which payment for additional hours worked in comparable occupations, such as Police, Fire Service and the National Health Service, varies from time and a third to double time. Police payments currently attract payments at time-and-a-third to time-and-a-half for police officers and sergeants. The NHS has a nationally negotiated rate of additional hours to be worked under Agenda for Change for Bands 1 to 7 and the remuneration is between time-and-a-half and double time for public holidays. In this context, it is submitted that a payment of a £30 hourly rate would be in line with what other employers are paying. Looking wider than this, the IDS Report of March 2015 identifies a number of employers who pay on this basis.

The POA would submit that the payment of additional hours should be pensionable, as the hours worked and duties performed are identical to basic salary and refers to the High Court ruling in respect of the Fire Brigades Union, where it ruled that overtime was pensionable because of their regularity. The POA asserts that the Payment Plus scheme amounts to regular overtime payments and as such should be treated accordingly.

The POA believe that the current cost to HMPPS for Bed watches and constant watch and Payment Plus was £65,509,575. At £22 per hour, this equates to a total of 2,977,708 hours, equivalent to 1,468 FTE officers.

The POA would wish to draw attention to the TUC Report stating that more than 5 million UK workers put in a total of 2 billion unpaid hours in 2018. It goes on to identify that over a quarter of public-sector employees (25.3%) worked unpaid overtime, compared to around 1 in 6 employees in the private sector (15.8%). Public-sector workers contributed £12.0 billion of unpaid overtime last year. Public-sector employees make up just a quarter (25.2%) of total employees but produce more than a third (35.3%) of all unpaid overtime [TUC Report March 2019]. HMPPS currently owe uniform grades Band 3 to 5 a total of 315,530 unpaid hours worked.

The POA would be looking to the PSPRB to take this into consideration in accepting the proposal to pay £30 per hour and to make these payments pensionable in respect of designated overtime payments.

Recommended further reading: IDS Report on Seven-Day Working

OSG Overtime to be Increased

OSG overtime be increased to time and two-thirds for green hours and double time for red hours, and for it to become pensionable

A pensionable simplified rate to be introduced for additional hours worked by Operational Support Grades, Night Patrols and Prison Auxiliary grades. Taking into consideration the failure by HMPPS to consistently recruit and retain the number of FTE staff required, the importance of the role and the significant part of security and staff safety that OSGs in every establishment undertake.

The current overtime pay calculation is:

Payment at the following overtime rates will be made for the authorised number of hours worked more than full time and will exclude travelling time. These rates are non-pensionable, and depending on when hours are worked the overtime rate will be either at single time, weekday time or weekend time:

- Single time = basic annual salary ÷ 261 working days ÷ 7.4 daily hours
- Weekday time = Single time x 1.33
- Weekend time = Single time x 1.75

The payroll system will run the complete calculation before rounding the result to the nearest £0.01 (i.e., it does not round up the Single time before multiplying it for weekday or weekend time).

OSGs are one of the largest group of staff in most establishments, yet they are the lowest paid of the remit we represent.

Every prison has a weak point in its security and that is the gate area, which in every establishment has OSG grades controlling and searching vehicles, parcels/packages, staff and visitors that enter the prison.

They observe the CCTV cameras and direct staff where to go if there is an incident or an officer is in need of help.

All their work forms part of Local Security Strategies throughout the estate.

They drive vehicles for Cat A escorts in the High Security Estate and they drive vehicles carrying staff who have been called out on a Tornado call. They also cover prisoner escort to hospitals and funerals etc. and the majority of security transfers from the open estate.

OSGs work more red hours than any other grade due to the numbers required for night and weekend duties.

Failure to recruit into this grade led to an overtime cost of £8,996,333 in 2019/20, an outstanding TOIL figure of 50,556 hours (March 2020) and an average leaving rate of 10.9% per year over the six years leading up to March 2020.

PSPRB 2020 Recommendation 3 relating to Band 3 F&S Prisoner Officers to be reactivated in PSPRB 2021

The POA feel that the Government's decision not to enact PSPRB 2020 Recommendation 3 has been a betrayal of our Band 3 F&S Prison Officer members.

The POA fully support the well-evidenced position of the PSPRB that our F&S Band 3 members' levels of pay are insufficiently competitive.

The Government seem content to hang on to the coat tails of the Courts in their pursuit of legal sanctions against this union, and do so without hesitation, yet when their loyal Prison Officers get anywhere near a glimmer of pay justice, this Government fails them. We agree with the PSPRB rationale that an investment for that group more likely than not would have been self-funding by a corresponding reduction in recruitment and training costs for HMPPS, and the outlined removal of market supplements.

Previously, the Government have made public statements that they want to attract ex-military staff into the Prison Service. The POA feel that a consolidated and pensionable award of £3,000 a year invested in pay would have made that ambition realistic, but alas we feel that, without that uplift in Band 3 starting pay, there is little hope of meeting the Government aspiration of attracting ex-military into HMPPS on a starting salary, including unsociable hours, of £22,851.

In addition, the POA agree without reservation that the recommendation, had it been implemented, would have:

- improved the competitiveness of our remit group's pay scales and ranges
- targeted pay to support the recruitment and retention of Prison Officers, particularly in light of increased Border Force and Police recruitment
- reduced the pay differential between Fair and Sustainable and closed grades where the gap continues to remain significant.

The POA stand ready to engage in significant discussions with the employer with regard to putting in place a time-bound plan to remove the two-tier pay model.

To that extent, the POA request that Recommendation 3 is repeated within your 2021 recommendations, and the POA stand ready again to work with HMPPS to make this recommendation a reality.

Voluntary Specialisms – Pay Claim

Those operational staff who volunteer to carry out additional specialisms to be paid an annual allowance of £500 as compensation for their emotional and psychological demands and them being available when required, often disrupting their family lives.

These specialisms include:

- Negotiator
- ACCT Assessor
- C&R Instructor
- C&R Tornado
- First Aid
- Mentor
- Local Response Team (LRT)
- Care Team
- Mental Health Allies
- OSG Drivers (includes Tornado and Cat A/High Security)*
- ECR/Control Room
- Separation Centres
- Discreet HSE Units

It is important that staff obtain the above qualifications. At present this is all voluntary work, but there is an expectation from HMPPS that staff will continue in these roles.

There have been discussions around a new grade called an Advanced Prison Officer (APO) for Band 3s, paying them as Band 4s but carrying out Band 3 work with three or more specialities. This is very confusing and does not fit with JES. In addition, there are uniformed Bands 2, 4 and 5 that carry some of the above, and if the APO was created it would mean that Band 3s would get rewarded for the above work while other grades would not.

Compressed Pay Spine Points – Retention

Staff on Fair and Sustainable (F&S) Pay Arrangements Bands 3 to 5 using 37 hours National base pay for example:

Bands	Pay Point 1	Pay Point 2
3	£19,054	£21,713
4	£24,018	£27,381
5	£27,021	£31,176

The simplification around the reduction of the spine points would enable retention of staff to be achieved through means of simple HR processes and enhance the swift progression avenues around promotional career development and aspirations to remain within the Prison Service.

Recruitment

The already depleted staffing figures before 2015 have only seen a recruitment campaign that recruited well below the numbers required against the thousands that have left the service through one way or another, only ever keeping the leaky bucket half full.

HMPPS joiners, by grade	31 Mar 2015	31 Mar 2018	30 Sep 2020
Band 5 Custodial Managers	0	1	1
Band 4 Supervising Officer	30	10	3
Bands 3-4 Prison Officer (incl. specialists)	1,229	4,922	2,211
Band 2 Operational Support	566	776	803
Operational Total	1,825	5,709	3,018

Staff Retention

Retention remains a significant problem and risk for HMPPS, and this risk is amplified by the current recruitment campaigns in Police Forces and the Border Force Agency.

The POA realise there will always be regional variations in relation to market forces and these variations will impact on retention. However uncompetitive pay levels and unsustainable recruitment and retention costs constitute a vicious circle, and the way to close the revolving door is to get to grips with the uncompetitive rates of pay and encourage people to see a long-term future with HMPPS.

In the PSPRB 2020 Report, the board highlighted their intention to focus on Band 2 retention, and the POA look forward to that outcome.

It is clear that the remit groups most affected by these retention issues are the Band 2 Operational Support Grades and the Band 3 Fair and Sustainable, and the link between starting rates and pay progression are obvious.

The constant pipeline flow of new recruits also has a huge impact on older, more experienced staff, who find themselves in a position of not only having to deliver their own workload but work with one eye and both ears on the issues and situations that develop for less-experienced staff.

This constant mentoring is something that older more experienced staff gladly engaged with on a voluntary non-remunerated basis, as they believed that the new recruits were indeed the cavalry coming over the hill and that their investment of time and wisdom would improve conditions for existing staff, new staff and prisoners.

Unfortunately, the need to be a mentor and to keep an eye and an ear on developing situations have not reduced as, rather than there being stability where the new staff find their feet, we have seen the need for mentoring and support of new starters simply become a constant and unrewarded task as the staff churn continues.

Many establishments currently have over 50% of their uniform staff with less than 2 years' service.

The POA believe that if HMPPS addresses the issues – and we would suggest that PSPRB 2020 Recommendation 3 is the roadmap to follow – it will avoid the inevitable equality issues that are clearly developing.

Leaving Rate	31 Mar 2015	31 Mar 2018	30 Sep 2020
Band 3-5 Officer Total	1,330 7.1%	2,081 10.3%	2,256 9.9%
Band 2 OSG Total	487 10.1%	487 10.1%	551 11%
Prison Service Estate Regional	2,723	3,174	3,458

A third of prison officers who leave the service quit within a year of starting, new figures show, prompting concerns that the crisis in UK jails is being exacerbated by dwindling retention rates.

Leavers by length of Service	31 Mar 2015	31 Mar 2018	30 Sep 2020	TOTAL
	Band 3-5	Band 3-5	Band 3-5	
	Band 2/OSGs	Band 2/OSGs	Band 2/OSGs	
Completed years 0	83	639	496	1218
	30	113	168	311
Completed years 1	23	170	455	648
	17	55	83	155
Completed years 2	23	182	343	548
	22	39	60	121
Completed years 3	35	31	144	210
	16	14	36	66
Completed years 4	33	9	104	146
	22	5	30	57

Pre-pandemic chaos in the wings, lack of respect from management and absence of support are among the reasons cited for the surge in officers resigning within months of starting.

Resigned	31 Mar 2015	31 Mar 2018	30 Sep 2020	TOTAL
Band 2 / Band 3-5 Officer	608	1,525	1,802	3,935
Overall Leavers	2,723	3,174	3,458	9,355

An analysis of figures by Labour shows 33 per cent of outgoing officers in the past 12 months – a total of 694 – had been in the service for less than a year, a figure that stood at just 7 per cent in 2010. This equates to 12 per cent of new hires.

But retention remains a problem, with the majority of officers (54%) who left the service last year having been in the role for less than two years.

Pay for Temporary Advanced Staff

Payment for acting up on a temporary basis is currently referred to as a Cover Payment and is calculated on the base pay of an employees' substantive Band at the following rates of payment: 10% for covering a role one Band higher and 15% for covering two or more Bands higher. It is our submission that this system of payment for undertaking the full duties on a temporary basis of a more senior post does not properly reward the work being done. Furthermore, this penalises younger workers as they are likely to be paid at the lower level of a Band and so will receive lesser remuneration when compared to workers who are nearer the top of the Band.

Many Employers have recognised the inherent unfairness in respect of such arrangements and have ensured that pay for covering a more senior post is fair and defensible – and more importantly individuals are paid the correct rate for the job that they do, for however long. The Cover arrangement in some cases has lasted for significantly longer than 12 months. In evidence a number of public-sector employers have adopted pay policies that reflect a much fairer payment for employees undertaking cover arrangements. These are a sample of such employers: Barnet Council; SOAS University of London; Falkirk Council; Swindon Borough Council; Exeter University; and Tower Hamlets Council

Our submission is that staff who fulfil this role are remunerated fully and this would of course be pensionable in the same manner as their substantive pay.

Increase of Payments – Tornado and Dirty Protest

An increase to be applied to the following payments and that these payments become pensionable: Dirty protest; and Tornado

The POA request an increase in payments to Dirty Protest:

Up to 4 hours	£15 per period
Over 4 hours	£30 per period

Dealing with prisoners who are on a dirty protest is amongst the worst jobs carried out by a prison officer. The emotional and psychological demands, risk to health and gruesome conditions that staff must work in would be intolerable to anyone outside the service. That, added with threats from prisoners and the horrendous smell of human excrement, make the task almost unbearable – but prison staff still must deal with the situation in their daily duties, ensuring that decency is always maintained for the prisoner.

Conference policy is to ask for equal pay for all grades called out on Tornado, therefore the POA request an increase in payment to:

All uniformed grades	£35 per hour
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Brave men and women throughout the estate are specially trained (Tornado trained) to deal with acts of indiscipline. Most establishments have a commitment that they must have a certain number of staff fully trained to respond to incidents should the need arise. When called, often from home both day and night disrupting their family lives, these staff are responding to the unknown but are willing to risk their safety for their colleagues and for HMPPS. That risk and emergency response should be recognised and acknowledged by the department.

Market supplements are paid to all Uniform Grades in those establishments that receive it

Market supplements equal for band grades 2-5

Following the measures introduced in Feb 2017, all F&S staff in “amber” and “red” sites in those locations have received a £3,000 (amber) or £5,000 (red) yearly supplement which is not pensionable. F&S staff promoted to Band 4 from Band 3 in these sites will retain up to half of the supplement as part of their increased pay promotion and this replaces any allowances in place, including any existing market supplements. This could lead to a financial deficit and provides no encouragement for promotional aspirations. A Band 3 prison officer with a market supplement who is temporarily promoted to a Band 4 post would be earning more than a F&S permanently promoted Band 4 working in the same role at the same establishment

We ask that market supplements are paid to all uniform grades as an incentive for retention and to encourage promotion so that no one promoted receives a deficit in pay.

Section 3 – Conclusion

In reaching its recommendations, we ask that the PSPRB consider the following:

- the developments of prison staff’s pension
- the increase in pension contributions
- the increase in NI contributions
- the continued demand of the role that prison officers and OSGs carry out
- the effect and demand that COVID-19 has had on frontline staff
- the resilience of prison staff throughout the pandemic
- the different operating environments that prison officers and OSGs must work in both inside and outside of establishments
- the permanent court injunction which is in place to stop prison officers withdrawing both their labour and their goodwill
- the PSPRB’s recommendation 3 from 2020 is reissued
- the need to recruit and retain new prison officers and OSGs
- the emotional demands and morale of prison staff is not reflected in pay
- the independent survey by Professor Gail Kinman
- the failure of HMPPS to repay TOIL owed to staff
- the failure of HMPPS to recruit staff to TSF in every establishment
- the problems with recruitment and retention
- the daily dangers faced by prison staff
- the failure of the CPS to prosecute acts of violence against prison officers
- the flexibility of uniformed staff when urgent assistance is required in other establishments

On behalf of the POA membership in England and Wales, we thank you for considering our evidence 2021/22.