

## **The Prison Service Operational Workforce, Justice Committee Inquiry**

### **Community Union Response**

#### **About Community**

1. Community is a general trade union which represents thousands of workers within the justice sector. We have recognition with several private sector prison and custodial employers across the justice and custodial estate, including within GEOAmey, Mitie, SERCO, SODEXO, and Capita. We are pleased to have the opportunity to respond to this consultation and share our members' experiences.
2. We urge the Justice Committee to consider the private prison estate within this important inquiry. Whilst private employers are responsible for their contracts, the government is responsible for among other things, setting up key performance indicators for these contracts, and setting funding levels which fundamentally affect the service that private sector operators provide. It is important that the government takes responsibility for the approach to the prison workforce within the private estate.

#### **Staff recruitment and retention**

1. Staff are leaving the justice sector for a number of reasons. The first driver of poor retention in the sector is low pay, which is compounded by the current economic climate. Many justice and custodial staff can earn more doing less physically and mentally challenging jobs outside the sector. Current levels of pay, which are often baked into the contracts with private providers make the sector less attractive for workers, and unfortunately, uplifts in contract payment terms are not easily understood, allowing employers to keep pay low.
2. Staffing levels are also a significant cause of workers leaving the service. Staff who feel that they are operating in an undermanned prison feel less safe at work. Staff feel less able to do their jobs adequately when they are not supported by a full roster of colleagues.
3. We are concerned by high levels of stress and anxiety among prison staff.
4. We believe that key performance indicators (KPIs) which reflect staffing levels are essential to ensuring that a full complement of staff are always present to keep staff and prisoners safe. Such KPIs must be included in all contracts for prisons and justice settings, including contracts which are being retendered.
5. As a result of low pay and staff shortages, many prison staff are doing excessive overtime. This is, at least tacitly, encouraged by employers and managers, because of staff shortages. The necessity of having enough staff on each shift leading to a need for the existing workforce to undertake

increased overtime. Our members tell us that staff are working excessive overtime for the short-term financial reward.

6. However, this is not a sustainable situation. In the long-term excessive working hours are fuelling staff burnout.
7. Excessive overtime is also contributing to safety risks, as overtired staff are more likely to make mistakes. One staff member in a prison told us that they are worried that colleagues will end up in disciplinary situations or even losing their jobs, because excessive hours are making them tired, and could result in serious safety-critical mistakes, such as forgetting to lock a door.

### **Valuing our prison staff**

1. It is critical that the valuable and important work that justice sector staff do is adequately recognised. Today, working as a prison custody officer does not receive the esteem and recognition that the challenges of the job entitle them to.
2. The people skills required in roles such as prison custody officer are not recognised, and the important role that prison officers play in preventing reoffending and transforming lives is not adequately recognised.
3. As a union primarily representing staff in private sector prisons, we also recognise that a lack of parity of esteem with their public sector colleagues is doing significant damage to motivation within the private estate. At Community, we have been campaigning for staff in private sector prisons to receive similar long service awards to their colleagues in the public sector. Steps like this would send an important message to staff that their contribution is valued.
4. Another challenge facing prison staff is the lack of clear career paths and appropriate training to support career progression. Whilst working in the justice sector can be a career for life not just a job, it is not always clear to junior and entry level staff what these opportunities look like and how they can progress to the next step.

### **Staff Safety**

1. As noted above, adequate staffing levels are essential for staff safety. Meeting minimum staffing levels in core areas is especially critical to ensuring that staff remain as safe as possible and avoid unnecessary risks.
2. We are concerned about levels of self-harm and violence across the justice estate. Staffing levels clearly contribute to these challenges.
3. We also note that as mental health of offenders becomes an increasing concern, prison officers are required to support increasingly complex cases. There are some offenders for whom prison may not be the right environment to support their complex needs, but it is our members who are picking up these challenging cases and providing support.
4. It is essential that healthcare provisions within the justice estate have an increased capacity, to enable more offenders to be treated within the prison environment. We note that requiring officers to support trips to hospitals takes them away from operational duties and can compound staffing issues.

5. At Community we have been campaigning to keep staff in the justice sector safe. One serious concern we have is lack of action taken against those who assault staff. We believe that violence against prison staff is unacceptable, and incidents should be dealt with seriously. Too often we hear the police have failed to act in response to an incident because the offender is already incarcerated. Every assault should be investigated in line with properly agreed tripartite memorandums of understanding.
6. A further concern for our members is that, unless there has been employer negligence which caused the injury, prison officers harmed in the course of duty do not receive adequate financial compensation. Employers may not be considered responsible for the actions of third parties such as offenders. This leaves a gap where prison officers are not entitled to compensation even when they have received life-changing injuries.
7. Schemes such as the industrial injuries disablement benefit, which support workers after workplace incidents do not fill this gap. They have restrictive thresholds, and as a consequence, they fail to adequately support many workers, including prison staff. Furthermore, sometime, incidents in the justice sector are not classed as workplace accidents leaving workers ineligible to this support.
8. Workers may be forced to rely on the criminal injuries compensation scheme. This provides very low levels of compensation.
9. We call for the development of a national compensation scheme to support prison officers subject to criminal injuries. Workers need to know that should the worst happen; they will be financially supported.

*Community Union February 2023*

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