

**Supplementary written evidence submitted by the Prison Governors Association (PRI0060)**

**What are the implications of the current staffing situation in prisons on their ability to operate effective regimes?**

There are a range of issues which contribute to current and likely future difficulties in operating effective regimes. These include, but not limited to:

- Constant shortfalls across all grades. It is not just prison officer grades which are essential in the delivery of effective regimes. The term ‘regime’, whilst broadly associated with different types of prisoner activity, is something which cannot be seen in isolation to other activities. Often too much focus is applied to a single aspect of the ‘regime’ and not the wider, holistic regime. Currently there is great focus being given by HMIP on the ‘purposeful activity’ or ‘time unlocked’ part of the ‘regime’.
- This introduces confusion into the purpose of an individual’s role. They get confused over what is being asked and expected of them. We have, ‘Procedurally Just Regimes’, ‘Rehabilitative Regimes’, ‘Purposeful Regimes’, ‘Safe, Decent & Secure Regimes’, ‘RMP regimes’, ‘SOWA’, ‘Restricted Regimes’, ‘Full Regimes’, ‘Pre-COVID regimes’, ‘Recovery Regimes’ and ‘Progression Regimes’. They are all the same, but for a new member of staff it is very difficult and confusing to know what their role is. ***If you don’t know or understand your expected purpose, how can you be effective?***
- Unpredictability in planning and delivery of activities. There should be sufficient Prison Officers to provide 100% of a prisons Target Staffing Figure (TSF) - the business plan agreed at local level assumes a full staffing compliment is in place. For prison officer grades, the work profiles (SPARs) are built around 100% of TSF; the current model applied by HMPPS assumes 20% of a prison officer’s time is not available: The 20% is assumed to cover leave, training, sickness and other ‘non-profiled’ work – the 20% is commonly referred to as non-effective time. ***With 100% of resource, you should expect 100% of activity.***
- Prisons currently operate at a non-effective level significantly higher than 20% - HMPPS may be able to confirm that across the system the current level of non-effective time is significantly greater than 20%; an informed estimate would put the non-effective figure routinely at around the 30% mark. The level of difference between the assumed 20% level of non-effective and the actual level of non-effective is a significant contributing factor in the current, worsening staffing position. This issue is a long-standing issue and would require significant new investment from Government to address – different ways of allocating staff, different types of contracts or other change initiatives will not generate 10% efficiencies. ***Unless this is resolved, there will always be a conflict between what regime is expected to be delivered and what is actually achievable. This will impact the ability to operate an effective regime.***
- Based on the above issue of non-effectives, we are confident in our belief all establishments will always struggle to operate an effective regime to some degree, compounding the difficulties non-effective allowances pose are the shortfalls against a prison’s TSF, ***its vacancies***. HMPPS will confirm its own figures, but it is widely reported there are in excess of 1,400 vacant prison officer posts. ***We are confident that***

***with this level of vacancies, just at prison officer grades, there will be an impact in delivering an effective regime regardless of what mitigations are put in place.***

- In an intended operating environment where an establishment was at 100% of TSF, its non-effective rate was at near 20%. Short-term pressures caused by an increase on demand, or a shortfall in resources, could be managed by the systems and tools available to Governors. ***Prisons are not at this position consistently; we believe that this will impact on the level of effective regime Governors are able to deliver.***
- The most routine tool used is the ‘Regime Management Plan’ (RMP) which states:  
  
*(1.2. Prisons will from time to time have to make difficult decisions on how they deploy limited staff resources to best facilitate activities and services. It is recognised that most prisons will already have systems in place for the day-to-day management of staff resources; however, it is essential that we continue to improve and shape systems, to ensure that regimes are Safe, Decent, Secure, Resilient and Sustainable)*  
[Regime management planning: PSI 07/2017 - GOV.UK \(www.gov.uk\)](#)
- The RMP is not intended to manage the long-term staffing position HMPPS is in – The regimes which operate under RMP management are not sustainable and are not sufficiently predictable. The operating ranges described within the RMP are Green to Red. Most prisons are unable to operate consistently at Green; this is where full regime activity takes place, with no restrictions. ***Due to current staffing issues, operating at Green is not achievable for most prisons at this time without reduced regime activity being applied.***
- To manage available resources and to provide a balance of delivery, it is becoming increasingly more frequent that ‘regimes’ are restricted; by limiting numbers of people accessing regime activities at a given time, by cancelling regime activities or by prioritising aspects of the regime deemed to be more important. This level of RMP management should not be expected, save for exceptional circumstances. ***Lack of staff results in the use of the RMP. This in turn results in regime curtailment taking place. The current level of staffing and the demands will result in ongoing regime cancellation.***
- The limited number of staff available against TSF, either through vacancies or non-effective; the ‘boots on the ground’ at best is insufficient to plan and deliver effective regimes. The issues being managed by prison governors relating to prison officer staffing is also being experienced within other grades and specialisms. Contracted staffing provision in Health and Education are often at levels which result in a negative impact on regime delivery.

### **Do you foresee prison regimes returning to pre-pandemic levels in the near future?**

- In limited circumstances we could, but there may be aspects of the regime which will have to be changed because of pandemic learning, or changes in other parts of the system. Regimes will only return to pre-pandemic levels in those prisons where there is significantly less prison officer supervision required, or where there is significantly better staffing provision.

- There is a confused position about what returning regimes to a pre-pandemic level would look like. This will make progression in some prisons difficult. There appears to be a disconnect between the desire from HMPPS to move to increased numbers of people accessing regimes and improving levels of safety. The PGA endorses the benefits that a purposeful regime provides, and that system-wide restrictions which were applied during the pandemic were necessary, but unsustainable.
- The PGA holds the view that we should pursue a position where the recorded levels of safety within prisons are broadly like those experienced prior to 'austerity'. The measures of safety pre-austerity are significantly better than pre-pandemic levels, and better than current safety measurements.
- Although we support HMPPS in providing enhancements to current regime delivery across the system, we remain concerned that due to current staffing shortfalls there is not sufficient resource to do this across the entirety of the system.
- We support extending regime delivery, but not at the expense of safety. We believe this can be achieved through sustained investment in recruitment and retention of prison officer grades, and those of our members.
- We believe that regimes can expand, should there be investment in staff capability and to fund non-effective and that Governors are allowed to deliver regimes which have safety of staff and prisoners front and centre of its design.

**When resources are stretched, how are decisions made on which activities should run?**

The RMP is currently used to determine what level of activity could take place with the level of resource available. Using the RMP is not a sustainable method for managing the balance of resource / risk and activities.

**Is the recent pay reward sufficient to improve recruitment and retention?**

No. However, there will be some improvements due to the increase in starting pay, but some time will be needed to fully understand the impact on prison officers and related groups.

HMPPS should determine what value it places on experience, and whether they believe it should aim to retain people for more than 2 to 5 years. It was an expected outcome of devaluing prison officer pay as part of Fair and Sustainable that officers would not see prisons as a lifelong career choice. Why is it surprising that the current level of pay and reward does not retain people long-term?

**What additional benefits could be included in the package to attract more staff?**

A variety of the following:

- Health benefits
- Degree level foundation training

- Salary sacrifice schemes
- Front loading employer pension contributions
- Housing / quarters in high-cost areas
- Free or subsidised usage of public transport
- Childcare at subsidised rates
- Substantial, individual training bursaries.

**Is the current retirement age for prison officers appropriate?**

**What impact does the retirement age for prison staff have on recruitment and retention of staff?**

We believe that the retirement age of prison officers and other operational grades has always been a deciding factor for many who joined and remained working within HMPPS. Most of our members joined the Prison Service at a time the normal pension age was 60.

They did so at a time when older staff were still retiring at 55 years of age (pre-Fresh Start). Protection of pre-Fresh Start retirement age was provided; not offering protection to colleagues after the more recent changes to the retirement age has contributed to a feeling of disenchantment among staff.

We believe that 60 should be the normal retirement age for all operational prison staff. We have seen a steady decline in retention after the normal pension age increased to 65, and subsequently to 67 years of age. We believe that pension age does have an impact on retention. There are well-rehearsed arguments for a retirement age which reflects both the physical and emotional demands of a prison setting. Prisons are truly unique in both the combination of work they deliver, but also the concentration of people who are generally more likely than in any other setting to take part in a variety of protesting behaviours.

**Working in a prison is a mentally and physically demanding role. Are governors able to give staff the support they need and early enough to prevent sickness and loss of staff?**

For some colleagues, the experiences and environment they have been exposed to makes it unlikely that they will remain long-term in the Service. It is not always the case that Governors are always aware colleagues are finding things difficult.

Save in very few roles, there is no structured supervision of prison officers, where their mental or physical health is formally assessed, and there is no proactive health and wellbeing monitoring.

Due to the culture within some prisons, it is often difficult to ascertain when colleagues will require help around their health and wellbeing. Occasionally it is too late to make a positive difference and once formal HR attendance management processes commence it is difficult for the colleague impacted not to feel that the process is unsupportive and is weighted against them and pushes them towards the exit from the organisation. This is not the purpose of the formal processes in reality.

In some prisons, there is too big a gap between front line prison officers and line managers. This impacts on early intervention. Given the wide spans of managerial control first line managers (Custodial Managers) have, it is often far too difficult for informal support or early

intervention to be given. This is normally a systemic problem and is not down to the individual.

Absences generally fall into two main groupings, short-term or long-term. Dependent of length or frequency of absence this may trigger a warning to be issued. Due to the spans of control, workload and perceived pressure to robustly manage sickness, first line managers tend not to use discretion when issuing warnings, they also tend not to look deeper into the causes of an absence and occasionally there are missed opportunities for positive intervention. Again, this is an issue predominantly caused by the system, and not through individual failures.

Weaknesses within the early stages of both the formal and informal processes at first line management stage are then generally felt further up the process. Managers' managers occasionally, or in some cases routinely, have to intervene in processes. Frequently Deputy Governors or Governing Governors also intervene in what should be routine HR processes. This is frequently perceived as interference or management bullying etc.

Lack of on-site occupational health and HR support compound to make proactive management and care for colleagues difficult.

The loss of line management responsibilities from the Senior Officer (SO) / Supervising Officer role has had a significant, negative impact on the support Governors are able to give to prison officers.

Line management spans and the distance between prison officers and Custodial Managers (first line managers) has left a significant void left by the removal of line management responsibilities from SOs. This has impacted in a range of retention areas.

### **What challenges do Band 5 custodial managers face managing new recruits and how can they be supported better?**

The gap between band 2 and 3 is too great – both in practical terms and the amount of time required. The CM's span of control coupled with the significant weight of their own Job Description prevents them from being able to give sufficient time to their first line management role. There is not enough on-site HR or OD support to help develop them.

Increasing numbers of CMs is not the solution, doing so creates a larger group of managers with limited prospects for progression – in some prisons there are 20+ CMs, with no prospect of promotion.

We believe Supervising Officers should be able to take on first line management responsibilities of some operational band 2 and 3 colleagues.

### **Do operational prison staff have the equipment needed to carry out their roles effectively?**

#### **What additional equipment, if any, could prison staff benefit from?**

**No.** We believe that there are at least three equipment areas which could improve. These broadly fall into the following areas:

- IT and Communications
- Uniform and Equipment
- Personal Protective Equipment

**IT** – There has been significant improvements in the provision of ‘office’ based IT, and some associated improvements in telephony systems. We have not seen any improvement in mobile provision which allows those front-line colleagues who are not office based to have improved access to prisoner information or mobile communications. It still appears antiquated that front line prison staff do not have access to the internal telephone system through their mobile / radio devices. It also feels that there is a lost opportunity by not routinely providing officers with devices like the Police, where they could access prisoner information.

**Uniform and equipment**; we are aware that a full uniform review is underway, and we believe that this is long overdue. We would hope that whatever the outcome of this review is, that the voice and opinion of all uniformed colleagues are fully considered. Full consideration to the functionality of the uniform being worn should be considered, and a full assessment of what equipment we are routinely expecting uniformed prison staff to carry. Currently, with the exception of insignia, there is little - if any - difference in the uniform provided to colleagues between Bands 2 and 5 – even though they undertake significantly different roles. Any provision of additional uniform or equipment should also see an increased provision of personal locker space and changing facilities.

**Personal Protective Equipment (PPE)**; we believe that the employer has a duty to fully assess the risks it is exposing its employees to, and where there is recognised PPE available, this must be routinely provided. We do accept that there is a fine line in balancing some discrete parts of the custodial estate when considering what equipment is provided. However, we do believe the overriding factor must be the safety of the employee.

Prison staff are still routinely issued whistles to alert colleagues if they are in trouble. Personal attack alarms of handheld radios do not show the location of a distressed staff member who activates an alarm. With modern technology, there must be solutions which improve staff confidence, apart from a whistle.

We believe that there should be a concerted effort to ensure that HMPPS is funded to explore the commercial markets to ensure the equipment, uniform, and PPE it provides to its employees is the best available and meets the demands of its unique work setting.

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