

Occupational Segregation & Equal Pay

**This document outlines the Scottish Prison
Service Statement**

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Unlocking Potential - Transforming Lives.

Directorate Owners:

Organisational Development Directorate

Scope:

All Staff

Associated Policies:

- Pay Policy
- Equality Outcomes and Mainstreaming Equality Report
- Gender Pay Gap Report
- Job Evaluation Manual

Approved by:

Director of Organisational Development

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Review Date:

This statement will be reviewed every four years.

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1.0 Introduction

Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations, the Scottish Prison Service (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 examines the equality of pay for our employees who are undertaking work of equal or similar value within their roles at SPS. In doing so, 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.

For further details of SPS' approach to equality including how we are embedding the General Equality Duty of the Equality Act 2010, please refer to our Equality Outcomes and Mainstreaming Equality report 2025.

2.0 Definitions

- **Equal Pay:** refers to a woman doing equal work with a man in the same employment is entitled to equality in pay and other contractual terms
- **Occupational segregation:** is represented in two ways; 'horizontal', where there is clustering of men and women into different types of work and 'vertical', where there is at different levels of the organisation.

3.0 Scope

This statement covers all staff employed by the SPS and articulates the commitment of the SPS to ensure that staff receive equal pay for work of equal value.

4.0 Equal Pay Statement

The Scottish Prison Service (SPS) is committed to promoting and embedding the principles of equality of opportunity in employment for all our employees. We believe in developing and supporting a diverse workforce in which everyone is fairly rewarded and has equal opportunity to reach their full potential are recognised for their abilities, not their background. Equal pay is a fundamental aspect of this commitment, and we will continue to work towards eliminating any barriers to achieving pay equity across all levels of our organisation.

Equality and diversity are embedded into our values, which we are proud to uphold and will continue to promote in every aspect of our business.

- **Belief:** we believe that people can change.
- **Respect:** we are inclusive, respecting the needs, rights, and voices of everyone equitably.
- **Integrity:** we have high ethical, moral, and professional standards.
- **Openness:** we work with others to achieve the best outcomes.
- **Compassion:** we care about people and believe that positive relationships are a critical enabler of change.
- **Humility:** we cannot do this on our own, we recognise that we need to work with and learn from others.
- **Innovation:** we continually find ways to improve the delivery of prison services in Scotland.

We are committed to the principle of equal pay for the same or broadly similar work, or work rated as equivalent and for work of equal value, regardless of 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.

4.1 Job Evaluation

SPS uses an analytical points-based job evaluation scheme which assesses the relative value of all jobs across five areas (accountability, knowledge, thinking skills, communication and environmental demands). The Job Evaluation Policy is published on our staff intranet, together with comprehensive guidance to ensure fairness, consistency, and transparency.

Job Evaluation Panels comprise of representatives from both SPS and the Trade Union Side, and those who have been trained in the process. This provides evidence in support of the allocation of each job within our pay grading structure.

Our pay structure is based on a grade system (labelled B – I) for the Main Employee Group. To achieve equality in the way we reward our people, we operate a pay system that is transparent, based on objective criteria and free from unlawful bias and which does not discriminate unfairly between those on different contractual arrangements.

4.2 Pay Policy

The SPS Pay Policy sets out how the SPS pay arrangements work for the Main Employee Group, including the rules and procedures that apply to the implementation of Pay Outcomes and the day-to-day management of situations that may result in changes to the basic pay of individual Employees.

The policies and procedures associated with our pay and remuneration, including the annual pay award process are developed in partnership with our constituent Trade Unions as part of our national collective bargaining processes to ensure they are fairly and consistently applied to all staff. 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. They are also subject to an Equality and Human Rights Impact Assessment (EHRIA) process that assess for any potential discriminatory impact and against the requirement to promote equality and good relations across all protected characteristics.

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.

We regularly review our pay practices to ensure that they are fair and that employees are paid equally for doing the same job or jobs of equal value. Any discrepancies are addressed promptly, and we strive to foster a culture of equality, respect, and opportunity for all.

4.3 Equal Pay Actions

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 Trade Union partners we will continually monitor, review and maintain pay and reward systems to ensure they comply with best equal pay practice and current legislation.
- 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 Trade Union partners.
- Where any inequality may arise, investigate promptly and take appropriate remedial action where required; Take appropriate action to eliminate pay gaps/differences that cannot be satisfactorily explained on grounds other than a protected characteristic
- Provide training and guidance for those involved in determining pay and the job evaluation process

5.0 Occupational Segregation

We are committed to equal pay and recruitment and selection based on merit regardless of gender, disability, ethnicity, 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). For the purposes of this report, we have focused on our main staffing groups (B-I).

Whilst there are many functions within SPS, Estates, HR, Psychology and Finance – the main distinction in our structure is between those who work directly with, and have responsibility for, prisoners (Operational employees) and those who do not work directly with prisoners (Non-Operational employees).

To ensure compliance with our legal duties pertaining to same sex searching there is a requirement for a higher proportion of female Operational staff in prisons which accommodate female 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. SPS complies with legal objective justification to have higher numbers of male employees within our establishment, ensuring we continue to be compliant with the legislation on same sex searching. Where appropriate we have considered occupational requirements to ensure our continued compliance, an approach enabling SPS to recruit higher numbers of female employees to both our new women's facility in Stirling, and our new Community Custody Units.

We recognise occupational segregation can have a significant impact on career progression, earning potential, and workplace equality. We strive to create an environment where all employees have equal access to opportunities, regardless of their background or demographic characteristics. This includes ensuring that recruitment, hiring, promotions, and career development are based on merit, free from bias and that our employees are able to pursue roles that align with their skills, qualifications, and career aspirations.

5.1 Data

The data presented in relation to occupational segregation by sex, disability and race is extracted from the total employee base as of 31 March 2024. Using this approach, the total number of employees working in SPS on 31 March 2024 was 4,962.

In December 2024 HMP Kilmarnock transferred back from the private sector to SPS. At the time of reporting, work continued with Kilmarnock colleagues to align them to SPS pay bands, therefore for the purposes of this report, tables 2, 3 and 5 do not include those colleagues based within HMP Kilmarnock.

We acknowledge 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.

5.2 Gender

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	670	554	1224	54.73%
Operational	1212	2526	3738	32.42%
Grand Total	1882	3080	4962	37.92%

Table 1: Operational v Non-Operational gender profile, March 2024

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 more likely to be employed in Non-Operational roles than men. However there has been a marked increase of 5.52% in the numbers of women undertaking operational roles, significantly so within the senior leadership teams.

This segregation may also provide some basis for pay differentials outlined above. Some specialist Operational Band D roles (such as Dog Handler) receive additional allowances in line with their differentiated roles. Managerial Operational roles (F, G) provide additional allowances such as on-call allowance which are not available to

most non-Operational staff of the same grade. Finally, senior Operational Managers (H, I) receive Recruitment and Retention allowances of up to £9,000 pa which are not available to most Non-Operational senior managers of the same grade.

Gender Vertical Segregation

As noted above, our grading structure places employees in one of nine grades. Table 2, below, demonstrates that the lowest levels of female participation in the workplace is within pay Bands E and H, with B also the most populous pay point, with 51% of SPS employees.

	B	C	D	E	F	G	H	I	Total
Female	127	594	765	130	88	40	8	10	1762
Male	120	760	1446	362	143	54	23	14	2923
Grand Total	247	1354	2211	492	231	94	31	24	4687
% Female	51%	43%	34%	26%	38%	42%	25%	41%	37%

Table 2 – Gender profile, excluding Non-Executive Directors March 2024

Table 3 demonstrates that bands D and E are the points which have the highest proportion of Operational employees, demonstrating no change since we last reported in 2020.

Band	Non-Operational	Operational	Grand Total	% Operational
B	247	0	247	0.0%
C	351	1003	1354	73.4%
D	184	2027	2211	91.6%
E	102	390	492	79.2%
F	155	76	231	32.9%
G	73	21	94	22.3%
H	18	13	31	41.9%
I	12	12	24	50.0%

Table 3 – proportion of Operational colleagues

5.3 Disability

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. Since March 2020 there has been a decrease in the number of staff who have been self-declaring disabilities through our E-HR Platform. In March 2025, SPS launched a new E-HR system enabling employees to self-declare disabilities with a much easier to use interface and access than our current E-HR system.

The below table demonstrates the split across Operational and Non-Operational employees' declaration levels as of March 2024, with 7.03% of Non-Operational employees self-declaring a disability, compared to 12.96% in 2020.

	Self-Declared Disabled	Not Self-Declared Disabled	Grand Total
Operational	7.78%	92.22%	100.00%
Non-Operational	7.03%	92.98%	100.00%

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

Disability Vertical Segregation

Table 5 below shows that the distribution across the main staff groups is relatively regular, with slightly higher concentrations within the bands E, F and G and a tailing off at both the lowest and highest bands. There has been an increase in the number of G Bands declaring a disability, rising from 7% in 2020 to 10.63%. Notably there are no individuals who have self-declared disabled at the I band level of SPS. It is noted that 3.22% of H Bands have declared a disability. This is in contrast to 2020, when there were no H Bands across either Operational or Non-Operational functions declaring a disability.

Band	Self-Declared Disabled	Non Self-Declared Disabled	Grand Total
B	2.51%	97.49%	100.00%
C	5.22%	94.78%	100.00%
D	8.86%	91.14%	100.00%
E	14.22%	85.78%	100.00%
F	9.90%	90.10%	100.00%
G	10.63%	89.37%	100.00%
H	3.22%	96.78%	100.00%
I	0.00%	100.00%	100.00%
Grand Total	8.02%	91.98%	100.00%

Table 5 – disability profile breakdown Bands B – I

We are a Disability Confident employer and committed to successfully employing, supporting and retaining disabled people and those with health conditions.

5.4 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.

Ethnicity Horizontal Segregation

The data shows there are more employees from an ethnic minority group within our Operational functions as opposed to our Non-Operational functions, this remains the same as 2020. It should be noted the Operational function is more than twice the size of the non-Operational function, and when presented as a proportion of the functions the results indicate ethnic minority employees are proportionally reflective with 0.30% of the Operational function, compared to 0.12% of Non-Operational colleagues.

Ethnicity	Non-Operational	%	Operational	%	Grand Total
Ethnic Minority group	6	29%	15	71%	21
White	394	26%	1115	74%	1509
No data	764	24%	2375	76%	3139
Prefer Not to Declare	60	20.4%	233	79.6%	293

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

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

In considering the implications of these results we need to use caution due to the small cohort of ethnic minority employees, and the fact that we do not hold data for 53% of employees.

5.5 Occupational Segregation Actions

To combat occupational segregation, we will

- regularly review our workforce demographics, hiring practices, and career pathways to identify any disparities or patterns of segregation.
- take proactive steps to promote diversity and inclusivity in all occupational categories, ensuring that all employees, regardless of gender, race, or other factors, are equally represented across all levels and functions.

6.0 Conclusion & 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.

Additional work is being undertaken with the SPS Resourcing Team to highlight reasonable adjustments for candidates with disabilities, in order to support those going through the recruitment process both internally and externally. Furthermore, with the launch of our new HR system in March 2025, employee self-service will be simpler to use and easier to access than our previous E-HR system, this will allow employees to update their employee record with any disabilities, note reasonable adjustments and update their diversity information

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.

Further Information:

The SPS recognises that from time-to-time employees may have questions or concerns relating to equal pay. In certain situations, employees' rights and obligations regarding pay policies may change. In these circumstances the SPS will abide by any statutory obligations.

The SPS wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate Line Manager in the first instance.

Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices.

In line with the SPS Sustainable Policy and to demonstrate compliance with the Scottish Government's commitment to improving environmental and sustainable development performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

Equality Statement

The SPS is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, and, subject to any eligibility criteria, length of service, grade, working pattern or operational status.

Inclusive Communications

It is our ambition to ensure that SPS documents are readable, accessible, and engaging for staff.

In formatting this document, good practice principles around engagement and inclusive communications have been adhered to.

If you require this document in an alternative format, please contact Human Resources.

Review and Monitoring

This Statement will be reviewed every four years

Human Resources Policy and Guidance in SPS

SPS policies consider current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Civil
Service
Management
Code



UK Legislation



EU
Legislation



ACAS



CIPD Best
Practice