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Correctional & Secure Psychiatric Workers**

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POA Circular 016/2024

**For information: England & Wales, Northern Ireland, Scotland, Special Hospitals,
Private Sector, IRCs**

13th March 2024

Dear Colleagues

POA PAY SUBMISSION

The POA Pay Submission can now be officially sent out as the other parties involved have now shared their documents.

Please find attached our written submission and we will update you when we have given our oral evidence. This document will also be available on the POA website with the full Annex's.

Yours sincerely

STEVE GILLAN
General Secretary

ENCLOSURE



SERVICE IN MELTDOWN

How long before total collapse?

*POA 2024 submission to the
Prison Service Pay Review Body*

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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 |
| TOIL | Time Off In Lieu |
| OSG | Operational Support Grade |
| PP | Payment Plus |
| TSF | Target Staffing Figure |
| SIP | Staff In Post Figure |
| IC | In Charge |
| Victor 1 | Duty Governor |
| Oscar 1 | Orderly Officer |
| ECR | Emergency Control Room |
| OME | Office of Manpower Economics |
| NI | National Insurance |
| ONS | Office for National Statistics |
| AWE | Average Weekly Earnings |
| PEO | Physical Education Officer |
| PPE | Personal Protective Equipment |
| ACCT | Assessment Care Custody Teamwork |
| HSE | High Security Estate |
| LRT | Local Response Team |
| HSE* | Health and Safety Executive |
| PA | Prison Auxiliary |
| USWH | Unsocial Working Hours |

Foreword

The POA will again take the opportunity to remind the Prison Service Pay Review Body that it represents a compensatory mechanism for Prison Officer Grades not having the right to take industrial action or to withdraw from voluntary duties as industrial leverage on pay or conditions.

The POA wish again to place on record to the PSPRB our absolute objection to previous or prospective Government interference in this process.

The POA believe that, if the PSPRB is independent, then it must be allowed to consider evidence and make its decisions completely free from any Government interference through remit letters.

The PSPRB must, through its actions, be seen as a true compensatory mechanism for Prison Officers not having the right to take industrial action, up to and including strike action.

POA members' perception of the PSPRB being a compensatory measure has been undermined by Government remit letters and Government failure or interference in the past to adopt in full PSPRB recommendations.

If HMPPS yet again fail to submit their evidence to the PSPRB on time, the POA ask the PSPRB to discount the HMPPS evidence.

Late implementation of pay awards and the delayed offer to enter Fair & Sustainable in 2023 impacted on our members' pensions and on members (and their pensions) who had left the service between 1 April 2023 and the opt-in exercise in September 2023.

This year, the POA makes a request for a one-off compensation payment to be paid to our members to cover the losses to their pensions caused by the F&S opt-

in exercise not being offered until 4–29 September 2023.

Although back pay was paid in relation to people opting into F&S, HMPPS did not make that back pay pensionable. What message does that send to employees in a service dogged by a retention crisis?

HMPPS remain in a retention crisis. Prison Officers are being asked to provide 355 staff to national detached duty (as of 15 January 2024).

A special bonus scheme worth £4,000 was launched in December 2023 asking for volunteer Band 3 Prison Officers in the adult estate to go on detached duty to the Youth Custody Service (see Annex L).

We again enter this year's pay round in an entrenched recruitment and retention crisis.

HMPPS this year sought the opinion of the POA around compelling staff away from home on detached duty. The POA are obviously vehemently opposed to compulsory detached duty and at this current point we have no members compelled, mainly due to our members choosing to volunteer as they know compulsion is the likely alternative.

The POA do not see an improving picture, with specific sites facing never-ending and destructive staffing challenges.

HMPPS may well talk of recovery, but to date that appears to be a slowing down of attrition, yet there remain sites with attrition rates of around – and in some cases over – 20%.

A quote from HMIP Woodhill unannounced visit, August 2023: "Despite considerable efforts to recruit and retain staff, a chronic shortage of officers remained at the crux of the prison's difficulties; only half of the prison's quota of band 3 officers were in post and available for operational duties, and there was still a 36% shortfall when supplemented by officers on detached duty from other prisons. More officers were leaving than joining (97 versus 56 in the last 12 months), and a continuing deterioration in staffing was forecast."

HMP Woodhill remains 36% below its target staffing level and that figure includes 47 staff on detached duty. Long Lartin continues to receive 64 detached duty staff, Swaleside 54 detached duty staff, Whitemoor 30 detached duty staff

and Berwyn 25 detached duty staff, as of 15 January 2024.

HMPPS are keen to reiterate to the POA and PSPRB that pay is not an important factor in why people leave the service but, despite recent improvements in remuneration, staff continue to leave the service for industries that both match and surpass Prison Officer pay. If pay was not a contributory factor, why are there so many detached duty staff shoring up difficult-to-recruit sites in areas that have an abundance of well-paid vacancies that HMPPS cannot compete with?

The operational environment is not conducive to planning a long-term career. Officers work in the most hostile workplaces in Europe and, coupled with the lack of support by some managers, it is no surprise that young recruits do not plan to stay in the service. The prospect of having your car burnt out at work or being stabbed on your way to the car park is not an attractive proposition. The POA say to the PSPRB, pay our members a wage that reflects the dangers and pressures that they face and convince our members that being a Prison Officer long term is a financially beneficial decision when set against the risks to their safety and mental wellbeing.

Staff are recruited as Prison Officers on the promise of a career that can provide a work-life balance. New recruits think they will have the opportunity to drop off and pick up children from school, but this is completely untrue. Although Prison Officers are mobile grades, a lot of staff recruited around a promise of a good work-life balance will be shocked to find themselves expected to volunteer – or even forced – to live away from home and their families for two weeks or longer on detached duty due to the HMPPS retention crisis.

HMPPS continues to fail to mention anything about detached duty in any of its current and live recruitment campaigns or job adverts.

In Autumn 2023, a survey of 2,261 POA members revealed some extremely concerning outcomes in relation to all aspects of operational grades' lived experience and welfare at work. 83% of the survey respondents do not believe

their salary accurately reflects the roles and responsibilities of their job, or the risks involved.

Over 50% work overtime or payment plus to make ends meet and over 75% attend work despite not feeling well enough for duty. The survey revealed that 42% of respondents intend to leave the Prison Service within five years, while a further 28% are unsure of their plans (see Annex I, POA Members Survey 2023).

Custodial Managers' span of control remains at an unacceptable level. Some CMs are managing more than 20 staff. This reduces the amount of support available to an ever-increasingly inexperienced staffing group and undoubtedly contributes to them feeling disillusioned with the complex work place they have entered. The POA also feel this will contribute to the many reasons why staff leave the service.

The POA witness the ever-increasing levels of serious assaults on staff since the Covid command structure was removed from our prisons. Prison regimes have reverted to the pre-pandemic levels of chaos and violence that POA members were forced to endure prior to the service entering command mode. HMPPS leaders refuse to learn the lessons from Covid regimes and the POA now fear that the opportunity to make regimes more productive, rehabilitative and safe has now disappeared.

Assurances around an end to mass association in favour of smaller groups engaged in purposeful constructive activity have evaporated.

Some Prison Governors clearly believe that their priority is to appease the HMIP inspectors and continue to unlock prisoners in large numbers with no purposeful activity other than to revert to their law-breaking habits and anti-social behaviour as they bully and assault each other, deal drugs and attempt to intimidate and assault staff.

The POA believe that Prison Governors who unlock prisoners without sufficient purposeful activity and HMIP inspections who put Governors under those pressures are fuelling the factors that allow criminals to continue a life of criminal activity and anti-social behaviour within our prisons and that work against rehabilitative

opportunities or aspirations.

The above is proven when you look at the constantly upward trajectory of prisoner-on-prisoner and prisoner-on-staff assaults across the last 12 months.

In the 12 months to 9 November 2023, HMIP issued five Urgent Notifications to HMPPS, **the largest number of Urgent Notifications in a 12-month period since the UN process began in 2017.**

<https://www.justiceinspectorates.gov.uk/hmiprisons/media/press-releases/2023/11/fifth-prison-in-a-year-issued-with-an-urgent-notification-for-improvement-as-inspectors-find-violence-squalid-conditions-and-spiralling-self-harm/>

The potential to earn higher rates of pay in less-demanding employment continues to lure away keen and capable young staff that need to be financially incentivised to commit to a vocation as a Prison Officer. Longer-serving members of staff continue to be disillusioned by the lack of inflation-busting pay awards and the feeling of being part of a "forgotten service" that fails to respect them, treat them fairly or compete with other public-sector pay structures. The PSPRB must also acknowledge the totally unrealistic retirement age of 68 for Prison Officers that does not relate to the dangers they face or the physical and mental toll the pressures of the job place on them. This also provides a significant reason for more-experienced staff to leave the service too.

The shape of work in many workplaces has changed since the pandemic. For example, many industries encourage regular working-from-home shifts. Working from home is an option for non-operational staff and, on rare occasions, for some operational Band 5s, but it is an impossibility for the vast majority of Prison Officers and OSGs. The PSPRB need to acknowledge this fact when considering their recommendations for the operational remit group Bands 2-5.

We understand fully that HMPPS has an overarching 24 hour, 7 days a week duty to deliver custodial services and care to those committed to prison from our courts, but it has been glacially slow in engaging

with this Trade Union around workplace reforms to support flexible working.

Meanwhile, other employers have moved to practices that better support flexible working and, combined with younger staff's perception around rates of pay, it is no surprise to this Trade Union that young in-service staff are not retained and experienced staff become disillusioned when more pressure is heaped upon them to mentor new recruits who rapidly leave the service within a short space of time. The promise of flexible working splashed across all HMPPS recruitment campaigns is a false promise and, in reality, this simply fails to exist.

The POA door is always open to discussing innovative ways to improve the offer to both young in service and experienced Prison Officers.

The POA are keen to see pay rises above inflation now that it is financially beneficial for closed grades (with some exceptions) to opt into F&S.

The POA feel that closed grade staff have been the core foundation of a service that was destroyed by benchmarking. They witnessed too many staff exit through VEDs and they endured the horrendous influence of psychoactive substances that flowed freely into our prisons – and then the remaining closed grade staff were expected to mentor and support the constant churn of new members of staff who exited the service shortly after going live.

This is the year that the PSPRB can show former closed grades that have opted into F&S that the trials they have been through over the past 10 years will now be recognised in their pay.

HMPPS cannot be allowed to think that, because Band 3 pay parity has been reached in the majority of cases, they can rest on their laurels. Going forwards, operational grade staff need to see significant pay advancement as an inducement to remain in their roles. Police pay continues to rise, Border Force pay continues to rise, NHS pay continues to rise, private-sector pay continues to rise, and other employment opportunities still remain highly attractive at considerably less risk.

The POA strongly believe that the pay link between non-operational and

operational staff must be removed. Both groups do unique work but they fall under significantly different job descriptions, and the POA believe that, by maintaining that link, HMPPS adds significantly to its wage cost and exacerbates operational grade retention.

In the majority of cases, non-operational staff have the right to take industrial action, so they should not be classed in the same bracket as operational staff when pay is considered.

HMPPS believes that the only difference between a non-operational grade and an operational grade is that the operational grade works unsocial hours. Perhaps that belief by HMPPS leaders also feeds into the current lack of incentive to remain an operational grade Prison Officer.

With an announced increase to the living wage of 9.8% to 21.8% planned for April 2024, the POA expect rises for our lower-paid members that further distances them from the living wage rate, as the POA do not believe that any work or responsibilities delivered by our lower-paid members is entry-level or minimum-wage-type work.

We enter this pay round against a reduced set of inflationary pressures, but as anyone knows prices of food remain high, while domestic energy costs are again increasing in winter 2023-24, with much less Government support available.

Mortgage rates are the highest since 2007, and this increase also significantly impacts on our members who rent their homes.

The ONS confirmed this autumn that all sectors and areas of the country have seen significant rises to domestic rent. The Governor of the Bank of England was clear in late November 2023 when he told the UK not to expect interest rate cuts any time soon.

Our members tell us they have grave concerns around keeping themselves and their families warm this winter, and they worry that the withdrawal of Government financial support will mean they face increased financial hardship.

POA members have faced years of public-sector pay freezes. We have endured the race to the bottom created through the threat of competition and, ironically, we now see identical pressures on private-

sector prison contractors and immigration contractors. It is now time to discard the competition-driven downward pay and restore levels of pay that match the challenging nature of the roles and the demands of the work.

The POA continue to believe that this Government, in place since 2010, has taken advantage of the legal situation around our members not having the right to strike and, in doing so, has put at risk the operational stability and sustainability of public-sector prisons.

If Government via the PSPRB fail to make the terms and conditions of Prison Officer Grades more appealing, then all aspirations around protecting the public through reducing reoffending and helping people lead law-abiding lives will simply remain aspirations.

Fitness testing and new entrant apprenticeship schemes have been suspended in order to free up resources to aid operational delivery. Prisoners are being housed in police cells under Operation Safeguard due to there being no vacancy signs on the front of prisons because of a capacity crisis. This remains a service in crisis.

Recent events at Lowdham Grange saw HMPPS “step in” and take over the running of a private prison. Pay is critical to attract and retain resilient people. The POA have had reports from our members of payments of up to £96 an hour to attend the struggling establishment.

Voluntary Tornado-trained staff remain difficult to retain. Payment plus, special bonus schemes and the example of payments at Lowdham Grange prove a safer, less disruptive and more attractive option to enhance earnings.

The pressure for prison spaces is so acute that the Government agreed an early release scheme that was supposed to be temporary but will continue for at least the next 12 months. The severe overcrowding coupled with the unrelenting backlog of repairs to our dilapidated prisons add to the pressure staff face and detracts from rehabilitation and encouraging staff to remain in the service. These pressures need to be recognised by the review body.

The POA believe that, this year, the Government must listen to our warnings and arguments because nobody knows the atmosphere in our prisons better than the POA. But more importantly, this Trade Union feels it is imperative that POA members – and the PSPRB – again have the Government’s full support in implementing in entirety ALL recommendations from the PSPRB as the recruitment and retention crisis continues to deliver instability and will inevitably lead to unrest in our prisons.

Without an attractive remuneration package and an above-inflation pay award that addresses the continuing cost-of-living crisis, both experienced staff and new recruits will continue to leave.

The remit group do an extraordinary job performed by extraordinary people in the most violent and hostile workplace of anywhere in the world. They are a unique workforce hidden behind imposing grey walls, out of sight of the public. They deserve better from the Government and have rightly earned the right to be recognised by a pay review body that cannot justify awarding a pay rise that is not above the rate of inflation.

The POA National Executive Committee

Section 1

POA Pay Claim 2024

The POA, along with the TUC, believe that the RPI inflation index better reflects the price increases endured by working households, whereas the CPI index is favoured by Government as it tends to be lower.

Incomes Data Research's 2017 survey of practice in this area found that more than half of the organisations surveyed (52%) described RPI as the most relevant indicator of the cost of living when it comes to making decisions on pay awards. Companies such as O2, Virgin Media and Sky all use RPI inflation to calculate mid-contract price rises.

RPI contains a number of items that are excluded from the CPI and CPIH, including council tax, mortgage interest payments, house depreciation, buildings insurance, ground rent and other house purchase costs such as estate agents' and conveyancing fees.

In the year to November 2023, the annual RPI inflation rate was 5.3%, down from a peak of 14.2% in October (ONS, 20 December 2023).

All Bands 2, Band 3, Band 4 and Band 5 Fair & Sustainable grades (Uniformed Operational staff) in the remit group to receive a consolidated uplift in salary at all pay points of RPI 5.3% + 3% = 8.3%.

All closed grade staff including Prison Officer 2, G4S Prison Custody Officer, Operational Support Grade, G4S Closed Grade Security Officers, Prison Auxiliary, Night Patrol, Prison Officer, Senior Officer and Principal Officer to receive a consolidated uplift in salary at all pay points of RPI 5.3% + 3% = 8.3%.

The F&S Unsociable Hours Allowance increases from 20% to 30% of Base Pay.

A £500 payment to the remit group who take on additional unpaid duties, for each additional duty that they take on, including Tornado duties/training.

The POA have included an additional +3% to their 2024 pay claim. The rationale behind that addition is based on the historic erosion of real-terms pay between 2011 and 2023. In that period, Closed Grade pay in real terms was eroded by 40.55% and F&S pay by 15%. The compound effect of this erosion and its impact on our members' pensions must be considered and the POA seek restoration of this erosion this year and over coming years.

The POA recommendation, in line with our PSPRB bargaining group, is for public-sector Uniformed Operational Staff only – including former G4S Grades TUPE-protected transfers.

| Closed Grade - All Based on 39 hours National Pay Rate | | | | | |
|---|-----------------|--------------------|--------------------------|------------------------------|---|
| | Pay 2023 | 8.3% Uplift | Proposed Pay 2024 | F&S opt in viable | POA Proposed F&S 2024 USH at 30% |
| CG Night Patrol * | £21,820 | £1,811 | £23,631 | Yes | £30,066 |
| CG Auxiliary* | £19,341 | £1,605 | £20,946 | Yes | £30,066 |
| CG OSG | £21,757 | £1,805 | £23,562 | Yes | £30,066 |
| CG G4S Security Off ** | £21,443 | £1,779 | £23,222 | Yes | £30,066 |
| CG Prison Officer *** | £32,915 | £2,731 | £35,646 | Yes | £38,177 |
| CG G4S PCO ** | £27,425 | £2,276 | £29,701 | Yes | £38,177 |
| CG Senior Officer | £35,429 | £2,940 | £38,369 | Yes | £42,900 |
| CG Principal Officer | £38,087 | £3,161 | £41,248 | Yes | £48,846 |

*PSPRB Stats Pack Annex H 2023 states 1 Night Patrol remain in Service & 1 Auxiliary & 2023 Pay Rates as supplied by OME Annex K OME Staff Distribution Doc 2024.

** G4S Ranks for TUPE Protected T&C following return to Public Sector.
 Note: Within our remit group there is 1 G4S E1 grades on TUPE-protected T&Cs. The POA submit that an 8.3% rise should also be applied to these grades and advise that, due to previous individually agreed rates of pay, this group should again check viability of opting into F&S B5.

*** F&S opt in - Closed Grade Prison Officer - as of 6-10-23 – 3,400 in grade of which 3,281 could opt in, 2703 have opted in, 82.4% of those who can opt in, had opted in.

| F&S B2 to B5 Grades + 8.3% at 30% USH 37hrs Max National | | | |
|---|----------------------|---------------------------------|--|
| | Base Pay 2023 | 8.3 % Uplift on Base Pay | Proposed Pay 2024 with USH at 30% |
| B2 OSG | £21,355 | £1,772 | £30,066 |
| B3 Prison Officer | £27,116 | £2,250 | £38,177 |
| B4 Supervising / Specialist Officer | £30,471 | £2,529 | £42,900 |
| B5 CM | £34,694 | £2,880 | £48,846 |

Cost Estimate of POA 2024 Proposals (Uniformed Operational Staff)

Due to the complex nature of the current pay model, with multi pay points per grade and numerous combinations of ACH and ACP, the POA estimate the total cost of their proposal as below.

| Total Cost of POA Pay proposal 2024. | |
|--|---------------------|
| F&S Band 2 - 5 (includes + 10% USH) | £163,480,514 |
| Pre-F&S Unified (CG) | £2,575,947 |
| Former G4s and Off Scale Staff | £361,532 |
| | |
| Total | £166,417,993 |

For a comprehensive breakdown across the full pay model, including details relating to regional and multi pay points and ACH and ACHP models, please see Annex A (POA Proposal Cost Estimate 2024), Annex K (OME Staff Distribution Doc 2024) and Annex R (OME 2022 to 2023 Pay Bill).

The POA do not include employment on costs in the calculation, neither do we remove the additional tax on NI repaid to Government through increases to salaries.

Matters Arising from 2023 PSPRB Implementation

Additionally, this year the POA make a request for a one-off compensation payment to be paid to our members to cover the losses to their pensions caused by the F&S opt-in exercise not being opened until 4-29 September 2023, even though the pay increase should have been available from 1 April 2023 and the Government accepted the PSPRB recommendations in full.

Although back pay was paid in relation to people opting into F&S, HMPPS did not make that back pay pensionable and the POA believe that a pension detriment was caused to our members.

The affected members would be in the Alpha Scheme. Under the rules of that scheme, the definition of pensionable earnings includes "permanent pensionable earnings", which in turn means basic pay.

The POA believe that back pay paid to those from 1 April 2023, who opted into F&S as part of the 2023 opt-in exercise, should be treated as permanent pensionable earnings, and the loss of the employer's contribution is relevant and should be made good.

The delay between implementation of the pay award back-dated to 1 April 2023 meant that Closed Grade POA members who had left the service between 1 April 2023 and the September opt-in exercise were not offered the opportunity to opt in. This clearly had a detrimental impact on their pensions.

The POA are currently taking legal advice in relation to the detriment caused by the delays around implementation and opt-in, and reserve the option to revisit this issue and update the PSPRB regarding the level of detriment as part of their oral submissions.

Section 2

Continuing Economic Pressures 2024

According to the TUC, the UK is only country in G7 where household budgets have not recovered to pre-pandemic levels.

- Families would be £750 a year better off if real disposable income had grown in line with other leading economies.
- Working people are being made poorer by Conservative failure, union body says.

The UK is suffering the worst decline in living standards of any G7 country, according to new TUC analysis published on 8 January 2024.

The analysis shows the UK is the only G7 economy where real household disposable income per head has not recovered to its pre-pandemic levels. Real household disposable incomes in the UK were 1.2% lower in the second quarter of 2023 than at the end of 2019. But over the same period, they grew by 3.5%, on average, across the G7.

The TUC estimates that, if real disposable income in the UK had risen in line with the G7 average, UK families would be £750 a year better off.

More pain ahead

The union body warned that the contraction in UK household budgets is going to get worse, despite falling inflation.

The Office for Budget Responsibility (OBR) forecasts that real household disposable income per head in Britain will fall by an additional 3.4% by the end of the first quarter of 2024.

And according to the same forecasts, household budgets will not recover to their pre-pandemic levels until the end of 2026.

The OBR said in November that UK households are suffering the worst period for living standards since modern records began in the 1950s.

Households in debt

The TUC says the Conservatives' failure to grow the economy and deliver healthy wage growth has pushed many households further into debt.

Analysis published by the union body at the end of December revealed that unsecured debt (credit cards, loans, hire purchase agreements) is set to rise by £1,400 per household, in real terms, this year.

The TUC says working people have been left brutally exposed to rising costs after years of pay stagnation.

UK workers are on course for two decades of lost living standards, with real wages not forecast to recover to their 2008 level until 2028.

The TUC estimates that the average worker has lost £14,800 since 2008 as a result of their pay not keeping up with pre-global financial crisis real wage trends.

TUC General Secretary Paul Nowak said:

“The UK is the only G7 nation where living standards are worse than before the pandemic.

“While families in other countries have seen their incomes recover, household budgets here continue to shrink.

“This is a damning indictment on the Conservatives’ economic record.

“Their failure to deliver decent growth and living standards over the last 13 years has left millions exposed to skyrocketing bills – and is pushing many deeper into debt.

“We cannot go on like this. Britain cannot afford the Tories for a day longer.”

<https://www.tuc.org.uk/news/tuc-uk-families-suffering-worst-decline-living-standards-g7>

ONS Public Trends and Opinions

According to those asked between in November 2023 as part of the ONS public opinions and social trends bulletin, around 4 in 10 adults (41%) who pay energy bills said it was very or somewhat difficult to afford. This was compared to 47% during a similar period one year ago.

The ONS also highlighted issues faced by renters in the UK. Between 12 July to 1 October 2023, the ONS found that those renting were more likely to report an increase in their rental payments than mortgage holders in their mortgage payments (55% and 34%, respectively). This proportion appears to have increased among renters compared with earlier this year, but not among mortgage holders (42% and 32%, respectively, in the period 8 February to 10 May 2023).

According to data from the ONS Index of Private Housing Rental Prices UK, October 2023, private rental prices paid by tenants in the UK increased by 6.1% in the 12 months to October 2023. This represents the largest annual percentage change since this UK series began in January 2016.

London’s annual percentage change in private rental prices was at its highest annual rate since the data series began in January 2006.

<https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/publicopinionsandsocialtrendsgreatbritain/1to12november2023>

According to ONS Food and Energy Price Inflation Report, May 2023:

In March 2023, the 12-month rate of UK Consumer Prices Index (CPI) inflation was among the highest across advanced economies. As of March 2023, there were signs that inflation was falling in Europe and the US, although this seemed less evident in the UK.

UK food price inflation was among the highest across G7 economies in March 2023, second only to Germany. The high rate of annual food price inflation was in contrast to the recent decline in global food commodity prices, which likely reflected how there were lags before price shocks to filter through the supply chain.

The 12-month rate of energy price inflation in the UK was the highest among G7 economies in March 2023, which compares with single-digit energy price inflation in

most major European economies and declining energy prices in US and Canada. The regulation of utility prices in the UK explain why consumer prices were slower to react to changes in wholesale gas prices.

<https://www.ons.gov.uk/economy/inflationandpriceindices/articles/foodandenergypriceinflationuk/2023>

Payment Plus

Payment Plus to raise to £30 an hour.

In its 22nd report (2023), the PSPRB asked the POA and HMPPS to provide evidence for its 2024 report on Payment Plus.

| Extrapolated from hours recorded on My Detail. | | | | | |
|--|-----------------|--------------|-------------------|--|----------|
| Extracted from HMPPS Performance Hub report: IN view – my detail hours by activity | | | | | |
| Includes all PSP, Wales & YCS public prisons | | | | | |
| Includes on-costs (Holiday pay, NIC) * | | | | | |
| | £m Payment Plus | £m Bed watch | £m Constant Watch | | £m Total |
| Yr. 22/23 | 62.5 | 24.7 | 2.9 | | 90.1 |
| To 31/10/23 | 32.4 | 14.3 | 2.6 | | 49.3 |
| *On Costs | | | | | |
| | Current PP rate | £22 | | | |
| | Hol Pay 7.693% | £1.69 | | | |
| | NIC 13.8% | £3.27 | | | |
| | Hourly total | £26.96 | | | |

Year 2022 to 2023 from OME 2022/2023 Pay Bill.

Figures to 31 October 23 from POA Data request 2023.

Figures supplied to the POA by HMPPS detailing total PP expenditure for 2022–23 is £90.1 million including on costs, which equates to 3,341,988 hours delivered at £26.96 an hour.

The Payment Plus used in 2022 to 2023 equates to an F&S 37hr equivalent of an additional 1,737 FTE staff.

See Annex R, OME 2022 to 2023 Pay Bill.

The current hourly rate for PP with on costs for holiday pay and National Insurance contributions is £26.96 an hour.

Payment Plus has been paid under special local bonus schemes, Operational Support bonus schemes, Christmas bonus schemes, detached duty bonus schemes and

selected priority training.

Payment Plus was introduced in 2008 as a collective agreement on staff terms and conditions for all Prison Officer grades, including associated Specialist Grades as identified in Bulletin 8 who undertake additional hours working outside of normal conditioned hours.

The rate of Payment Plus is set each year by the Prison Service Pay Review Body.

As Payment Plus has evolved and reshaped since 2008, we find ourselves in a position where Payment Plus is now used to cover the following tasks:

- Daily significant long-term ongoing staffing shortfalls against agreed Staff in Post figures
- Emergency Medical Escorts
- Planned Medical Escorts
- Detached duty
- Band 4 duties
- PEI duties
- Key Training

Payment Plus should not be used by establishments to cover shortfalls caused by staff sickness.

The POA believe that the duties delivered on Payment Plus are **simply the core duties of all Prison Officers under their contract of employment**. The POA can provide evidence of members who have been in receipt of Payment Plus each month for delivery of those core duties for 10 years or more. Therefore, the POA believe that the use of Payment Plus is not paid as a one off, it is not extraordinary, and it is not only paid for a very specific set of tasks and circumstances.

Payment Plus is partially effective in achieving its aim in so much that it allows our poorly paid members access to additional salary to pay their bills so they may address the current cost-of-living crisis they face and it assists in shoring up failing prison regimes due to high attrition rates.

However, to convince staff to volunteer for Payment Plus shifts and detached duty, the criteria that dictates which prison can send to detached duty sites has been dropped. We now see prisons sending staff on detached duty that can drop staffing levels to 86% of the levels they should have.

When you consider most prisons run non-effectives at 30% or higher, this reduction leaves dangerously low staffing levels to provide a regime.

To cover detached duty staff, the sending establishment will then offer Payment Plus to existing staff. This leads to burnout and high sickness levels. The POA would much prefer staff to be paid in an appropriate way (and rate) that negates the need for a long-hour, excessive overtime culture and allows people to commit to the vocation of being a Prison Officer.

Issues around recruitment and retention have been mitigated by a massive reliance on Payment Plus in several establishments simply to bring a prison up to its agreed safe, decent and secure minimum staffing level and to maintain a level of safety and regime for staff and prisoners. However, that reliance has now become part of the burn-out culture.

The duties delivered can include ensuring visits to prisoners are not cancelled,

ensuring prison education and vocational training are not cancelled, serving prisoners their meals, maintaining hygiene on the wings by supervising cleaning parties, allowing prisoners access to fresh air, allowing prisoners access to showers and to maintain basic personal hygiene, allowing prisoners access to fresh bedding and clean clothes, keeping prison laundries working, and keeping other essential prison workshops open.

We could compile an endless list of the duties delivered by Prison Officers under the Payment Plus scheme. As stated earlier they are the core functional, day in day out, bread and butter duties that Prison Officers deliver.

Payment Plus was also used recently to train staff in PAVA/SPEAR and for key work to allow prisons to meet the 50% target that then allows them to roll out PAVA.

The POA believe that Payment Plus is now a permanent feature of our members' pay. It may have been introduced in 2008 in the belief that it was temporary, occasional or irregular and time-limited, but the issues around recruitment and retention that HMPPS have suffered over the last 12 years have seen an exceptional reliance on Payment Plus simply to maintain the basic functions in all our prisons. Many of our members claim they could not survive on their wages without using PP each month to top up their pay.

In 2016/17, HMPPS informed the PSPRB of its intention to reduce its reliance on Payment Plus and to introduce a contracted hours scheme (pensionable). To date, this has never happened.

In 2019, the PSPRB expressed concerns about Prison Officer reliance on Payment Plus.

In 2020, the PSPRB reported that it had still not been provided with "the changes in the hours available under the permanent contracted hours system and the associated decrease in the use of Payment Plus".

Total expenditure on Payment Plus increased from £33 million in 2019-20 to a peak of £55 million in 2020-21. **That figure further increased in 2022-23 as Payment Plus expenditure was £95.2 million.**

The POA believe that Payment Plus should be increased to £30 an hour for the following reasons:

- The rate for Payment Plus is set by the Prison Service Pay Review Body annually and that rate has consistently failed to match inflation.
- The payment is for work delivered under the Prison Officers' contract of employment and the work delivered are core operational duties of Prison Officers.
- The work is delivered over and above the Prison Officers' conditioned contracted hours, and so it must be set at a rate significantly high enough to persuade Prison Officers to take on those extra hours in a very challenging operational environment.
- Due to staffing shortfalls against agreed staff in post figures, the payment has become a regular feature of Prison Officer pay.

Since 2010 to current date, the Prison Service has endured an exodus of experience. HMPPS have used Payment Plus to cover shortfalls in staffing figures. Shortfalls are caused by an inability to recruit and a serious problem around staff retention. Prison Officers have covered the day in, day out Prison Officer duties within those shortfalls. **The POA want to be clear: if HMPPS could recruit and retain and was not blighted by staffing shortfalls, the salaries paid to cover those duties would have been pensionable.**

To date, no discussions have taken place between the POA and HMPPS around contract supplementary hours, and as HMPPS have talked about CSH since 2017 the POA believe that HMPPS are also acutely aware of the dangers associated with any changes to Payment Plus.

The POA do not believe that the current operational circumstances and the current economic pressures are at this point in time conducive to a move to a CSH scheme.

A CSH scheme if introduced without Prison Officer acceptance and buy-in at present could seriously damage operational delivery across the whole of the estate, especially if the rate of remuneration is perceived as a cut to available pay by Prison Officers.

Payment Plus is one of the things in place that works. It allows staff a flexible approach to increase their earnings at a time when HMPPS claims to offer greater flexibility to its workforce as an aid to retention.

The POA do not believe the time is right to remove a working, well-practiced and accepted flexible scheme and replace it with a less flexible, lower remunerated, contracted commitment to overtime in the current staffing crisis.

To reduce HMPPS reliance on Payment Plus, it is imperative that HMPPS reaches and maintains as near full staffing as can be achieved. Without full staffing, there will always be a requirement for officers to work beyond their contracted hours to cover the delivery of vital daily tasks.

Many of these schemes cover shortfalls in establishments and have enhanced payments of Payment Plus which takes the actual hourly rate to above £30 per hour, such is the desperate need to entice staff to partake.

The POA are prevented from instructing its members not to deliver overtime or PP by a High Court injunction. We therefore urge the PSPRB to take very seriously its role in setting the rate of PP as a compensatory mechanism provided to a workforce denied the right to withdraw its labour.

In its 2023 report, the PSPRB declined to raise Payment Plus as part of its rolling review and stated it would return to the subject of Payment Plus in 2024.

In its 2023 submissions, HMPPS submitted the following in its written evidence:

“There is no evidence that the enhanced rates already in payment are not attractive and we continue to have a plentiful supply of volunteers.

“HMPPS do not wish to enhance the rates for Payment Plus or OSG overtime at this time when we are also conducting trials of alternative approaches to managing and deploying the workforce. Our programme for ‘Shaping A New 27 Employee Offer’ (SANEO) aims to deliver modern flexible ways of working into our Prisons (and Probation areas).

“This will include a range of flexible contracts and a resourcing model that will be enabled through a new modern rostering tool. A proof-of-concept exercise has commenced to explore how an increased range of flexible working options can be tailored and practically applied to staff working in Prisons. A higher rate of Payment Plus or OSG overtime risks driving staff away from the more innovative, flexible, and sustainable working practices that we are trying to introduce.

“Increasing Payment Plus or OSG overtime rates at this time risks undermining that work. The

outcomes from the Shaping A New Employee Offer programme will have a direct impact on Prison Officers and enable staff in roles that have historically not been able to access flexible working, to do so.”

The POA respond this year to place on record that progress on the SANEO flexible system has been extremely slow and we see no timescale for a national roll-out.

Our members find accessing flexible work an extremely stressful and demoralising prospect, as evidenced later in this submission.

Cost of POA Payment Plus Proposal

Based on the supplied 2022 to 2023 figures, the cost of increasing Payment Plus to £30 an hour (£36.44 with oncosts) would be an additional £22 million.

Based on the supplied 2022 to 2023 figures, the cost of increasing Bed Watch Payment Plus to £30 an hour (£36.44 with oncosts) would be an additional £8.6 million.

Based on the supplied 2022 to 2023 figures, the cost of increasing Constant Watch Payment Plus to £30 an hour (£36.44 with oncosts) would be an additional £1 million.

(See Annex R, OME 2022 to 2023 Pay Bill.)

Tornado Payments Allowance 5-Year Review

Tornado payments to raise to £40 per hour for Band 3–5 Officers and £35 per hour for Band 2 OSGs.

Tornado Trained Staff Attrition

| | | | | |
|---------------------------------------|------------|------------|------------|------------|
| <i>Sent out</i> | 12/01/2023 | 26/01/2023 | 09/02/2023 | 13/02/2023 |
| Target | 2068 | 2068 | 2068 | 2068 |
| Trained | 1534 | 1549 | 1557 | 1553 |
| Staff available for deployment | 1375 | 1400 | 1413 | 1400 |
| % available against target | 66% | 68% | 68% | 68% |
| <i>Sent out</i> | 27/02/2023 | 13/03/2023 | 21/04/2023 | 04/05/2023 |
| Target | 2068 | 2068 | 2068 | 2068 |
| Trained | 1543 | 1531 | 1490 | 1488 |
| Staff available for deployment | 1390 | 1342 | 1336 | 1355 |
| % available against target | 67% | 65% | 65% | 66% |

| | | | | |
|---------------------------------------|-------------------|-------------------|-------------------|-------------------|
| Sent out | 18/05/2023 | 31/05/2023 | 15/06/2023 | 13/07/2023 |
| Target | 2068 | 2068 | 2068 | 2068 |
| Trained | 1464 | 1448 | 1499 | 1488 |
| Staff available for deployment | 1341 | 1327 | 1381 | 1355 |
| % available against target | 65% | 64% | 67% | 70% |
| Sent out | 30/11/2023 | 15/12/2023 | | |
| Target | 2128 | 2128 | | |
| Trained | 1613 | 1634 | | |
| Staff available for deployment | 1479 | 1490 | | |
| % available against target | 70% | 70% | | |

Source: Annex P, HMPPS January 2023 Tornado review

From the table above, HMPPS has increased the number of Tornado-trained Officers by 100 over the course of the year, including 500 staff undertaking initial training, from an offering of over 650 places.

The turnover of staff equates to 20%. This turnover and churn have a financial impact on HMPPS.

HMPPS has also refreshed over 1,000 staff, despite offering over 2,000 refresher places.

As a precaution, in 2024 HMPPS will offer 1,100 initial spaces and 2,200 refresher spaces to account for a predicted higher turnover.

POA members on the NTRG staffing group inform us that staff express a number of opinions around Tornado training, some of which is very close to the Tornado review that was conducted last year. This review highlighted (Annex P) that:

- *Feedback from some staff during consultation suggests that an unhelpful narrative around Use of Force (that all use of force is negative and is as a result of a failure to communicate well) is leading to anxiety around its use, which is impacting on staff views of C&R as a specialism.*
- *Staff reported that becoming involved in C&R specialisms, including local Instructor and Tornado training, is viewed as negative to career prospects and therefore to be avoided.*
- *Our members at NTRG also heard from some that not enough is done to create a national or local C&R community (akin to prison safety leads) where staff can share experiences, learning and get mutual support. This narrative and lack of community and perceived impact on career progression appears to be affecting HMPPS ability to recruit and retain the right people for these safety critical roles.*
- *Reward and recognition of Tornado staff is currently poor and is hampering recruitment and retention of the number of staff to ensure a response.*
- *This is both in terms of financial reward, the hourly Tornado rate is only slightly more than a bed watch and there is not currently any retention bonus to acknowledge the need for staff*

to remain available out of hours, and to remain in date for training and in terms of local and national recognition of the key role played by Tornado staff in maintaining stability and security across the estate.

- An annual payment for all qualified Tornado trained staff members of £600 upon successful completion of refresher training would go some way towards recognising the importance the organisation places in this pivotal service, and aid retention.*
- On consultation staff gave numerous examples to HMPPS of a general lack of care for their wellbeing.*
- The provision of post-incident care for staff returning from callouts was mixed, with some examples of good practice and other establishments who offered nothing. Some staff reported that there was a lack of awareness among managers about the realities of a callout both physically and mentally, and that some saw it as a 'jolly' and verbalised this to staff.*
- It was fed back both by establishments and NTRG that the state of protective equipment for Tornado staff in many establishments was very poor (this is the responsibility of Governors) – with units often arriving to incidents without the correct, working kit. This is putting individual members at increased risk of injury, is impacting on the ability to plan interventions without the right kit being available and is contributing to low morale as this lack of investment is seen as a lack of recognition of the importance of the role.*
- Staff concerns around lack of support if injured have also been tendered as an excuse not to renew annual training, with candidates subjected to formal attendance review meetings following injuries received. This is potentially career-ending.*

POA colleagues at the Hatfield training centre met with the PSPRB last year, and discussions took place around Tornado. We are informed that the PSPRB watched some of the scenarios on the initial course. The POA welcome the PSPRB engagement with these members and we hope that the PSPRB share our opinion that volunteering for this vital duty must be better remunerated.

Also, and it is mentioned above, Tornado staff are putting themselves forward to go into serious incidents of indiscipline and, despite every best effort, there is always the risk of injury or worse when attending these incidents. To get paid little more than you would if you were supervising a prisoner on a bed watch on a hospital ward is not attractive to staff.

Tornado-trained staff feel undervalued as some establishments fail to look after them. It is not uncommon for Tornado-trained staff to be present at a serious incident for a protracted length of time. This quite often means that they return home in the early hours. If they are scheduled a shift on the same day, they are expected to honour that shift or lose hours. This causes resentment and arguments with detail departments and does nothing to persuade Tornado staff to stay in date on their qualification or to respond to incidents at short notice.

The fitness testing regime is also offputting for some. HMPPS does not offer the option of an adjusted fitness test for staff with disabilities who are capable of qualifying as an advanced C&R member of staff, unlike the police who offer adjusted tests for all levels. The POA feel this is discriminatory and breaches the Equality Act 2010.

All of the above are contributing to the concerning turnover of staff and reluctance of some staff to volunteer to become Tornado-trained.

Dirty Protest Payment 5-Year Review

The definition of a dirty protest is where a prisoner has chosen either to defecate or urinate in a cell or a room without using the facilities provided. In virtually all cases, the walls, floor or ceiling are affected. Some prisoners may choose to cover their clothes and their body with faecal waste. These actions may be undertaken as a protest, or they could be because of mental health problems.

HMPPS have a compensation payment that may be available for Officers to cover the personal discomfort endured during periods of duty, including physical contact with non-conforming prisoners engaged in a dirty protest.

The pay manual states that the payment is only applicable to those Officers who are engaged in duties involving direct dealings or substantial contact with the participating prisoner(s). Officers working on the same landing or in the same unit/block do not qualify unless they have specific contact with the participating prisoner(s).

Officers who enter the vicinity (for example to collect another prisoner for a visit) are not entitled to the payment.

The 2015 version of the OSG agreement and the 2016 PSPRB report both refer to OSGs being entitled to the payment but there has since been some confusion in the field around this, which has resulted in some Governors refusing to pay OSGs for experiencing the same level of discomfort (for example during night shift).

The POA believe this situation needs resolving as our Band 2 OSG members now do considerably more night duties and they will no doubt be expected to supervise prisoners on dirty protest. See Annex S, NOMS & POA OSG agreement 2015.

The payment is non-consolidated and non-pensionable.

Recommendation 11 of the 2016 PSPRB report recommended the dirty protest payment was increased to £10 for the first four hours or less, and £20 for over four hours from 1 April 2016. Prior to that, from 2011 the NOMs Dirty Payment was: Half day £5.75 per period of up to four hours; Whole day £11.50 per period of over four hours.

Considering these increases and the time that lapsed between them, we would consider it more than reasonable to ask that:

- **Payment for B2 to B5 uniform grades working with prisoners on 'dirty protest' to be increased to £15 for up to 4 hours, £30 for over 4 hours.**

It has been 8 years since the last increase.

Comparator data:

Northern Ireland: 4 hours £8.00, 4 hours or more £16.00. The payment has not been reviewed in NI since 2011.

Scotland: The payment was reviewed in December 2023 and has doubled from an additional £2 per hour to £4 per hour.

G4S: They report that incidents are not frequent, and no allowance is paid.

Mitie Care & Custody: No allowance paid.

Sodexo: £20 per shift or £10 per early or part shift.

The total costs of Dirty Protest Payments to HMPPS 2022 to 2023 was:

F&S Grades: £901,325

Closed Grade: £183,210

Total: £1,084,535.

Band 2 - OSG Overtime

OSG Overtime to increase to day rate and a half for green hours, and double time for red hours.

The POA reaffirm that OSG overtime for F&S and closed grade be increased by day rate and 1/2 for green hours and double time for red hours.

It was stated within the 21st Annual Report that the PSPRB would look at OSG overtime as part of a five-year rolling program within the 22nd report. Despite comprehensive evidence to support the POA submission and a failure from HMPPS to supply any evidence to why they requested no increase in OSG overtime, the PSPRB made no recommendations to increase OSG overtime rates, deciding instead on the headline pay rate for Band 2 F&S.

The OSG group are the first line of defence within the Prison Service, which leaves them vulnerable to potential terrorist attacks, especially within the high-security environment where separation centres are present, yet they are the lowest-paid grade. They also carry out driver-escorting duties, transporting the most dangerous of our prison population such as High Risk, Cat A and separation centre prisoners. These tasks are mainly covered by OSG overtime.

Prior to 2012, OSG overtime was paid at day rate + one-fifth.

Since the introduction of F&S, OSG overtime was changed to day rate + one-third for weekday hours between 0700 and 1900, and day rate + three-quarters for unsocial hours working, weekend working and public holiday working.

In 2016, a £5-an-hour temporary top-up was introduced by the PSPRB.

In 2019, that temporary top-up became permanent.

The Band 2 OSG grade are an overtime grade and, as such, should be paid overtime and not accrue time off in lieu.

The POA believe that an increase to OSG overtime is overdue. The high demands on the OSG group for unsocial hours working also means it follows that a majority of overtime required are unsocial hours.

Our OSG members tell us they have, in the main, lost the appetite for overtime. They inform us they feel undervalued and that, as a group, they are used to cover changes to working practices, as shown in the F&S increase of OSGs onto night duties.

Some establishments are now using Band 3 Prison Officers to back-fill Band 2 OSG vacancies in some hard-to-recruit establishments.

The POA believe that the OSG package needs to be significantly improved to attract and retain people at Band 2 OSG, and that part of that improvement should be to increase the rates of overtime being paid.

The attrition rate of Prison Officers often catches the attention of Parliament and the media, but HMPPS's inability to retain Band 2 OSGs is quite often overlooked.

The table below shows the Band 2 OSG leavers for the 12 months up to 30 June 2023.

| Establishment | Band 2 OSG Leaving Rate | Establishment | Band 2 OSG Leaving Rate |
|----------------------|--------------------------------|----------------------|--------------------------------|
| HMP Aylesbury | 28.1% | HMP Lancaster Farms | 17.3% |
| HMP Bedford | 17.8% | HMP Leeds | 22% |
| HMP Birmingham | 18.8% | HMP Lewis | 22.7% |
| HMP Bristol | 20.5% | HMP Littlehey | 20.5% |
| HMP Bullingdon | 40% | HMP Maidstone | 32.9% |
| HMP Cardiff | 16% | HMP Mooreland | 16.6% |
| HMP Channings Wood | 15% | HMP New Hall | 16.5% |
| HMP Chelmsford | 24.1% | HMP Onley | 42.5% |
| HMP Dartmoor | 24.3% | HMP Preston | 26% |
| HMP Deerbolt | 29.0% | HMP Risley | 14.8% |
| HMP Downview | 20.3% | HMP Rochester | 33.7% |
| HMP Erlestoke | 31.6% | HMP Stocken | 18.9% |
| HMP Exeter | 41.7% | HMP Stoke Heath | 18% |
| HMP Foston Hall | 19.2% | HMP Styal | 15.6% |
| HMP Full Sutton | 14.8% | HMP Swaleside | 32.9% |
| HMP Gartree | 29.4% | HMP Swansea | 22.2% |
| HMP Grendon | 23.8% | HMP The Mount | 18.8% |
| HMP Guys Marsh | 16.7% | HMP Wandsworth | 25.6% |
| HMP Hewell | 15.3% | HMP Warren Hill | 28.8% |
| HMP High Down | 19.5% | HMP Wayland | 25% |
| HMP High Point | 22.8% | HMP Wealstun | 20.2% |
| HMP Holme House | 23.7% | HMP Winchester | 17.9% |
| HMP Humber | 27.9% | HMP Woodhill | 30.9% |
| HMP ISIS | 20% | HMP Worm Scrubs | 14.6% |

We are unable to cost the Band 2 OSG overtime proposal as we have not received a detailed breakdown in relation to the rates paid or the time of delivery. However, HMPPS have confirmed the following in relation to Band 2 OSG total overtime costs for 2022/23:

The total value of overtime claims paid in the 2022/23 financial year (April '22 to March '23) for Operational Band 2s was £13.1m. Note that this does not consider on-costs. When on-costs (i.e. ERNIC) are included, the total comes to £15.9m.

See Annex R, OME 2022 to 2023 Pay Bill.

Unsocial Hours Allowance

In the 2021 PSPRB report, the review body identified a five-year rolling programme to address allowances.

In 2023, the PSPRB specifically requested the details below regarding the unsocial hours allowance. The POA believe this was the first time since unsocial hours were calculated using the Baily formula that this part of pay for the affected group had received any increase in their unsocial hours payment.

Due to the POA evidence of excessive number of Red Hours being worked by OSGs and Band 2s, the PSPRB outside of their five-year rolling programme have indicated a revisit to the issue of unsocial hours allowance for OSGs and other operational grades.

What is the purpose of the Unsocial Hours Allowance?

The purpose of the allowance is to compensate Bands 2–5 in F&S for having to work unsociable hours, which equates to shifts starting prior to 0700 and ending after 1900, and to recognise and reward weekend working, bank holidays and night shifts.

Excessive unsocial hours working

The POA have previously canvassed branches about particular grades where unsocial hours are having a detrimental impact. We focused on the OSG grade and our findings highlight that OSGs across the estate work an average of almost 40% of their hours as unsocial hours, with night shifts making up the majority of these hours. We discovered that, in some establishments, OSGs work a week of night shifts once every six weeks which, given the existing medical evidence on the physical and mental health impact of working night shifts, is extremely alarming.

The POA noted from last year's report that OSG staff told the PSPRB on their establishment visits that they routinely work a significant amount of their core working time unsocially, with some reporting up to 60%.

HMPPS are unable to dispute the situation as it is happening in practice across the country.

We note that, in 2022, HMPPS's main response to this issue was to warn that unsocial hours allowance should not become an operational allowance in disguise.

The POA believe that HMPPS are acutely aware of the excessive unsocial hours working by OSGs. It was HMPPS's failed benchmarking project that stripped a

significant number of Band 3 Prison Officers out of night duties and replaced them with Band 2 OSGs as a cost-saving that created this problem.

HMPPS has used its concerns around equal pay claims as an excuse to hold back Prison Officer pay for years. It must realise that the operational and non-operational roles are significantly different. Job descriptions are significantly different, the risks involved are inherently different and significant, but its Job Evaluation Scheme chooses to deliberately choke the factor relating to operational grades.

The POA would point the PSRB to Annex G to understand our concerns in relation to what we class as a flawed Job Evaluation scoring system that places staff at a severe detriment when compared to non-operational grades.

See Annex G, HMPPS Job Evaluation Scheme Factors.

Excessive Red Hours working by Band 2s / OSGs

Excessive unsocial hours working by OSGs and F&S Band 2s occurred due to the failed benchmarking project. The benchmarking project centrally removed operational Prison Officers from night duties in the majority of our prisons and replaced them with OSGs and F&S Band 2s as a cost-saving measure.

It was this additional night burden on the OSG / F&S Band 2 group that increased their unsocial hours working to the unreasonable levels we see today.

The POA believe that the F&S Band 2 unsocial hours allowance should be raised to 30% of base pay to reflect the excessive and much-higher-than-agreed unsocial hours working delivered by this group.

Last year, the POA provided evidence from the detail offices at HMPs Bedford, Lincoln, North Sea Camp and Stoke Heath and Winchester, which indicated that OSGs at those prisons were working excessive red hours.

The POA 2023 submission contained working examples of live Band 2 / OSG shift patterns that showed excessively high levels of unsocial hours working.

The POA believe that the PPSRB should have placed more weight on the evidence provided during submissions last year that proved that excessive red hours working by OSGs is a regular occurrence and should be appropriately remunerated. The POA note that this evidence was not counter-evidenced by HMPPS.

The PPSRB heard lived experience OSG testimony as part of establishment visits that confirmed excessive red hours working.

That situation has not improved in the past 12 months and our Band 2 / OSG members have endured another year of excessive and unrewarded unsocial hours working way above the intended and agreed F&S percentage of unsocial hours.

Due to the current HMPPs profiling tool not being able to consider bank holidays when calculating the percentage of unsocial hours in a shift pattern, the POA point out that the profiling tool under-reports the number of unsocial hours as it can't predict when a shift falls on a bank holiday.

It should also be pointed out that, although a shift pattern may indicate for example

that a person would work 42%, this in fact would be plus bank holidays. The POA would direct the PSPRB to Annex B for an explanation of the flaws in HMPPS systems that inaccurately estimate the true number of red hours that OSGs work.

See Annex B for an explanation of how HMPPS arrived at the original 17% for unsociable hours.

See Annex B, OSG Unsocial Hours further evidence.

See Annex G, HMPPS Job Evaluation Scheme Factors.

Is the Unsocial Hours Allowance effective and is it achieving its purpose?

The POA believe that, for the unsociable hours allowance in F&S to be more effective and provide greater compensation for shift disturbance and family life disturbance, the unsocial hours allowance F&S should be increased from 20% to 30% for the remit group.

The HMPPS Job Evaluation Scheme fails to distinguish and reward the unique differences between operational and non-operational roles. In normal circumstances (pre-pandemic), operational staff did not have access to flexible work practices. The ability for operational staff who are disabled to request and be granted a reasonable adjustment under the 2010 Equality Act was severely restricted because of their operational role.

Most staff who leave the service under ill-health retirement or medical inefficiency terms are operational staff. This is simply because their working environment is considerably more challenging.

The POA have clear evidence that the emotional demands placed on 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?

The current view of HMPPS appears to be that the unsocial hours allowance is the only mechanism needed to differentiate between the operational bands and the non-operational bands.

See Annex G, Job Evaluation Scheme Factors.

Currently the 20% unsociable hours allowance is paid in relation to Prison Officers and Operational Support Grades having to work a variety of unsocial hours, which may include alternate weekends, working as late as 2300 hours, starting shifts as early as 0600 hours, and having to work night shifts and bank holidays.

The impact of shift working on the health of employees is well known. Numerous studies have concluded that the impact of night and shift working is detrimental both to physical and mental health and the POA do not believe that the current unsocial hours payment is acceptable compensation for the operational staff remit group.

HMPPS carry out no health screening of its staff who perform night duties.

We request that the unsociable hours allowance is increased to reflect the emotional and physical 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 a non-operational grade as they did for walking the landings and 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, or for having to pass a fitness test. Once regraded to a non-operational grade, they quickly realise that they no longer have to work evenings, weekends, night shifts, Christmas Day or any other bank holidays. They also relish being able to book annual leave, both planned and ad hoc, whenever they choose.

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, including examples of extremely traumatic incidents of self-harm that have seen our members deal 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.

Comparators

When looking at the rates of the equivalent of unsocial hours in the NHS, the starting position for unsocial hours is 30% – increasing up to 94% depending on time of delivery and what day the hours are worked and by what grade.

<https://www.nhsemployers.org/articles/unsocial-hours-payments>

The Civil Service Annualised Hours arrangements used at Border Force are an interesting comparator. Officers deliver their work within core hours over the full year, with some hours set aside for flexible working across the year at higher times of demand. For doing this, an annualised hours allowance of up to 42.2% is payable.

<https://homeofficejobs-sscl.co.uk/bf-role-overview.html>

<https://www.gov.uk/flexible-working/types-of-flexible-working>

The PSPRB need to acknowledge that there is no mechanism to reward Uniformed staff for the unique emotional demands their work puts them under. The JES factor marking does not take account of the demands unsocial hours working places on our members. Operational grades deserve to have a more significant portion of their annual salary recognised for the unsocial hours they endure, including the inability to work from home. The POA believe that a 30% unsocial hours allowance is more realistic.

The cost of USH working 2022 to 2023 was £113,739,943.

The POA proposal to raise the USH allowance by 10% would cost an additional £11,373,994.

See Annex R, OME 2022 to 2023 Pay Bill.

The Remit Group

The POA resubmit their desire that OSG grades and non-operational staff are removed from the remit group and subject to collective bargaining over pay. This group of staff have the right to take industrial action and are not restricted by the Criminal Justice and Public Order Act 1994 section 127.

The PSPRB is a compensatory measure for Prison Officers, who do not have the right to take any form of industrial action. Therefore, they should be the only body of staff subject to a pay review body that has been formulated specifically as a compensatory measure because their right to strike does not exist.

Specialist Pay

Under Fair and Sustainable pay grades, specialist staff are not recognised for their additional skills.

The only official specialist staff left in the service equate to Dog Handlers and Physical Education Officers, but a limited number of specialist Prison Chefs and Cook and Baker roles still exist in some prisons.

We also make a case in this year's submissions to the review body for the NTRG trainers and interventions operatives, along with their colleagues on the National Dog Tactical Group, to be considered as specialists.

These ranks are Band 4 staff who receive the same salary as non-specialist Band 4 staff despite their commitment to achieving a specialist role, including committing to specialist qualifications to undertake these roles and the requirement to attend pass or fail residential training courses. For example, PE Officers have to pass a rigorous 12-week residential training course.

To encourage recruitment and aid retention in these roles, the POA propose to reintroduce a specialist allowance. For example, there is a shortage of PE staff resulting in 124 vacancies nationwide against a target staffing figure of 724, with only 600 in post (data on PEI vacancies provided by HMPPS through HR Whitley Meeting). We propose that a consolidated specialist payment of £1,500 per year is awarded to specialist grade staff, based on the specialist nature of their duties.

Awarding a specialist allowance recognises the additional skills and commitments of this group of staff, encourages recruitment into these roles and aids retention of these staff.

Historically, specialist grades previously enjoyed a specialist allowance, which had stagnated for over 30 years at an additional £1,200 per year.

We also request the inclusion of a £1,500 specialist allowance for both Band 4 and Band 5 National Dog Tactical Support Group. It is appropriate that this allowance is reinstated under F&S pay structures and is raised to a level that encourages and motivates staff within these specialisms.

The role of NTRG instructor and intervention specialist has grown exponentially over the past five years.

In 2023, NTRG specialists were called out 795 times to incidents. This rate of call-outs is higher than anticipated and causes disruption to family life. The POA believe that the NTRG instructors and intervention specialists should be paid a specialist allowance as their role is clearly a specialist one.

These brave men and women are the most extensively trained staff within HMPPS. They show a remarkable commitment to their roles and are required constantly to upskill themselves in line with new, modified or developing use-of-force techniques, equipment and intervention technology.

HMPPS fails to recognise this group of staff as specialists, yet their job descriptions describe specialisms that they must obtain to remain in this role.

We therefore request that the PSPRB reinstate specialist allowances for the groups of staff we have identified in our submissions.

It is difficult to estimate costs due to HMPPS not providing specific statistics in relation to Band 4 Specialist staff.

See Annex Q, Fitness Testing Toolkit.

Pay and Workforce Strategy

In its written evidence last year, HMPPS stated that it needed to make and respond to changes in working cultures and environment as a result of the pandemic and technological advances. One of its key priorities was its proposed development of a workforce and reward strategy. It said its workforce and reward strategy plans would see a high-performance workforce, emphasising engagement and wellbeing, underpinned by reward incentives. This included more flexible contracts and career opportunities across the service.

To date, the POA can confirm that these plans have failed to materialise. We are consistently being informed by the remit group that applications for part-time working, work-life balance shift patterns, flexible working and reduced hours to avoid pension abatement when partially retired are being consistently denied due to "business needs". PS This contradicts entirely what HMPPS informed the PRB In 2023. The examples we provide to the PSPRB include:

- Staff being denied the opportunity to swap shifts because they are part-time;
- Staff being recruited on the promise of "flexible working", only to be denied it once live and being forced to leave the service;
- Staff being refused work-life balance shift patterns despite having caring responsibilities;
- Staff being refused partial retirement requests;
- Staff being refused part-time working hours;
- Staff being refused flexible working arrangements;
- Female staff returning from maternity leave being refused flexible working patterns;
- Operational staff not having the option to work from home.

See Annex C, Evidence around flexible working denials.

The POA survey confirmed that over 56% of respondents had never received any award in recognition of the work they do, while over 50% believed there are no opportunities to develop their careers.

Pay Increase

Inflation slowed more than expected in November, reaching its lowest rate in two years, according to the Office for National Statistics (ONS). It dropped to 4.2% CPI and 5.3% RPI, down from 4.7% CPI and 6.1% RPI in October. The Resolution Foundation think tank noted that, although CPI inflation had fallen to its lowest level since October 2021 (the largest annual fall in more than 40 years), the effects of a two-year “inflation shock” have left a legacy of far-higher prices. It noted that the overall price level rose by 16% between October 2021 and October 2023, while energy costs surged by 49% and food bills by 28%. Over the same period, average weekly earnings rose by just 14%.

The remit group find themselves stuck in a cycle of rising costs that detract from their standards of living. Travel to work costs are spiralling. The price of fuel is volatile, car insurance premiums are continuing to rise well above the rate of inflation and the remit group, despite statements to the contrary from HMPPS, continue to “vote with their feet” by leaving the service to work in industries or other public-sector bodies that offer a safer, more family-friendly working environment that attract similar or more attractive salaries.

The effects of consistently below-inflation awards, coupled with years of pay freezes and pay pauses, has left the remit group now working dangerously excessive hours of Payment Plus and overtime to boost their wages.

The remit group have had to endure years of pay austerity due to Government policy. In 2010, the Coalition Government announced a two-year public-sector pay freeze. This was followed by a 1% average pay cap on public-sector pay awards. This cap was lifted in 2017, but in 2021/22 the Government announced that public-sector pay awards would be “paused”. Inflation rates between 2010 and 2022 show that, if pay awards would have matched inflation, the remit group would have received at least a 40.55% increase in salaries.

<https://iamkate.com/data/uk-inflation/>

The reality for the remit group is that, during this period, they received (based on Band 3 Prison Officers) pay awards (separate from increased pay point awards) that amounted to a meagre £250 non-consolidated award for those earning £21,000 or less in years 2011–13, 1% in 2014, 1.8% in 2015 for F&S grades only and zero for closed grades, non-consolidated £300 payment in 2016, £400 consolidated payment in 2017, 2.75 % in 2018, 2.2% in 2019, 2.5% in 2020, 0% in 2021, £3,000 increase in salary for F&S Band 3 staff including an increase by 3% in unsocial hours pay and 4% for closed grades in 2022, 7% in 2023 for F&S staff only and zero for closed grades.

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

This highlights that a closed grade Officer would lag behind inflation since 2010 by at least 40%, while F&S staff fall behind by at least 15%.

The POA believe this situation plays a significant part in the exodus of experience suffered by HMPPS.

| YEAR | INFLATION RATE | BAND 3 PAY AWARD | F&S BAND 3 AWARD | DETRIMENT |
|--------------|----------------|----------------------------|-------------------------------|--------------------------------------|
| 2011 | 5.2% | 0% (£250 under £21k) | N/A | 5.2% A N/A |
| 2012 | 3.2% | 0% (£250 under 321k) | N/A | 3.2% A N/A |
| 2013 | 3.0% | 0% (£250 non-Consolidated) | Intro of F&S Pay scales | 3% F&S 3% |
| 2014 | 2.4% | 1% | 1% | 1.4% 1.4% |
| 2015 | 1.0% | 0% | 1.8% | 1% +0.8% |
| 2016 | 1.8% | 0% (£300 non-Consolidated) | 1% | 1.8% 0.8% |
| 2017 | 3.6% | 0% (£400 Consolidated) | 0% (£400 Consolidated) | 3.6% 3.6% |
| 2018 | 3.3% | 2.75% | 2.75% (Max pay point 5.25%) | 0.55% 0.55% |
| 2019 | 2.6% | 2.2% | 3% | 0.4% +0.4% |
| 2020 | 1.5% | 2.5% | 2.5% | +1% +1% |
| 2021 | 4.1% | 0% | 0% | 4.1% 4.1% |
| 2022 | 11.6% | 4% | 4% (£3k increase base salary) | 7.6% 0% |
| 2023 | 8.7% | 0% | 7% | 8.7% 1.7% |
| TOTAL | 47.9% | 12.45% | 20.55% | 40.55% Closed 15% F&S |

These are shocking statistics that must be rectified in future pay awards by awarding above-inflation pay rises.

The Impact of Inflation on Prison Officer Pay Since 2011

The POA ask that this trend is reversed by the PSPRB and the remit group are now afforded pay increases that recognise their dangerous work environment and the service they deliver in protecting the public, and give them an opportunity to enhance their standard of living.

HMPPS are also offering bonus schemes in an attempt to attract Band 3 staff to work in the Youth Custody Estate, such is the appalling attrition rates we experience. Bonus payments of £4,000 are on offer for six months' detached duty at the YCS sites (email 9/12/23). These sites are experiencing staffing difficulties. For example, Cookham

Wood has a 27% vacancy rate at Bands 3-5 and a leaving rate of 24.9%, Feltham has a leaving rate of 21.5% and of Werrington 17.3% – while the lowest at Wetherby has a less than impressive leaving rate of 7.2% (2023-11-13 PQ 158 Leaving Rates).

As we submit these proposals, RPI inflation is currently sat at 5.3%. We therefore request that all Bands 2-5, including closed grades, are awarded a consolidated 5.3% + 3% pay rise.

Detached Duty

As of 16 January 2024, 355 HMPPS staff were on detached duty.

A number of prisons where recruitment pressures are not as acute have recruited above their target staffing figures. The current plimsol line for sending detached duty is the number of staff at an establishment above 93% of its total staffing figure.

For example, HMP Durham currently has 22 staff above its 93% target staffing figure, with 21 of those 22 deployed on detached duty.

This means that HMP Durham is expected to deliver its work with only 93% of its staff available plus other non-effectives, such as sick absence and staff not on full duties.

HMP Frankland is rated as having 52 staff above its 93% of TSF and is sending 47 staff on detached duty.

HMP Wakefield is rated as having 47 staff above its 93% of TSF and is sending 38 staff on detached duty.

The shortages in the receiving establishments are acute and now long term.

HMP Whitemoor is 68 staff short of 93% of its target staffing figure.

HMP Berwyn is 61 staff short of 93% of its target staffing figures

HMP Long Lartin is 77 staff short of 93% of its target Staffing figure.

HMP Wandsworth is 57 staff short of 93% of its target staffing figure.

HMP Elmley is 47 staff short of 93% of its target staffing figure.

HMP Wayland is 32 staff short of 93% of its target staffing figure.

HMP Isle of Wight is 41 staff short of 93% of its target staffing figure.

HMP Gartree is 24 staff short of 93% of its target staffing figure.

HMP Swaleside is 96 staff short of 93% of its target staffing figure.

HMP Guys Marsh is 36 staff short of 93% of its target staffing figure.

HMP Onley is 30 staff short of 93% of its target staffing figure.

HMP Bullingdon is 37 staff short of 93% of its target staffing figure.

HMP Woodhill is 48 staff short of 93% of its target staffing figure.

HMP Portland is 25 staff short of 93% of its target staffing figure.

HMP The Mount is 28 staff short of 93% of its target staffing figure.

Excluding the 16 establishments listed above, a further 45 establishments are below 93% of their target staffing figure and receiving support through detached duty HMPPS has chosen 93% of target staffing figure to be the benchmark. The POA argue that sites should be fully staffed to their 100% target staffing figure. Each day, over 350 Prison Officers are away from home at considerable detriment to family life and the public purse.

In oral evidence to the Justice Select Committee's future prison population and estate capacity inquiry on 21 November 2023, Chief Inspector Charlie Taylor HMIP stated:

"We find there are some microclimates in certain parts of the country where recruitment appears to be incredibly difficult. Up the M1 corridor there are prisons like Woodhill, Oakhill, Onley, Five Wells – and Bedford is struggling; out on the A40, Bullingdon has a wing closed because there are not enough people there. On the Isle of Sheppey there is competition from things like Border Force.

"All the jails in Kent, Surrey and Sussex are struggling. Prisons in remote parts of the country, such as Wayland in the middle of Thetford, really struggle to get enough staff. It is partly about the recruitment of staff. We were recently in Swaleside on Sheppey, where they simply cannot recruit enough staff, and the prison is reliant on detached detail staff coming from the north of England, bussed in for the week."

"With the recruitment of officers – making sure that people of the right quality come in – the fact that governors have no say in the people who come into their jail as officers seems to me a huge anomaly. I was a headteacher. The idea that I would recruit teachers without having met them is astonishing. People coming into prisons without a face-to-face interview means there is no real opportunity to test their values. Those are the critical things. That is one of the causes for the pipeline being poor, but it is worse for the fact that the bucket leaks. We lose a lot of prison officers. About 13% go within the first year. A huge resource goes into training people, and some of those people might have been able to make it, and might have been competent and capable, but if the training and support is not there and the prison is a very stressful and dangerous place to work in, as we found with Woodhill, sadly, people will vote with their feet. That just adds to the pressure in the jail, and to the difficulties that prisoners face in those places.

"The traditional thing you would do where you had a real recruitment issue, or where you had a prison like Woodhill that was in difficulties, would be to close wings down. Woodhill has closed down a small amount of its provision, but because of the pressures across the system at the moment that is difficult to do. We recently inspected Swaleside. Some of the provision was closed. Since we left, and since our inspection has been over, we have heard that they are now filling up that jail again. Similarly, Bullingdon has a wing that is closed, but there is such pressure at the moment within the system that some of the things that you would normally do in response either to problems with recruitment or to a bad inspection are simply not there. Detached duty is fine for a short time, and sometimes any prison can hit a crisis point, for whatever reason; but where it becomes the default way to staff a prison that has to be a concern.

"We were in Exeter last week – a prison to which we have given two urgent notifications in a row. It is making some very fragile progress, but officers from there are being sent on detached duty elsewhere in the country, simply because of the pressures. The last thing that Exeter can afford is to lose officers to anywhere else."

See Annex D, Justice Select Committee Future Prison population and estate capacity 21 November 2023.

See Annex L, £4,000 bonus to do six months YCS detached duty.

<https://committees.parliament.uk/oralevidence/13883/default/>

Detached duty costs are running at £1 million pounds per month and show no signs of reducing.

<https://insidetime.org/more-than-300-prison-officers-on-detached-duty/>

Closed Grades

Last year, the PRB confirmed that their primary objective was to close the pay gap between those on Fair & Sustainable and those on closed grade pay scales, making it more attractive for closed grades to opt in (see Annex J, F&S opt in data October 23).

Therefore, it was decided not to make any pay recommendations either last year or in the future on pay for closed grade staff who would benefit financially from opting in to Fair & Sustainable. The closed grade staff in the remit group who cannot financially benefit from opting in to Fair & Sustainable were awarded a non-consolidated payment of £1,500.

This decision has caused great anger among the most experienced front-line operational staff the service relies on. They feel betrayed by the review body, unvalued by the employer and have a sense of being bullied and extorted into changing their terms and conditions by opting into Fair & Sustainable just to enjoy a pay rise that they are entitled to based on their experience and loyalty alone. It is a matter of record that the POA implored the PSPRB, during oral evidence, to ensure closed grades are not devalued, and we asked the PSPRB to reward and recognise this group of experienced staff. These requests have clearly been ignored.

The small number of closed grades who now remain after the opt-in exercise will now never receive a consolidated pay award until they opt into Fair & Sustainable pay scales. For many it is still not financially viable for them to do so because of legacy local pay allowances. This means that, through no fault of their own, they will be penalised because they are long-serving members of staff who remain on their original terms and conditions. This is grossly unfair and needs to be remedied.

Many remaining closed grades have expressed to the POA how they now feel. Extracts from communications include:

"Having been here 17 years I am expected to train new members of staff that are on more money than me. I am being penalised due to my age as I do not qualify for a pay rise and was indeed advised on the email I received that I would be worse off if I changed to fair and sustainable ... This needs to be addressed asap."

"Undervalued and underpaid, why have I been told I will never get a pay rise again because I will not sign over to F&S? Why should I spend the time showing new staff how to do the job when they get paid more than me?"

"I feel victimised because I will not sign over to Fair & Sustainable. OK, we get a pay rise but that is made up of market supplements which are not pensionable. So, our pensions take a great hit."

"HMPPS do not care about older staff who are on closed grades. When I started this job some 16-17 years ago, my salary was about 25k a year – it's now 35k. In real terms I should be looking at a salary of around £45k alongside the other emergency services after this length of

service. Nobody cares about us – we are the forgotten service who are hidden from public view behind a big wall.”

Treating the most experienced and loyal group of staff in such a manner is a disgrace. The POA request that the decision never again to award a pay rise to closed grades is rescinded with immediate effect.

In the absence of this appalling decision not being rescinded, we request that the PSPRB award a consolidated pay rise to the remit group that completely engulfs and overtakes the remaining salaries of closed grades who enjoy local pay allowances, therefore allowing them to make a decision on whether they wish to opt into F&S.

Late Implementation of Pay Rise

The only consistency to HMPPS's approach to its annual pay rise is its failure to implement the award on time. POA members are annually frustrated that, due to issues beyond the control of the PSPRB and this Trade Union, the pay award that is due on 1 April each year is always delayed.

As part of this year's submissions, the POA again request that back pay attracts interest at a rate of 5.3% for each month delayed, attached to the back pay.

The Impact of Inflation

Inflation slowed more than expected in November 2023, according to the Office for National Statistics (ONS). It dropped to 5.3% RPI, down from 14.2% in September 2022.

It should be noted that, although the rate of price growth has slowed, prices are still significantly higher, with food prices still growing at pace and domestic energy due to increase in January 2024.

In the three months to October 2023, the average pay rise was 7.3%. This was a small reduction from 7.7% the previous quarter.

Annual average regular earnings growth for the public sector was 6.9% for August to October 2023, while for the private sector this was 7.3%.

The planned rise in 2024 to the National Living Wage of 9.8% for over 23-year-olds and 12.4% for over 21-year-olds must be factored into this year's PSPRB when considering the lower paid within the remit group.

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/averageweeklyearningsingreatbritain/december2023>

Incremental Pay

This year, the POA request that the PSPRB introduce contractual consolidated incremental pay for all operational Bands 2-5, including those who remain on closed grades, commencing in April 2024 and continuing throughout a newly recruited Officer's first five years in service.

Existing staff would access the increments in April 2024 for a 5-year period.

The reason for this is to:

- i) Improve recruitment and retention of Band 2 and 3 staff, and reduce the increasing leaving rates at Bands 4 and 5;
- ii) Improve morale amongst all operational Bands 2-5 by recognising their demanding roles;
- iii) Encourage operational staff to remain in the service;
- iv) Assist towards a cost-of-living payment on top of any pay award;
- v) Compensate for consistently late pay awards;
- vi) Compete with other public-sector workforces.

Last year Civil Servants were given a £1,500 non-consolidated cost-of-living payment on top of any pay increase they were awarded. This has caused a great deal of anger among POA members. It seems POA members are classed as Civil Servants when it comes to their retirement age but are not Civil Servants when it comes to cost-of-living payments. The excuse that Prison Officers and related grades will receive more than their Civil Service counterparts, hence the omission from this payment, is an extremely weak argument that does not bode well with the remit group.

We are also conscious that consistently late and below-inflation awards cause financial hardship for the remit group. Year after year, the remit group are forced to endure late awards due to Government and employer lethargy. There are no excuses for the late remit to commence pay submissions.

Despite the statements from HMPPS that recruitment and retention are improving, this is not confirmed by their own statistics.

There has been a net increase of 663 Full Time Equivalent (FTE) Band 3-5 Prison officers between June 2022 to June 2023 (Workforce stats June 23 table 3), despite the service recruiting 4510 (Workforce stats June 23 table 8) during the same period. This equates to an attrition rate of 14.7%.

Leaving rates for Band 3 Prison Officers are of real concern and go as high as 32.3% at HMP Lewes, with the majority of Prisons experiencing leaving rates in double figures (2023-11-13 PQ 158 Leaving Rates).

For OSGs, the rates spiral as high as 42.5% at HMP Onley (2023-11-13 PQ 158 Leaving Rates).

Resignation rates amongst Band 3 officers is as high as 10.3% and for OSGs 13% as of June 2023 (Workforce stats June 23 table 12).

Leaving rates amongst Band 3-5 officers is at 13.4% as of June 2023 and for OSGs 17.1% (2023-11-13 PQ 158 Leaving Rates).

According to evidence given to the Justice Select Committee in November 2023, there are 1,022 Prison Officer vacancies (Michelle Jarmin Howe evidence). The vacancy rate for Prison Officers peaks at 31% at HMP Woodhill, while at HMP Leyhill there is a vacancy rate of 34% for OSGs (2023-11-13 PQ 158 Vacancy Rates).

<https://hansard.parliament.uk/commons/2023-07-04/debates/A48BEBE3-ED93-4E2F-8254-3D1E2FCAD991/HisMajesty'SPrisonAndProbationService>

<https://questions-statements.parliament.uk/written-questions/detail/2023-11-07/158>

<https://questions-statements.parliament.uk/written-questions/detail/2023-09-11/198804>

In the YCS estate, there were 355 joiners and 261 leavers (Workforce stats June 2023 table 6).

Among Band 3-5 staff, there were 3,090 leavers in the 12 months to June 23 (table 14b) and 4,508 joiners (table 8) of which 388 are conversions (table 8b).

There were 977 Band 2 leavers and 1,984 joiners (table 8).

In the Band 5 rank, there has been 1 joiner and 79 leavers, while among Band 4 staff there have been 3 joiners and 143 leavers (Workforce stats June 23 table 8).

HMPPS has recently confirmed that the resignation rate of Band 3-5 staff was at 7.74% in September 2023, dropping to 7.65% in October 2023. They are heralding this miniscule and insignificant improvement as a success, such is their desire to convince themselves that the retention of staff will no longer be a problem.

The drivers for staff resignations, according to the HMPPS exit interview data that the POA have requested but been denied, include ways of working, health and wellbeing, lack of career opportunities, leadership, retirement age and poor staffing levels.

Conveniently for HMPPS, pay is not included in these main reasons despite the POA survey clearly demonstrating that staff feel their salary does not reflect the demands and responsibilities of the job.

The POA submit that the levels of recruitment and the concerning attrition rates need addressing, and propose that incremental pay is an affordable option to assist.

See Annex F, Workforce Stats June 2023.

Pay Comparators

The recent POA survey results are a stark reminder of the feelings of front-line staff. The findings show that 83% of the survey respondents do not believe their salary accurately reflects the roles and responsibilities of their job or the risks involved. Over 50% work overtime or Payment Plus to make ends meet and over 75% attend work despite not feeling well enough for duty. 42% of members intend to leave the Prison Service within five years, while a further 28% are unsure of their plans.

The PSPRB will note from their own experiences of engagement with the remit group that many of them leave to join other public-sector bodies due to more attractive pay and safer working conditions. Introducing incremental pay will assist in competing with the likes of the Police, NHS and Border Force.

The comparable grade in the NHS to a Prison Officer is a Band 5 Nurse, who has a starting salary of £28,407 rising to £34,518 after two years at that grade. The equivalent of a Supervising Officer is a Band 6, starting at £35,392 rising to £42,618 after three years, while an equivalent Custodial Manager rank who has line management responsibilities is a Band 7, who starts on a salary of £43,742 rising to £50,056 after three years. NHS staff also enjoy significant enhancements for unsocial-hours working, which HMPPS cannot compete with. Earning double time on bank holidays is not uncommon.

<https://www.nhsemployers.org/articles/pay-scales-202324>

The Police Service equivalents include a Constable (Prison Officer) who commences on £28,551, rising to £46,044 due to incremental pay after just seven years. A Sergeant (Custodial Manager) who has line management responsibilities commences on £49,077, rising to £51,498 after four years in post.

<https://www.polfed.org/resources/pay-scales/constable-pay-scales/>

The equivalent to a Prison Officer in the Border Force is an Executive Officer, who has a salary range from £28,000 to £33,500 but has significantly higher unsocial hours working pay added onto this, dependent on roles. A Higher Executive Officer, the first promotion from an EO role, would receive £34,350, rising to £41,035 basic salary without enhancements

<https://www.gov.uk/government/publications/home-office-structure-and-salaries-2023>

We therefore propose that, from 1 April 2024, all Operational Band 2-5 staff in post (including closed grades) on 31 March 2024 become eligible for contractual incremental pay, with new recruits joining on or after 1 April 2024 accessing contractual incremental pay from April 2025 on the anniversary of their starting date, for a five-year period.

All Operational Bands 2-5, including closed grade staff:

- Year 1 Increment April 1 2024: £500
- Year 2 Increment: £750
- Year 3 Increment: £1,000
- Year 4 Increment: £1,250
- Year 5 Increment: £1,500

Estimated cost 2024/25: Band 2-5 staff 27,811 x £500 = £13,905,500 (Workforce stats June 23, table 3).

Voluntary Additional Duties

POA Conference policy is that our members should not carry out additional voluntary tasks unless they are receiving additional pay for doing them (see Annex E, Conference Policy on Pay).

We take on board PSPRB comments around moving towards a more cohesive pay structure and a longer-term strategy to remunerate staff suitably for the work they do, but we also feel strongly that staff who volunteer to do over and above the requirements of their job description should be appropriately rewarded.

We repeat our request that staff are paid an annual £500 payment in recognition of the additional roles and qualifications undertaken by volunteers.

Examples of additional roles include:

- Negotiator
- ACCT Assessor

- C&R Instructor
- C&R Tornado/advanced course
- First Aid
- Mentor
- Local Response Team (LRT)
- Care Team
- Mental Health Allies (TRIM trained staff)
- OSG Drivers (includes Tornado and Cat A/High Security)
- ECR / Control Room Operators
- Separation Centres
- Discreet HSE Units
- Family Liaison Officers
- Dog Trainers
- Proposed Naloxone intervention staff

This list is not exhaustive.

Any staff who undertake these roles are required to complete additional training, and some of these roles include a “pass or fail” course.

Staff who complete the C&R Advanced course are required to pass a fitness test and put themselves at increased risk of physical injury. In some cases, staff have found themselves medically retired from the service following injuries they have sustained in this role.

Other roles, for example ACCT assessor, potentially expose staff to extremely difficult and emotive situations that in the extreme could require them having to attend coroner’s court. Many prison staff are suffering with mental health problems, often caused by the work they do, and any member of staff who steps up and volunteers to support their colleagues in a role such as the care team or trauma risk management deserves to be suitably appreciated and rewarded.

To remain qualified in these roles, the staff also often change or work their rest days as they cannot be freed up on the detail to go away on a course that may take several days to complete. Without this willingness, it would be impossible for staff to remain trained and qualified in some of these roles.

As discussed in other parts of this document, members who work within NTRG and who respond to Tornado incidents work in extremely difficult and challenging circumstances, and HMPPS have informed us they are currently not able to staff the Tornado group at full capacity.

We also give examples of high numbers of PEI vacancies.

Staff cannot be forced to undertake these roles – they have to volunteer, and some establishments are beginning to struggle to find willing volunteers who want to do over and above what their job description requires. This is not surprising given how undervalued staff feel.

We do not want to end up in a position where there are no staff left to carry out these valuable roles, so we ask that you consider awarding an annual £500 retention allowance to staff who carry out these roles in addition to the job they are employed and paid to do.

Market Supplements

Market supplements in their current format were first introduced in 2017, although other forms of incentive have been around as far back as the introduction of Fair & Sustainable, whereby provision was made for hard-to-recruit sites in the form of Local Pay Allowances.

Market supplements have always been divisive among the remit group, and it is the opinion of the POA that market supplements do not achieve their purpose.

Market supplements currently cost HMPPS £12,049,452 for F&S Staff.

HMPPS's sole purpose of introducing market supplements was to reduce the number of staff leaving the service in relation to those joining in difficult-to-recruit areas. However, even if this has been achieved, the evidence does not paint an improving picture. There are currently 19 sites in receipt of market supplements.

Out of those sites, five Prisons are classed as red-plus sites, attracting an additional £3,500 per annum, while the remaining attract an additional £2,000 per annum.

The market supplements, in many instances, do not achieve their aim.

For example, HMP Bullingdon, despite being in receipt of a market supplement, has a 21% vacancy rate and a 13.9% resignation rate among Band 3-5 Officers, while among Band 2 OSGs that rate increases to 28% and 40% respectively.

The sites are split as follows:

Red-plus (£3,500)

- Woodhill
- Bullingdon
- Aylesbury
- Elmley
- Swaleside

Red (£2,000)

- Grendon & Springhill
- Stocken
- Downview
- Feltham A and B
- High Down
- Bedford
- Coldingley
- Cookham Wood
- Highpoint
- Huntercombe
- The Mount
- Send
- Standford Hill
- Winchester

| <u>Red Plus Site</u> | <u>Vacancy B3-5</u> | <u>Vacancy B2</u> | <u>Leaving B3-5</u> | <u>Leaving B2</u> | <u>Resign B3-5</u> | <u>Resign B2</u> |
|-----------------------------|----------------------------|--------------------------|----------------------------|--------------------------|---------------------------|-------------------------|
| Woodhill | 31% | 20% | 21.7% | 30.9% | 22.1% | 31.5% |
| Bullingdon | 21% | 28% | 15.9% | 40% | 18.1% | 29.6% |
| Aylesbury | 8% | 6% | 22.8% | 28.1% | 18.5% | 24.8% |
| Elmley | 16% | 8% | 18% | 11.2% | 7.2% | 8.5% |
| Swaleside | 29% | 12% | 26.2% | 32.9% | 15.6% | 23.5% |
| <u>Red Sites</u> | | | | | | |
| Bedford | 2% | 23% | 18.3% | 17.9% | 21.5% | 14.2% |
| Coldingley | -1% | 16% | 22% | No Data | 19.5% | No Data |
| Cookham | 27% | 9% | 24.9% | No Data | 20.1% | No Data |
| Downview | 7% | 17% | 13.8% | 20.3% | 10.1% | No Data |
| Feltham A/B | 17% | 6% (B) | 21.5% | 13.3% | 17.3% | 8.3% |
| Grendon | 11% | 33% | 6.4% | 23.8% | 4.6% | 26.6% |
| High Down | -2% | 21% | 16.5% | 19.5% | 10.6% | 9.1% |
| Highpoint | 6% | 9% | 16.2% | 22.8% | 15.6% | 19.1% |
| Huntercombe | -3% | 13% | 8% | No Data | 8.5% | No Data |
| The Mount | 11% | 6% | 20% | 18.8% | 14.4% | 24% |
| Send | 7% | 11% | 13% | No Data | 10.8% | No Data |
| Standford Hill | -5% | 27% | 9.8% | No Data | 7.5% ¹ | No Data |
| Stocken | 6% | 9% | 13.7% | 18.9% | 7.4% | 13.7% |
| Winchester | -12% | 10% | 20.7% | 17.9% | 11.9% | 12.6% |

*PRB Stas pack 2023 Final.
2023-11-13 PQ 158 Leaving Rates.
2023-11-13 PQ 158 Vacancy Rates.*

The POA propose that all remaining market supplements are immediately consolidated into base salaries and, in addition, the applicable 2024 pay award be paid in full.

Prison Dogs 2024 Pay Submission

To maintain an operational capability with the current operational dog numbers, there is a need to deliver a minimum of 7,042 dog training and accreditation days annually, plus initial courses of varying length (1 to 10 weeks) as required. There will also be some additional training and accreditation days due to dogs failing accreditation.

There are currently 162 dog trainers who are delivering GPD and search dog training in establishments, regional and national teams.

A trainer's role requires upskilling to accredited trainer, a very high level of commitment and a comprehensive understanding of policy, legislation and curriculum packages. For GPD trainers, there are also some additional risks associated with the bite work elements of the training (unpredictable dogs, indiscriminate bite, accidental bite, etc). Other than job satisfaction, there are very few incentives for these trainers to do this role and, at times, it appears to be a thankless role.

The additional roles and responsibilities include:

- Undergoing selection and additional training to carry out the specialist delivery role as a HMPPS dog trainer;
- Train handlers and dogs in general purpose or search dog disciplines as required;
- Write written training reports on the dog and handler for each training session in the dog's record of service;
- Address performance issues and produce development plans to support the handler when required;
- Undertake risk assessments and all required checks of training venues to meet policy and Health and Safety legislation;
- Arrange and supervise accreditation days;
- Must be an accredited first aider;
- GPD trainers must be an accredited baiter;
- Promote awareness of new methods of training and emerging trends;
- Contribute to the development of new general purpose and search dog training techniques;
- Contribute to the development of the local training plan;
- Deliver the initial and/or continuation training as accredited for outlined in the local training plan;
- Assess the suitability of prospective HMPPS dogs during the procurement process and subsequently throughout the dog's working life;
- Contribute to the disposal of dogs at the end of the dog's working life;
- Ensure that all training aids/PPE are safely transported and accounted for, and always used in line with policy and Health and Safety legislation;
- Deliver the foundation training for prospective dogs;
- Mentoring potential continuation trainers.

The upskilling from dog handler to dog trainer is voluntary, making it extremely difficult to ensure there are sufficient trainers to deliver training to retain an operational dog capability. Recently the Inspectorate has been asked on several occasions to source training course places on a national level due to establishments and area teams not having a trainer in place, and this comes with an additional cost to the department.

The retention of trainers is also a concern and there have been several trainers recently who have decided that they are no longer prepared to deliver training and wish to return to their job description as a dog handler. In one case, the trainer was a

very experienced (10 years) trainer who for his own reasons was no longer willing to fulfil the role.

As an incentive to recruit and retain dog trainers we ask:

- That all continuation trainers are given an annual allowance of £1,000;
- That all initial trainers are given an annual allowance of £500.

Domestic Fuel

The Government announced earlier this year that domestic fuel prices would rise due to the war in Ukraine. However, the rise is 7% higher than the predicted prices on which the Government's recently announced cost-of-living support package was based. Household bills are due to rise even more over the coming months.

The bleak prediction comes as households are already struggling with rising food and fuel prices.

Prison Officer Dog Handlers have the extra expense of caring for their dogs, which are owned by HMPPS. While they are in receipt of a Care & Maintenance Allowance, which was increased in last year's PSPRB recommendations, this does not take into consideration the rapid increase in domestic fuel costs that they face as the recommendations were made prior to onward wave of fuel increases.

Section 14 of the Dog Policy states:

14.1 Care and maintenance allowance will be paid to accredited specialist dog handlers in possession of HMPPS dog with an Acquisition Form. This is paid to compensate the handler for the time and responsibility of looking after prison dog(s) they are responsible for in their off-duty hours. Payment of care and maintenance allowance is added to a dog handler's salary, for all periods that the handler is in possession of a HMPPS dog.

14.4 Handlers are responsible for feeding and watering, exercising, grooming, caring, and maintaining, kennel cleaning as well as control and security of dog(s).

Household Energy/Water

Prison Officer Dog Handlers will regularly need to use their own energy/water supplies while caring for their HMPPS dogs through the winter, and this is at their own expense.

Below is a list of tasks that will use household energy/water supplies paid for by the handler:

Kennel and Garden Lighting – electric

Most handlers have lighting in and around the kennel area so that they can safely access the kennels and work with their dogs. Obviously, through the winter months there is more need of the lighting due to the dark nights and mornings.

Heating in kennel – electric

Many dog handlers provide heating in their kennels in the form of heat lamps, electric oil radiators, tubular heaters, heat pads, etc. Like humans, dogs are affected by changes in the temperature. In the spring and summer, the weather may become very warm, with much higher temperatures. During autumn and winter, the temperatures can plummet very quickly into bitterly cold weather. This is something a handler needs

to consider when it comes to maintaining the right temperature in the dog kennel.

Heating is especially a necessity if they have young or older dogs, but also because their dogs are open to the elements while they are working and need a dry, warm place to rest ready for their next shift. It is recommended that outside dog kennels should be heated to a temperature of 15 to 23 degrees Celsius, depending on the breed of dogs. Global warming has made the summers warmer and the winters colder.

Kennel Cleaning – Gas/Electric/Water

Due to the weather, dogs are generally wetter and dirtier through the winter, thus requiring extra kennel cleaning and washing of dog bedding.

Washing Dog Towels – Gas/Electric/Water

Dogs should not be put in their kennels while they are wet as it will make their beds wet and could make the dogs ill and uncomfortable which, in turn, will lead to the dogs being temporarily taken off their operational duties while they recover. The work of the dogs is both inside and outside, so they are open to the elements through both winter and summer. Handlers have a pile of towels that they will use to dry their dogs after exercise and work, prior to putting their dogs in the kennel. Through the winter, towels are more regularly used due to the wetter weather. The more often the towels need to be used, the more often they need to be washed.

Cleaning Car – Gas/Electric/Water

Through the winter, dogs are generally wetter and dirtier than they are through the other seasons. Therefore, even those handlers who are issued with a prison van will still need to clean the inside of their vehicles more regularly during the winter months. This will involve heating the water to clean the van and washing.

Indoor Cleaning (Pups) – Gas/Electric & Water

As above, more cleaning will be necessary through the winter months.

Due to the huge increases in domestic fuel bills that have already occurred, we ask:

- **That each dog handler is given an ex-gratia payment of £100**

Exercising HMPPS Dogs

While we appreciate that part of the Care & Maintenance Allowance is for exercising HMPPS dogs while off duty, the allowance does not adequately cover the time they spend doing this and the restrictions that are put on them.

Care and Maintenance Allowance

14.1 Every handler caring for dog(s) will be entitled to a care and maintenance allowance as a supplement to their pay. The Care and Maintenance allowance is to compensate the handler for the time and responsibility of looking after the prison dog(s) they are responsible for in their off-duty hours.

14.2 This payment is made to cover the costs associated with responsibility for the dog(s), feeding and watering, exercise, grooming, caring, and maintaining, kennel cleaning as well as control and security of the dog(s).

Handlers are not allowed to leave their dogs for more than eight hours and they are encouraged to follow the guidelines for the Department for Environment, Food & Rural Affairs (DEFRA).

DEFRA

A dog needs regular exercise and regular opportunities to walk, run, explore, play, sniff and investigate. The amount of exercise a dog needs varies with age, breed and health.



As you can see from the image above, the majority of the dog breeds used by HMPPS fall into the two hours a day exercise category. On a duty day, this causes very few problems, but on rest days handlers are restricted to what they can do as their plans have to fit around exercising their prison dogs.

Handlers have two rest days per week and are required to exercise their dogs for at least two hours per day.

We ask that the handlers are given an extra monthly allowance of 2 (hours per day) x 2 (rest days per week) x 4 (weeks per month) x £22 (PP rate) = £352 to compensate for the disruption of their lives on rest days.

Section 3

Conclusion

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

- The PSPRB as the single compensatory mechanism for Prison Officers not having the right to strike over pay or the ability to withdraw from voluntary duties;
- In April 2024, the Living Wage increases by 9.7% to £11.44 an hour;
- The current Inflation crisis – any Prison Officer in debt is vulnerable;
- Changes to prison staff's pension age. 60 or younger is the only viable option;
- The effect on staff who reduce hours to put into payment a pension they can draw at 60 but then find their pay subject to abatement while continuing to work to 67, their current pension age;
- The continued emotional demand of the role that Prison Officers and OSGs carry out;
- The effect of rising violence in the workplace;
- The ongoing retention issues and money allocated to train new entrants due to the high levels of churn;
- The high costs of PP caused by shortfalls in staff;
- The recruitment and retention crisis across HMPPS;
- The morale of prison staff;
- The costs to the taxpayer of compelled detached duty;
- The decades-long failure of HMPPS to repay TOIL owed to staff;
- HMPPS absolute reliance on Payment Plus to deliver the basics within our Prisons;
- The cost of all Payment Plus in 2022–23 was £90.1 million;
- The cost of Payment Plus with bed watches and constant watches removed was £62,596,520;
- The professionalisation of our members within the Youth Justice System;
- The inability of HMPPS to recruit staff to TSF in every establishment;
- The daily dangers faced by prison staff;
- HMPPS's continued failure to reward our members for additional duties and responsibilities;
- Concerns around numbers of people volunteering for Tornado and their retention once trained;
- The reluctance to volunteer for key specialist roles such as PEI & NTRG and NDTSG;
- Widespread establishment level failures to implement or engage around flexible working / part-time working;
- Reduce the 79 pay points and implement a less complicated pay model;
- The flexibility of Uniformed staff when urgent assistance is required in other establishments, as displayed at HMP Lowdham Grange in December 2023.

On behalf of the POA membership in England and Wales, we thank you for considering our evidence for 2024.

Annex A (attached)

Annex A POA Proposal Cost Estimate 2024.xlsx

Annex B: OSG Unsocial Hours Further Evidence

How HMPPS calculated Unsocial Hours

The 2006 Bailey equal pay case was brought to ET by the PCS trade union. It successfully compared administrative grades (EO, AO) with Senior Officer and Prison Officer grades.

This resulted in a shortening of the eligible administrative pay scales and an alignment of pay rates with the Uniformed grades excluding unsocial hours and additional hours working pay elements. From this point, any increase or change to relevant Uniformed grade pre-F&S pay scales was automatically reflected in the appropriate administrative pay scales.

The number of unsocial hours working calculated by the 2006 Bailey Employment Tribunal (and subsequent hearings) found that Prison Officers at that time typically worked 20.17% unsocial / shift hours (for a 39-hour week), and for OSGs, Senior Officers and Principal Officers it was 16.23%.

However, there were many different working patterns as staff could agree to work shift patterns that suited their own circumstances as well as meeting operational requirements.

An internal survey undertaken to inform the Work Force Modernisation programme (WFM) in 2008 found in reality the great majority (91%) of prison officers, 95% of OSGs and 74% of Senior Officers did in fact work similar number of weekend unsocial hours. The rate for unsocial hours working in the F&S Bands 1-5 was based on the Bailey formula and the internal survey and set at 17% of base pay.

To establish the annual salary a Prison Officer in the closed grade (or a member of staff in a related grade) will get when re-graded to a non-operational role, the individual's current annual salary must first be "normalised" to "basic pay" – i.e. it is necessary to establish the annual salary after removing the unsocial hours pay element and reducing weekly hours from 39 to 37 per week for comparison with the non-operational pay range/scale.

Calculation before 1 March 2010: Prison Officer = Annual Salary / 1.2666.

All other related grades (e.g. OSG, SO, etc) = Annual Salary / 1.2251

Calculation from 1 March 2010: Prison Officer and all related grades = Annual Salary / 1.224.

Before 1 March 2010: The calculation is based on the outcome of Bailey equal pay case (April 2007) that decided the comparator pay for uniformed staff should be established by removing the unsocial hours element and reducing weekly hours from 39 to 37 using the following formulas:

1. OSG, Senior Officer & Principal Officer =

Annual Salary / 39 hours x 37 Hours x 100 / 116.23

This can more simply be expressed as: Annual Salary / 1.2251

2. Prison Officer in the closed grade =

Annual Salary / 39 hours x 37 hours x 100 / 120.17

This can be more simply expressed as: Annual Salary / 1.2666

The formula for the Prison Officer was different to the others to account for a higher incidence of weekend working.

From 1 March 2010: With the introduction of cover payments, the formula was standardised, reflecting the Prison Officer 2 grade unsocial hours element of 17.0% on top of basic pay.

The percentage for the reduction in two hours from a 39 to 37-hour week is:

$(39 \text{ hours} - 37 \text{ hours}) / 37 \text{ hours} \times 100 = 5.4\%$.

The total of 17.0% plus 5.4% is 22.4%.

Therefore, the divisional factor for Prison Officers in the closed grade and other related grades becomes 1.224.

This lower divisional factor results in a higher basic pay calculation for both Prison Officers in the closed grade and all related grades.

The paragraphs below are testimony from POA branch officials relating to excessive red hour working by OSGs.

HMP New Hall: "For your information, the percentage of unsocial hours that OSGs work at New Hall is 36.3%, excluding bank holidays. Hope this helps you with your PSPRB submissions."

HMP (Branch asked to remain anonymous): "The following is based on a 37-hour OSG which accounts for the majority of the OSG group. The 39 hour and part-time OSGs may differ slightly. OSGs work 666 hours on their current shift sequence, 336.25 of those hours are classed as unsocial (outside 0700-1900 & weekends), broken down as 197.25 hours nightshifts, 28 hours weekday unsocial and 111 hours weekend unsocial, plus bank holidays. Therefore, 50.5% of OSG working hours are unsocial hours, plus bank holiday required working."

HMP Low Newton: "I have some figures for you for the OSG unsociable hours. Here at Low Newton, we work 40-weeks shift pattern, the 39-hour contract staff (only eight staff) work 37.5% unsociable hours and the 37-hour contract staff (29 staff) work 39.5% unsociable hours, plus bank holidays. The part-time OSG 19.5 hours contract staff (8 staff) work 19%.

HMP Hatfield: "From a total of 897 hours, we work 231-night hours. Weekends and ED (After 19:00) 121 Hours. 352 as a percentage of 897 = 31.57% Unsociable hours for the OSG Group"

HMP Humber: “I have the following information regarding our OSGs unsocial hours at HMP Humber. Our current profiles show that, in total, 915.5 hours are attributed as red hours out of a total of 2,886 hours, which equates to 31.72%”. If you assume a further 32 hours for bank holidays, that would take the total red hours to 947.5 from 2,886 worked, which equates to 32.8%.

HMP Lindholme: Here are some figures we have been able to collate at HMP Lindholme, with the other ranks for comparison (See Table below). Due to the high proportion of night shifts on the OSGs shift patterns, the unsocial hours completed by this grade averages at 42%. This includes nights and weekend shifts. If bank holidays are thrown into the mix and an average of six bank holiday M shifts are used, this figure increases to approximately 49%.”

From the responses to our request for information about OSG red hours, the average unsocial hours worked by this group is almost 40% (39.2).

| | No of weeks | hrs per week | Hrs in pattern | Red hrs done | % red hrs |
|----------------|-------------|--------------|----------------|--------------|-----------|
| OSG Comms | 22 | 37 | 814 | 324.5 | 39.9 |
| OSG Security | 34 | 37 | 1258 | 599 | 47.6 |
| OSG Res | 30 | 37 | 1110 | 479 | 43.2 |
| Average Band 2 | 86 | 37 | 3182 | 1402.5 | 44.1 |
| Officer Res 1 | 36 | 39 | 1404 | 384.25 | 27.4 |
| Officer Res 2 | 36 | 39 | 1404 | 386 | 27.5 |
| Officer Res 3 | 34 | 39 | 1326 | 376.75 | 28.4 |
| Officer Res 4 | 36 | 39 | 1404 | 428.75 | 30.5 |
| Officer Res 5 | 36 | 39 | 1404 | 418 | 29.8 |
| Average Band 3 | 178 | 39 | 6942 | 1993.75 | 28.7 |

HMP Kirklevington: OSGs work 666 hours on their current shift sequence, 336.25 of those hours are classed as unsocial (outside 0700-1900 and weekends), broken down as 197.25 hours nightshifts, 28 hours weekday unsocial and 111 hours weekend unsocial. Therefore, 50.5% of OSG working hours are ‘unsocial’.”

HMP Holme House: Due to the high proportion of night shifts on the OSGs shift patterns, the unsocial hours completed by this grade averages at 42%. This includes nights and weekend shifts. If bank holidays are thrown into the mix and an average of six bank holiday M shifts are used, this increases to approximately 49%.”

HMP Stoke Heath: The example below shows the total profiled hours for the OSG group at HMP Stoke Heath. The blue columns shows the total number of hours dedicated to each piece of work. In total there are 1296.75 hours of work delivered. Night working accounts for 770 hours of work, other work such as Comms, Fence Check, Gate Duties, Handovers, Vehicle Escorts, Visitors Centre, Visits duties will also be delivered on an evening and a weekend – however, it is difficult to quantify. If you consider only the night working hours of 770 hours, that means that at least 59% of the work delivered is unsocial hours. This has a massive impact on our members and the POA believe this to be an example of excessive unsocial hours working.

| HM PRISON SERVICE | | Public Sector Prisons Integrated Profiling System Agile V5.3 | | Refresh Values | Profile Year/Version | |
|-------------------|-------------------------------------|--|----------------|----------------|----------------------|------|
| | | Group Name > | OSG | 0 | 0 | 0 |
| | | Group Size > | 46.00 | 0.00 | 0.00 | 0.00 |
| Type | Work | Estab Total | Select Profile | Select Profile | Select Profile | |
| NF | Nights | 770.00 | 770.00 | | | |
| NF | Correspondence (OSG) | 20.00 | 20.00 | | | |
| NF | Comms (OSG) | 171.25 | 171.25 | | | |
| NF | Fence Check (OSG) | 4.00 | 4.00 | | | |
| NF | Freeflow (OSG) | 13.50 | 13.50 | | | |
| NF | Gate Duties (OSG) (1) | 97.50 | 97.50 | | | |
| NF | Gate Duties (OSG) (2) | 70.25 | 70.25 | | | |
| NF | Handover | 6.50 | 6.50 | | | |
| NF | Vehicle Escort (OSG) | 58.75 | 58.75 | | | |
| NF | Visits Centre (OSG) | 24.50 | 24.50 | | | |
| NF | Visits Duties (OSG) (Purple Visits) | 13.50 | 13.50 | | | |
| NF | Visits Duties (OSG) (1) | 13.00 | 13.00 | | | |
| NF | Visits Duties (OSG) (2) | 17.00 | 17.00 | | | |
| NF | Visits Duties (OSG) (3) | 17.00 | 17.00 | | | |

HMP Bure: 37-hour shift pattern 42% unsocial hours + bank holidays.

The screenshot displays the 'Shift Sequence Tool' interface for HM Prison & Probation Service. The main window shows a shift sequence for '1 Oct 2023' with a 42% unsocial hours rate. The interface includes several data tables and control panels:

- Hours Tally:** Shows current hours assigned and difference in hours.
- Shift Sequence Table:** A large grid showing shift assignments for each staff member (e.g., S1, S2, S3) across the day (Sun-Sat).
- Shift Details Table:** A table showing specific shift times, durations, and staff assignments.
- Control Panels:** Includes buttons for 'Update Day Model', 'Make Shift Plan', and 'Print Sheet'.

39-hour shift pattern 40% Unsocial Hours + Bank Holidays.

Shift Sequence Tool

HM PRISON SERVICE
Public Sector Prisons

OGG 39 2 SETS OF NIGHTS

1 Oct 2023

Unsocial Hours (%) 49.6%

Contracted Hours 37

Unsocial Hours (%) 49.6%

HMP North Sea Camp: 37-hour shift pattern 49.6% unsocial hours + bank holidays.

Prison Reform Directorate - Profiling Application (Lite)

Generate Shift Sequence Template

Establishment: HMP North Sea Camp

Year: 46713 Version: 1.00

Planning Group: OGG 16

Number of Weeks selected: 16

Target Shift Sequence Hours (Contract a no. of weeks): 592.00

Total Group Hours: 592.00

Difference: 0.00

Average Weekly Hours: 37.00

Contracted Hours: 37

Unsocial Hours: 49.6%

Your Hours Tally

Break Times

39-hour shift pattern 47% Unsocial Hours + Bank Holidays.

Band2 shift pattern.pdf x Band2 shift pattern 37 hours.pdf + Create

Sign in

All tools Edit Convert Sign Find text or tools

Prison Reform Directorate - Profiling Application (Lite)

v1.03 2021

Shift Sequence **39**

Contracted Hours **39**

Unsocial Hours **47.8%**

Establishment: HMP North Sea Camp
 Year: 46713 Version: 1.00
 Planning Group: OSG 16

Number of Weeks selected: 16
 Target Shift Sequence Hours (Contract x no. of weeks): 624.00
 Total Group Hours: 624.00
 Difference: 0.00
 Average Weekly Hours: 39.00

Status: **Your Hours Tally**

| Shift | Sun | Mon | Tue | Wed | Thu | Fri | Sat | Total |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| N | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 21 |
| A | 1 | | | 1 | | 1 | 1 | 4 |
| L | 1 | 2 | 2 | 1 | 2 | 1 | 1 | 10 |
| M | 2 | 4 | 3 | 4 | 3 | 3 | 2 | 21 |
| E | 1 | 2 | 3 | 2 | 3 | 3 | 1 | 15 |
| R | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 41 |
| Total | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 112 |

Break Times

| Shift | Length | Start | End | Start | End | Start | End | Shift End |
|-------|--------|-------|-----|-------|-------|-------|-------|-----------|
| A302 | 15.00 | 06.00 | | 12.30 | 13.30 | 16.15 | 16.45 | 21.00 |
| E | 0.50 | 07.00 | | | | | | 12.30 |
| E18 | 0.75 | 08.00 | | | | | | 13.45 |
| E27 | 0.50 | 07.30 | | | | | | 12.30 |
| L229 | 0.25 | 12.15 | | | | 16.15 | 16.45 | 21.00 |
| M | 0.50 | 07.30 | | 12.30 | 13.30 | | | 17.30 |

HMP Chelmsford: 37-hour shift pattern 41.5% unsocial hours + bank holidays.

OSG 37 Hrs HMP Chel. x + Create

Sign in

All tools Edit Convert E-Sign Find text or tools

Prison Reform Directorate - Profiling Application

v1.03 2021

Shift Sequence **37**

Contracted Hours **37**

Unsocial Hours **41.5%**

Establishment: HMP Chelmsford
 Year: 2022 Version: 1.00
 Planning Group: OSG 05a

Number of Weeks selected: 16
 Target Shift Sequence Hours (Contract x no. of weeks): 592.00
 Total Group Hours: 592.00
 Difference: 0.00
 Average Weekly Hours: 37.00

Status: **Your Hours Tally**

| Shift | Sun | Mon | Tue | Wed | Thu | Fri | Sat | Total |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| N | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 21 |
| A | 1 | | | 1 | | 1 | 1 | 4 |
| L | 1 | 2 | 2 | 1 | 2 | 1 | 1 | 10 |
| M | 2 | 4 | 3 | 4 | 3 | 3 | 2 | 21 |
| E | 1 | 2 | 3 | 2 | 3 | 3 | 1 | 15 |
| R | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 41 |
| Total | 16 | 16 | 16 | 16 | 16 | 16 | 16 | 112 |

Break Times

| Shift | Length | Start | End | Start | End | Start | End | Shift End |
|-------|--------|-------|-----|-------|-------|-------|-------|-----------|
| A402 | 15.00 | 06.00 | | 12.30 | 13.30 | 16.15 | 16.45 | 21.00 |
| E | 0.50 | 07.00 | | | | | | 12.30 |
| E18 | 0.75 | 08.00 | | | | | | 13.45 |
| E27 | 0.50 | 07.30 | | | | | | 12.30 |
| L229 | 0.25 | 12.15 | | | | 16.15 | 16.45 | 21.00 |
| M | 0.50 | 07.30 | | 12.30 | 13.30 | | | 17.30 |

Annex C: Anonymised Evidence of HMPPS rejecting Flexible working requests

For the attention of the PSPRB, I enclose anonymised versions of e-mails and legal advice relating to the remit group being denied a variety of flexible working options:

Sent: xxxxxx
To: Ck [HMPS] <XXXXXXX
Cc: People Hub, xxxxxxx [HMPS] <xxxxxxxxxxxxxx >
Subject: Exchange of shifts

Good afternoon xxxx,
I would like to inform you that until further notice you will be unable to swap or exchange your weekend shifts with Officer xxx xxxxx.
This is due to being on a part time shift pattern that you share with xxxxx
Please feel free to get in touch if you would like to discuss further.
Detail - FYI
Kind Regards

Sent: xxxxxx
To: Legal <legal@poauk.org.uk>
Subject: Employment Law Dispute

Dear Sir/Madam

My membership number is: XXXXXX

I am a Prison Officer based at xxxxxxxx and since the outset (from the job advert) I was enticed to apply for the role due to great "flexibility for working parents".

I submitted a Work Life Balance form which my line manager stated, "I am not supporting it but have forwarded to the relevant department". I have not heard anything since, sent a chase up email and also requested they recommend a suitable alternative. I have not received any response and am afraid that I will not be able to continue the work according to the shifts they have specified particularly as my wife's temporary arrangement to her hours comes to end on 31st October.

Please advise me on my rights and expectations.

Kind Regards

xxxxxxxxxx

Grievance against Governor xxxxxxxx

My grievance is against deputy governor xxxxxxxx for the following reasons.

In xxxxxx I started my partial retirement after I put a shift pattern in which was accepted by H/R and all relevant parties. I was doing 19.5 hours a week with officer xxxxxx doing the other 19.5 hours.

Then we are told that the shift pattern which was agreed is not right and we must change to their one. So me and xxxxxx have now been working their shift pattern where we continue to do our 19.5 hours a week and we cover every other weekend the same as everyone else, xxxxxx has been doing partial retirement for about 3.5

years he was working with another officer xxxxxx who has now retired and their shift pattern was one weekend in four which is the same for officers who are partially retired at HMP xxxxxxx and at xxxxxxx prison I have been informed that from now on I'm not allowed to swap shifts with just officer xxxxxx at the weekends anymore .SO my grievance is against Governor xxxxxxx because under the EQUALITY ACT 2010 this is direct discrimination when being treated less favourably then everyone else.

According to Highpoint's own managing staff resources policy paragraph 4 it states in order to allow flexibility staff are allowed to exchange duties, swap rest days and exchange duties with other members of staff of the same grade.

I can only think this is being personal and no other reason if it was good enough for the previous officer who was partially retired to swap shifts for over 3 years and everyone else to swap shifts then it should be good for me.
All I am asking is to be treated fairly like the rest, no more no less.

Officer xxxxxx

Sent: XXXXXX
To: @poauk.org.uk
Subject: 28 days' notice

Hello xxxxxx

My name is xxxxxx and I work as an Officer at HMP xxxxxx. I have recently had a review and appeal take place on my WLB, both of which have been rejected. I have been issued 28 days' notice of my new shift pattern that will be enforced onto me. I am going to submit a Grievance and have been informed by xxxxxx my Union rep that my current shift pattern will be left as it is until my grievance and appeal to the grievance has been heard. However, I was informed by another Union rep, xxxxxx that this is not the case; the status quo is only kept in disputes not Grievances. Could you please clarify whether or not the 28 days stand, or I can continue my current shift pattern until the Grievance process is completed.

Kind regards,

xxxxxx

Background

This is only intended to be a summary of key events. You have worked for the Secretary of State for Justice (the "Respondent") since August 1995, most recently as a xxxxxx.

On xxxxxx you requested partial retirement to take effect from xxxxxx. This was due to your increased caring responsibilities for your father, who had suffered a major illness. On xxxxxx, your request was refused. You were given reasons on xxxxxx. The Respondent said that they could not accommodate your request due to the cost and you were told to take annual leave instead. The Respondent said that you had accrued and carried over one year's leave while shielding at the outset of the COVID pandemic. You raised a grievance on xxxxxx, alleging that your age (xxxxxx at the time of the application), sex and disabilities had influenced the Respondent's decision not to grant you partial requirement. On xxxxxx, you received a grievance outcome. The Respondent said that you were offered partial retirement in different roles but not as a Dog Handler. Your grievance was partially upheld regarding poor communication and a lack of support. The Respondent reconsidered your partial retirement request and said that it was not viable, listing several reasons including that there was an additional cost and that the work could not be reorganised between existing staff. The Respondent did not uphold the allegations of discrimination. You appealed the

decision and were provided an outcome on xxxxxx. Your grievance was upheld, and you were allowed to go partially retired after your xxxxxx. The allegations of discrimination were not addressed by the appeal manager. You sent the Respondent a preferred part-time working pattern in August 2022. You asked to start your part-time working pattern on xxxxxx 2022. Despite you chasing, the Respondent did not reply until xxxxxx November 2022. You were given a different working pattern by your line manager and told that if you did not agree to it then you may have to be reinterviewed for your role as a xxxxxx, if the prison decided that they did not need you any longer. The different working pattern did not allow you to provide care to your father, with more than 50% of your hours being "unsocial", i.e. evenings and weekends. You told me that generally employees who had partially retired would be required to work one weekend in four, but you were given one weekend in two. You were subsequently signed off work sick with anxiety. You remain on sick leave. You appealed the imposed working pattern on xxxxxx. You were told that a decision would be made at a Work Force Planning meeting on xxxxxx. On xxxxxx, you were told that your request was "partially approved" and that part-time employees should not be given a higher percentage of unsocial hours than full time employees. On xxxxxx, you emailed the Respondent and said that the shifts in the new shift pattern were not recognised shifts so you would not be accepting them. On 06 February 2023, you were told that the shifts had been created for you to accommodate your request. You told me that the new proposed shifts do not work as around your caring responsibilities. You said additionally, no other xxxxxx colleagues work these shifts so you would not be able to swap with a colleague if needed to cover

Sent: Saturday, January 15, xxxxxx 2023.

To: xxxxxx

Cc: xxxxxx

Subject: RE: WLB/FLEXI WORKING FOR MOTHERS

All

Just as a side note at the SLT meeting I asked how many Uniform staff xxxxxx currently has that have Flexible working.

Response was Zero.....we have none.

Sent: xxxxxx January 2022

T xxxxxx

Cc: < xxxxxx <

Subject: WLB/FLEXI WORKING FOR MOTHERS

Good afternoon xxxxxx,

Hope you are well; I write as I am at my wits end in dealing with our Governor in regards the six female officers with childcare issues. For over 10 yrs. we have female officers working on WLB/FLEXI working within our shit patterns, all approved by previous governors until now, this governor wants them to share a slot in the group shift patterns. This is causing much anxiety and upset and anger, they feel they are picked on by this governor, and the knock-on effects it will have to childcare. I understand legally WLB is not covered by legal guidance, whereas Flexible working is.

All have lodged appeals to this decision but have had no success, ACAS have been spoken to, but correctly state the union needs to raise this with them when all avenues have been gone through.

Is there any way this can be raised with Prison service HR or above , to stave off more anxiety and mental anguish , and in some cases referral to their doctors due to no

sleep and irrational thoughts, we feel the governor rational of ' IT'S A BUISNESS NEED ' is not a valid one , as they don't even give what the business need is , a lot of work is flexible on profiles , and can be done across a working week, we just seek some help and advice on this , and perhaps guidance from the prison service to our governor.

Many thanks

xxxxxx

Background

You commenced employment at xxxxxx November 1995. You are employed as a xxxxxx and on three occasions – August, November, and December 2021 - your requests to work part time have been refused. You state that the official reason given was that a part time xxxxxx would not be able to cover xxxxxx. However, in the refusal of November 2021 you were informed that if another xxxxxx went part time your request may be granted. You disagreed because there are other part time xxxxxx s – xxxxxxxx and xxxxx – who are able to carry out line management duties. Another xxxxxx has also been refused part time work.

Sent: xxxxxxxx

To: xxxxxxx

Subject: WLB/Flexi advice needed

Xxxxxx

Happy New Year to you, I am including you in this email as this is fast becoming an issue for some of our members here who are worried they may have to leave as the Governor has decided she can no longer support their WLB in the manner it has been supported for the last 3 years. The members are requesting legal advice on the paragraph below and will be sending their forms off imminently.

I am a xxxxxx Officer who has a current WLB xxxxx a week. I have worked this WLB over a set period of fixed days for the last 3 years and this has never been a problem. There has never been a review under the WLB policy, and no one has ever mentioned this being an issue. I was therefore led to believe that I would be able to continue working to this pattern as 3 years with no issues or reviews is a long time. Could it be argued that it became an implied term of my contract and employment as a working mother?

As a working mother it is difficult and expensive to source childcare for an "irregular shift pattern" which is what the No1 Governor here at xxxxxx is now trying to force onto me. There are xxxxxx of us working mothers here, (and we are all in the same boat and all requesting the same advice) Our Governing Governor now wants us to share a full time line between us which makes my job impossible as I cannot find or afford childcare for my children outside of the days that were agreed and that I have been working without issue for the last 3 years? I have asked for and not been supplied with sight of the equality impact assessment and the reasons behind their refusal which was the statement "your request does not meet the business need."

I feel there is an element of "disparity of childcare" here and I am aware of a recent successful ruling at an ET where an NHS nurse won her appeal regarding her hours and days of work taking into account the circumstances of her issues with childcare. In Dobson v North Cumbria Integrated Care NHS Foundation Trust, the Employment Appeal Tribunal ("EAT") held that an employment tribunal should have taken judicial notice of the "childcare disparity" when considering a claim for indirect sex discrimination. The "childcare disparity" is the consideration that women, because of their primary childcare responsibilities, are less likely to be able to accommodate certain working patterns than men. However, she had a flexible working contract

and not a WLB and I understand there is an important difference between these agreements.

I need clarity as to whether I should apply for a statutory change to my T&Cs in the form of a request for “flexible working” rather than my current WLB. Would this force the Governor to evidence why she cannot facilitate what the business has facilitated for the last 3 years under ACAS’ 8 reasons for refusal of flexible working request principles?

I am worried that if I am forced to leave, I would legally be in no position to claim constructive dismissal as my current work pattern is on WLB and is non-statutory? I believe this would preclude any action for me to hold my employer accountable at a potential ET.

Could I have clarification if I should request Flexible working in order to be in a stronger position when my employer refuses but cannot evidence why.

I am afraid that this is going to force me to choose between being a mother and working and I desperately and urgently need some advice.

Background

You are employed as a Prison Officer with HMP xxxxxx and have been employed in this role for over 20 years. You have been working a fixed shift xxxxxx following a flexible working application made in 2004. The application in 2004 was made so that you could meet your childcare commitments, however your circumstances have since changed in that you now have caring responsibilities for your parents and also want to maintain a fixed working pattern to ensure a work life balance. Your original contractual hours were 39 hours per week, however, following the flexible working application you reduced your hours to 25 hours per week. On xxxxxx, your employer confirmed that your application under the employer’s family friendly working policy had been approved and you were provided with a fixed shift pattern. On xxxxxx the employer informed you in writing that it had reviewed the Work Life Balance arrangement, that it was making changes to the current fixed shifts as the existing shift pattern did not meet the needs of the business, that it had discussed with you the requirement for you to share a line with another member of staff and that this could be divided between yourself as long as all the shifts were covered and that shift patterns would be reviewed twice per year as per the policy to ensure that hours worked were still effective for both parties. On xxxxxx, you lodged an appeal against the proposed shift pattern on the ground that your application for flexible working was made under the employer’s Flexible working arrangement and that this was a permanent change to your terms and conditions of employment, that you felt victimised due to your employer’s continued attempts to change your shift pattern (as this was the second time within 12 months that you had been told that you must change shifts) and that you had requested the working pattern due to requiring a work life balance. On 24th February 2022, you received an email from xxxxxx the People Hub Custodial manager instructing you to complete form ECW10 in order that the employer could review your shift pattern. xxxxxx asked to provide details of your fixed rest days so that these could be considered by the People Strategy Committee. On xxxxxx, you xxxxxx and informed her that your Union had advised you not to complete the form, that you are happy to have a review if the business needs had now changed, however you had a permanent family friendly shift pattern following a flexible working application and had on numerous occasions been approached to depart from this. You informed xxxxxx that you were more than happy to have your shift pattern reviewed and make slight adjustments to meet the business needs. Your employer responded by informing you that you needed to complete the ECW10 form

and informed you that if you did not submit the form with the evidence requested, then you would be given 28 days' notice of shift patterns. xxxxxx on the same date and informed her that you had taken advice from your Union who had advised you not to complete the ECW10 form as this may have a detrimental effect on your terms and conditions and informed your employer that you would be lodging a grievance. On 9th March 2022, xxxxxx emailed you to confirm that it was your right to submit a grievance, however, any consultation with you with regards to shift patterns would be on the basis of the ECW10 form and if you were refusing to complete the form, then the employer was unable to consult with you as it required evidence of your working pattern to produce to the People Strategy Committee. xxxxxx confirmed that you would retain your contracted 25 hours per week, however the review was in relation to the working pattern as the current shift patterns did not meet the business needs. On xxxxxx 2022, you informed your employer that you were willing to have a review of your shifts, however you were unwilling to complete an ECW10 form following advice from your Union as you were on a permanent contract for 25 hours and fixed rest days, that you had been willing to make adjustments to meet the business needs and were willing to engage in a face to face review but would be bringing your Union representative to any meeting. On xxxxxx, xxxxxx emailed you to confirm that she was happy to meet before the people strategy meeting, that the meeting would not be an official review as that would be carried out by the People Strategy Committee. xxxxxx informed you that she could not proceed with giving you fixed rest days unless you were able to provide evidence that she had a contract that states that you must have certain days as rest days. xxxxxx also informed you that if you failed to produce an ECW10 form, then the employer will have no evidence that you need fixed rest days and would therefore provide 28 days' notice of a shift pattern change which will consist of an average of 25 hours per week. On xxxxxx, the employer wrote to you and informed you that it had previously written to you on xxxxxx 2022 to advise that the shift pattern was up for a review, that it had asked you to provide information via an ECW10 form which needed to be submitted before the people strategy meeting to consider why you need fixed rest days, that the people strategy meeting had taken place on xxxxxx, following which it had been decided that 28 days' notice of shift pattern change would be provided. The letter enclosed a proposed shift pattern and informed you that you should take the letter as 28 days' notice of the proposed shift pattern which would take effect from 29th May 2022. The letter offered you the right to appeal xxxxxx, you lodged a grievance and appealed against the proposed shift pattern. You informed your employer that you would be working to your existing shift pattern until the conclusion of your grievance. I understand that your grievance has not yet been concluded. However, I understand that on xxxxxx, you attended a meeting with your employer during which your employer asked you to provide evidence of your flexible working pattern and confirmed that the employer would not change your shift pattern on xxxxxx as previously indicated and that it would consider all the information provided by you. The employer informed you that it was looking at the shift patterns for the whole prison and would consult with you regarding your preferred shift pattern. I understand that you are continuing to work to your existing shift pattern of xxxxxx. I note from your contract of employment that it does not allow for changes to shifts patterns nor working hours, although I note you varied your hours following a flexible working application in 2004 and agreed a fixed shift pattern.

Background

You are a POA representative at xxxxxx You have asked generally about female staff returning from maternity leave and requesting flexible working. You have said that the patterns offered by your employer are usually condensed hours, nights, and weekends. You have said that the Governor intends to operate generic shift patterns,

meaning the shifts offered are not fixed and so make it impossible for female colleagues to book childcare.

Sent: Monday, May 29, 2023, 7:14 PM

To: C [HMPS]

Cc: People Hub,

Subject: Exchange of shifts

Good afternoon xxxxxx

I would like to inform you that until further notice you will be unable to swap or exchange your weekend shifts with Officer xxxxx.

This is due to being on a part time shift pattern that you share with xxxxx

Please feel free to get in touch if you would like to discuss further.

Detail - FYI

Kind Regards

xxxxxx

Hi xxxxxx

Hope this email finds you well and family all okay.

They have finally imposed the part time/partially retired staff shift patterns on our members with no right to appeal according to management.

Our members are very frustrated and looking for help in what actions to take next. I note from your last meeting with us, the Grievance process is one of the avenues open to staff, is there anything else they need to be doing.

Annex D (attached)

Annex D Justice Select Committee Future Prison Population and estate capacity.pdf

Annex E: POA Conference Policy on Pay

The POA believe it is vital to remind the PSPRB of current live POA Conference Policy related to pay.

This policy is decided by its members at its annual conference. As this is the agreed policy of the union, the POA reserves the right to address the issues at Oral Evidence sessions with the PSPRB.

10e/15 In light of the recent 0% Pay Award for the majority of staff, Conference urge all Branches to only work/operate shift patterns and profiles that are entirely compliant with Bulletin 8 and the Working Time Directive, except where there is a National Collective Agreement, or an individual opts out.

14/15 All staff who are subjected to Operation Tornado should be paid the Tornado rate of pay.

15/15 The allowance for dirty protests should be increased to £30.00 per shift.

42/15 That Conference utilises whatever means are available to stop the disgraceful misuse of staff resources, in terms of detached duty.

94/15 Conference accept that NOMS job evaluation scheme (JES) is not fit for purpose. Furthermore, conference refute that operational and non-operational grades are in the same pay band. Therefore, Conference instructs the NEC to negotiate the introduction of an operational allowance for operational bands 2 to 5 over and above the current 17% unsocial hours to reflect the different working conditions and difficulties that operational grades face in the workplace on a daily basis.

39/16 That conference mandate the NEC to engage with NOMS regarding fair remittance for the use of trained negotiators in recognition of the challenging role they perform in that they are paid the same rate as other staff called in during incidents whether it be payment plus or tornado.

53a/17 In light of the recently imposed pay rise on F & S staff within the 31 sites, that Conference instruct the NEC to negotiate and impose with her Majesty's Prison and Probation Service that all closed grades irrespective of rank, have their working hours reduced from 39 hr to 37hr per week at no detriment whatsoever to any pay or conditions, as a reward for their loyalty and continued Service in extremely difficult circumstances.

66b/17 The NEC negotiate that all staff who hold an additional qualification for example ACCT assessor, C&R Advanced, Hostage Negotiator, Care Team and First Aid are given a consolidated yearly retention bonus per Qualification. Should this be refused the membership instruct the NEC to take whatever action they deem necessary to achieve this goal.

69/17 That Conference instructs the NEC to negotiate with NOMS that all staff of Uniformed Grades have a reduced working week of 37 hours, at no detriment to pay, pensions and conditions.

79/17 That Conference mandates the NEC to negotiate with NOMS, a pensionable pay, Payment Plus rate.

85/17 For the NEC to seek Specialist Pay for Tornado and Negotiator trained staff in recognition of the frequent courageous and dangerous work they carry out for the benefit of the Prison Service and their colleagues.

89/17 The NEC continue negotiations with the Government over the current pension age and that they inform them the retirement date for all operational staff must be set to 60 years of age. The membership instruct the NEC to take whatever action they deem necessary to achieve this goal.

40/18 That Conference mandate the NEC to demand the Employer assume full responsibility for the payment of additional hours worked including, but not limited to Bed watch, Payment Plus and Tornado Duty.

48/18 That Conference instruct the NEC to negotiate with HMPPS to make Payment

Plus pensionable for all grades owing to the fact that the current Alpha pension scheme is a career average scheme.

62B/18 Was Emergency Motion 3

In light of the indicative ballot result and the recommendations of the Pay Review Body who have again failed to address the pay and allowances of the OSG / Band 2 operational staff, this Conference mandates the NEC to remove our OSG/Band 2 members from the remit group of the PSPRB and enter into formal collective bargaining with the employer and Government for the purposes of pay and allowances from 2019.

62C/18 was Emergency Motion 4

That this Conference mandate the NEC to ballot our OSG colleagues to form a strategy which could ultimately include strike action, this to secure the best pay deal possible for this group of the POA membership. The ballot to comply with current TULCRA legislation.

37/18 Conference mandate the NEC to pursue an uplift in the payment of Care and Maintenance for both Search and Patrol Dog Handlers when they have 2 dogs. The current practice is a yearly payment with a percentage uplift of this payment for having a second dog, whereas it should be a yearly payment for each dog.

22/22 Conference instruct the NEC to negotiate with HMPPS to ascertain a defined upper limit percentage of unsociable hours worked due to the detrimental effects and concerns over members health and safety.

33/22 Conference ratifies Conference Paper 2 on the campaign to achieve a pensionable age of 60 for those members of the Civil Service and others Pension Scheme.

72/22 That Conference reaffirms current policy as set out in ACM 84/10 that the POA does not recognise the current definition of "unsocial hours." Furthermore, conference mandate the NEC to seek a change so that all hours worked outside 0800 – 1700 Monday to Friday are deemed as unsocial hours.

73/19 For the NEC to negotiate an extra payment for OSGs carrying out skilled task which require them to pass an examination for example control room trained OSGs. For all OSGs carrying out extra duties to also receive this payment including care team, youth justice foundation degree etc.

55/19 Conference mandate the NEC to stop the Annual Workplace Ballot in regard to the PSPRB Annual Award.

49/22 That the NEC should engage with the HMPPS Pay Review Body to have staff awarded additional pay, to be further negotiated, for every additional role/specialism they undertake as part of their job.

58/22 Conference instructs the NEC to seek an operational allowance for all front-

line staff because clearly the unsocial hours allowance as it stands does not provide adequate recompense for the additional challenges they face.

72 / 23 Conference gave its mandate to the NEC to return to giving evidence to the PSPRB to improve the pay of its members. Conference instructs the NEC to visit selected workplaces to listen to the opinion of its members prior to putting in its pay submissions to the PSPRB.

Annex F (attached)

Annex F HMPPS-workforce-statistics-tables-jun-2023_final.xlsx

Annex G: HMPPS Job Evaluation Scheme Factors

The HMPPS Job evaluation Scheme consists of nine factors:

- 1 Skills and Knowledge
- 2 Accountability and Decision Making
- 3 Problem Solving
- 4 Resource Management and Financial Impact
- 5 Organising and Planning
- 6 People Management
- 7 Information Management
- 8 Influencing and Interaction
- 9 Emotional Demands and Risk

The POA have always had significant issues in relation to factor 9.

Factors 1 to 8 are weighted equally and have six levels that can each generate (6 x 100) 600 points.

Factor 9, which is of more significance to our Operational Grades, was not weighted equally as it only held four levels, meaning the most points that could have been generated by Factor 9 was (4 x 100) 400 points.

At conception in 2012, the reasons given at the time was that: "Because the level of potential risk or emotional demand likely to be encountered is controlled by the risk management contingencies in place across the Service." – and concluded: "Factor 9 is designed to only recognise only the job demands resulting from the risks and the emotional demands that are unavoidable given the nature of the services activities."

In light of where the service finds itself in 2024, it is totally unacceptable to the POA for Factor 9 to remain at four levels, as clearly the risk management contingencies in place have repeatedly failed to protect both prisoners and our Operational Prison Officer members as reflected in Safety Stats, IRS, VDT, HMIP inspections and HSE outcomes.

Annex H (attached)

Annex H PRB Stats Pack 2023_final.xlsx

Annex I (attached)

Annex I POA Members Survey 2023.pdf

Annex J (attached)

Annex J F&S Opt-in Summary 6.10.23.xlsx

Annex K (attached)

Annex K OME Staff Distribution Data.xlsx

Annex L – £4,000 bonus to do 6 months YCS Detached Duty

Applications open: £4,000 bonus for 6 months working in the YCS.

Published 07/12/2023.

Join the YCS for 6-months and make a difference on NND.

The Youth Custody Service is transforming the lives of children and young people in custody.

As a band 3 officer, you could be involved too and experience a 6-month attachment on national detached duty terms.

Could you learn new skills and operate in a new environment?

Working in another part of the estate will allow you to learn a different set of skills, meet new people and make a tangible difference to the lives of young people in custody, all while attracting a long-term and financially beneficial package.

Try something new.

There are just 4 Public Sector YCS establishments situated in Yorkshire, Staffordshire, London, and Kent.

They hold young people from across the country and deliver bespoke services tailored to the needs of young people.

At this stage, placements will be to HMYOI Cookham Wood in Kent who are piloting this extended detached duty.

There are different processes used in YCS sites and you will need some training to help transfer your skills to working with children.

This is part of the scheme, and you will attract bonus payments for your training time too.

Make a difference.

Ask someone who's done it and they'll tell you detached duty is personally rewarding. But it also makes a huge difference to those prisons experiencing staffing challenges and especially to the young people whose lives we want to improve. It's part of what brings us together as a service that makes it more 'than just a job'.

Paul Crossey, Governor of Cookham Wood, says: "We provide care for up to 120 boys aged between 15 to 18 years old and our staff group really want to make a difference. "We need your support to open the regime and allow staff to spend more time with the boys. Working with children in custody is challenging but highly rewarding."

Enhance your skillset.

Working somewhere new opens a world of new opportunities, experiences, and activities. A placement in the Youth Custody Estate will mean learning new skills and processes used exclusively with young people.

Paul Crossey again: "We are keen to support you and have a three-week induction programme which will include training you in MMPR - the restraint package we use - and a series of modules on working with children including safeguarding, understanding trauma and adolescence."

Progress your career.

Staff in the Youth Custody Estate can work towards becoming Youth Justice Workers (YJW) at band 4.

You may, after consultation with local managers, seek to actively develop your skills and attain YJW status opening up even more opportunities for you.

Your commitment makes a difference you can see and feel.

Whether it's to the site you're supporting, the young people you help, your career development or your bank balance, you'll end each shift knowing you've made an impact.

Sign up now.

Having a healthy number of volunteers to call on gives us resilience and helps us plan and prepare – do you want to put your name forward today?

Apply: 6 months National Detached Duty (NDD) in the YCS.

(This special YCS scheme is open to band 3 officers alongside the regular NDD scheme in the prison estate - you can apply for either or both. Colleagues at other bands can consider the regular NDD scheme.)

Find out more.

Annex M (attached)

Annex M NTRG-National-Instructor-Supervisor-JD B4 v4.0.pdf

Annex N (attached)

Annex N NTRG National Instructor Manager JD B5.pdf

Annex O (attached)

Annex O ORRU Summer bulletin issue 9.pdf

Annex P (attached)

Annex P Tornado Review Report.docx

Annex Q (attached)

Annex Q Fitness Testing Toolkit.pptx

Annex R (attached)

Annex R OME 2022_23 Paybill Data.xlsx

Annex S (attached)

Annex S NOMS & POA OSG Agreement 2015.pdf