Scottish Prison Service

Occupational Segregation and Equal Pay Statement

April 2021

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1. Introduction

Under the Equality Act 2010 (Specific Duties)(Scotland) Regulations the SPS is required to comply with the three aims of the Public Sector Equality Duty (PSED) as set out below:

- Eliminate unfair, unjust or unlawful practices and other discrimination that impact on pay equality;
- Promote equality of opportunity and the principles of equal pay throughout the workforce;
- Promote good relations between people sharing different protected characteristics and those who do not in the implementation of equal pay.

This report meets our PSED requirements to:

- Publish a statement on equal pay;
- Gather and publish occupational segregation information on gender, disability and race, comparing the distributions within the SPS of those who identify as disabled and those who do not, and those who identify as being from a minority ethnic background and those who do not.

Occupational segregation refers to the distribution of people defined by specific characteristics, for example, by disability, gender or race, into difference types of work. Many factors influence this clustering effect including gender norms and stereotypes; assumptions about the capability of men and women, preferences and skills; the culture associated with male dominated occupations and sectors; access to training and development opportunities and access to flexible working particularly in senior roles. Occupational segregation restricts choices for men and women and the jobs most likely to be done by women are those that are associated with low pay and fewer opportunities to progress.

This report sets out the information the Scottish Prison Service (SPS) are required to publish under the Public Sector Equality Duty.

2. Equal Pay Statement

The Scottish Prison Service (SPS) is committed to promoting and embedding the principles of equality of opportunity in employment. We believe that staff should receive equal pay for the same or broadly similar work, or work rated as equivalent and for work of equal value, regardless of their age, disability, ethnicity or race, gender reassignment, marital or civil partnership status, pregnancy, political beliefs, religion or belief, sex or sexual

orientation. We understand that the right to equal pay between women and men is a legal right under domestic law.

The policies and procedures associated with our pay and remuneration have been developed in partnership with our constituent Trade Unions to ensure they are fairly and consistently applied to all staff. To achieve equality in the way we reward our people, we operates a pay system that is transparent, based on objective criteria and free from unlawful bias.

The SPS is an accredited member of the Living Wage Foundation and is committed to ensuring that all of our employees are paid at least the Living Wage. In addition, we will continue to utilise SPS' analytical job evaluation system to measure the relative value of all jobs in our pay and grading structure. It is important that employees have confidence in our processes so we will continue to work in partnership to ensure equality within our reward policy and practice.

We are a Disability Confident employer and committed to successfully employing, supporting and retaining disabled people and those with health conditions. We are also committed to our membership as a Stonewall Scotland Diversity Champion and to promoting a workplace where all employees, including LGBT colleagues, in SPS can be themselves.

In line with the General Duty of the Equality Act 2010, our objectives are to:

- Eliminate unfair, unjust or unlawful practices and other discrimination that impact on pay equality;
- Promote equality of opportunity and the principles of equal pay throughout the workforce;
- Promote good relations between people sharing different protected characteristics and those who do not in the implementation of equal pay.

We will:

- Inform employees as to how pay practices work and how their own pay is determined;
- Ensure managers are provided with guidance regarding decisions about pay, benefits and grading to ensure consistent and fair practice;
- In partnership with our TUS partners we will continually review the implementation of our existing and future pay practices for all our employees, including part-time workers, those on fixed term contracts of unspecified duration, and those on pregnancy, maternity or other authorised leave;

- Undertake regular monitoring of the impact of our practices in line with the requirements of the Equality Act 2010;
- Consider, and where appropriate, undertake a planned programme of equal pay reviews in partnership with our TUS partners;
- Empower staff and managers to work flexibly and to support work life balance policies;
- Where any inequality may arise, investigate promptly and take appropriate remedial action where required;
- Provide training and guidance for those involved in determining pay and the job evaluation process

3. Occupational Segregation

The SPS is committed to equal pay and recruitment and selection based on merit regardless of gender, ethnicity, disability, age or any other protected characteristic. Our pay structure is based on a grade system (labelled B – I, plus Directors, Non-Executive Directors and the Chief Executive). Whilst there are many functions within the SPS – including Estates (who carry out everything from maintenance work to building design), HR, Procurement, Psychology and Finance – the main distinction in our structure is between those who are trained in Control and Restraint (Operational employees) and those who do not work directly with prisoners (Non-Operational employees).

Historically, the SPS had a male-dominated Operational staff group, and for legal reasons related to same-sex searching there is a requirement for a higher proportion of male Operational staff in prisons which accommodate male prisoners, and vice-versa. Given that there is a significantly higher number of men in custody than women (approximately 95.5% male, 4.5% female) it is reasonable to expect there to be a higher proportion of male Operational employees. However, the SPS acknowledges that there is more work to be undertaken to increase the ratio of female to male Operational staff.

The data presented in relation to occupational segregation by sex, disability and race is extracted from the total employee base as of 31 March 2020. Using this approach, the total number of employees working in SPS on 31 March 2020 was 4,437.

The report acknowledges that there are challenges in the SPS in relation to equality monitoring: a new e-HR system has been introduced and the numbers of employees declaring their diversity information has been low. As such the data around occupational segregation for employees with disabilities or those who come from a minority ethnic group must be caveated with the extremely small sample size.

3.1 Gender

3.2 Gender Horizontal Segregation

Horizontal segregation is the term used to describe the clustering of men and women into different types of work. As above, there are a number of different functions within the SPS, however in terms of our occupational segregation reporting, the differentiation will be by Operational and Non-Operational function (Table 1).

	Female	Male	Total	% Female
Non-Operational	569	511	1080	52.69%
Operational	903	2454	3357	26.90%
Grand Total	**1472**	**2965**	**4437**	33.18%

Table 1: Operational v Non-Operational gender profile, March 2020.

The split of male and female staff by occupational group reflects earlier comments about the occupational requirement for more males than females in Operational roles, and indicates that women are significantly more likely to be employed in Non-Operational roles than men. It also reflects the historical context within SPS whereby until the early 1990's women did not work in Operational roles in male establishments (which are the overwhelming majority of our prisons). This effect has been slow to dissipate due to SPS' low employee attrition rate.

3.3 Gender Vertical Segregation

As noted above, the SPS has a grading structure which effectively places employees in one of 9 grades. Table 2, below, demonstrates that, as a percentage the lowest levels of female participation in the workplace is within pay Bands D and E. The highest levels are female participation at at the lowest and highest pay Bands, Band B with 59% and SCS at 80%.

Gender	B	C	D	E	F	G	H	I	SCS	Total
Female	149	576	539	81	76	30	10	5	4	1470
Male	102	762	1522	341	137	69	15	12	1	2961
Grand Total	251	1338	2125	422	213	99	25	17	5	4431
% Female	59%	51%	25%	19%	36%	30%	40%	29%	80%	33%

Table 2 – Gender profile, excluding Non-Executive Directors

Table 3 demonstrates that bands D and E are the points which have the highest proportion of Operational employees, showing a link at D Band between the horizontal and vertical gender segregation within the SPS.

Band	Non-Operational	Operational	Grand Total	% Operational
B	251	0	251	0.0%
C	331	1007	1338	75.3%
D	161	1900	2061	92.2%
E	85	337	422	80%
F	147	66	213	31%
G	76	23	99	23.2%
H	12	13	25	52%
I	6	11	17	64.7%
SCS	5	0	5	0.0%
Grand Total	1074	3357	4431	75.8%

Table 3 – proportion of Operational colleagues

3.4 Disability

3.5 Disability Horizontal Segregation

In 2014 the SPS introduced diversity monitoring through a new e-HR system. At present the structure of the system lends itself to declarations by those employees who have a disability, but may not be clear to non-disabled employees that they are required to also make an entry indicating that they are not disabled. As a result, it is overwhelmingly employees who have a disability who have provided this information on e-HR.

Between April 2017 – March 2020, there has been an 5.39% increase in Non-Operational employees self-declaring a disability, compared to just a 2% increase in Operational employees over the same time period. The below table demonstrates the split across

Operational and Non-Operational employees declaration levels as of March 2020, with 12.96% of Non-Operational employees self-declaring a disability.

	Self-Declared Disabled	Non Self-Declared Disabled	Grand Total
Operational	9.68%	90.32%	100.00%
Non-Operational	12.96%	87.04%	100.00%

Table 4 – Operational v Non-Operational self-declared disability rates

3.6 Disability Vertical Segregation

Table 5 below shows that the distribution across the main staff groups is relatively regular, with slightly higher concentrations within the middle bands (D, E, F) and a tailing off in the highest bands. Notably there are no individuals who have self-declared disabled at the highest bands of SPS leadership. It is noted that 7.07% of G Bands have declared a disability. This is in contrast to 2019, when there were no G Bands across either Operational or Non-Operational functions declaring a disability.

Band	Self-Declared Disabled	Non Self-Declared Disabled	Grand Total
B	3.98%	96.02%	100.00%
C	6.72%	93.28%	100.00%
D	10.23%	89.77%	100.00%
E	14.93%	85.07%	100.00%
F	12.21%	87.79%	100.00%
G	7.07%	92.93%	100.00%
H	0.00%	100.00%	100.00%
I	0.00%	100.00%	100.00%
SCS	0.00%	100.00%	100.00%

| Grand Total | 9.40% | 90.60% | 100.00% |

Table 5 – disability profile breakdown Bands B – I and SCS

3.7 Ethnicity

As noted previously, completion rates across many diversity categories on our e-HR system are low. Therefore the data on which we can report on ethnicity is limited in order to protect individuals' identities.

SPS' workforce has a low ethnic diversity profile with employees declaring their ethnicity as Mixed or multiple ethnic group; Asian, Asian Scottish or Asian British; African; Caribbean or Black; or other ethnic group. In order to enable meaningful analysis, we have grouped these categories into a single 'ethnic minority group'. We have also grouped as 'White' all employees who identified as belonging to a sub-category of White using Census categories.

In doing so we recognise the limitations this imposes on being able to understand the particular differences in experiences of people between people who fall into visible minority ethnic groups and non-visible minority ethnic groups (e.g. people who are Polish or Gypsy/Travellers) or among visible ethnic minority groups. However, were we to disaggregate the data in this way, our data set would be so small as to then require redaction which would be contrary to the purpose of this analysis.

3.8 Ethnicity Horizontal Segregation

Ethnicity	Non-Operational	%	Operational	%	Grand Total
Ethnic Minority group	8	38%	13	62%	21
White	399	24%	1265	76%	1664
No data	583	25%	1762	75%	2345

Prefer Not to Declare	90	22%	317	78%	407
Grand Total	**1080**	**24%**	**3357**	**76%**	**4437**

Table 6: Ethnicity breakdown by Operational v Non-Operational employees

The data shows there are more employees from an ethnic minority group within our Operational functions as opposed to our Non-Operational functions. It should be noted the Operational function is more than twice the size of the non-Operational function, so when presented as a proportion of the functions the results indicate ethnic minority employees represent *less* as a proportion of the Operational function (0.39%) when compared with the Non-Operational group (0.74%).

3.9 Ethnicity Vertical Segregation

Due to the small numbers involved, we cannot present data on vertical segregation by ethnicity as, due to the spread of employees, we would require to redact the data. However, we can report that:

- Compared to white employees, ethnic minority employees have higher representation rates at Bands C and D, and lower representation rates across all other Bands.

- There is no one who identifies as belonging to an ethnic minority group at band H or higher.

4. Conclusion and Next Steps

Improving the diversity of our workforce is both imperative and essential, if our workforce is to be truly representative of the society we serve, and we are committed to increasing the levels of diversity across our workforce profiles. We acknowledge there is work to be undertaken to increase the number of employees providing us with their diversity monitoring data, and we recognise the current limitations of reporting on our workforce profiles without increasing the data available to the SPS, especially with regard to the provision of ethnicity data.

To enable us to do so, we have focused our diversity priorities on a number of activities being taken forward under our 2020 – 2022 Equality Outcomes and our Diversity Action Plan. We have committed to ensuring both our workforce and those in our care

understand why we collect diversity monitoring information and how this helps manage and deliver our business.

To achieve this we will:

- Undertake research into why our employees do not self-report their diversity information;

- Review our existing diversity monitoring questions in conjunction with our key stakeholders; and

- Ensure we routinely promote self-diversity completion and enable all those who wish to provide their data have the accessibility and opportunities to do so.