



Association of Higher Civil and Public Servants

*Submission to the Public Service Benchmarking
Body on behalf of Prison Governors*

July 2006

This submission has been prepared by the Association with the assistance of Burnham House Limited, which advises boards and top management in the areas of Corporate Governance, Strategic Management and Management Reward.

Burnham House is headed by Brian Barry, who was previously Partner in Charge of the Strategic and HR Consulting division of PricewaterhouseCoopers. He has worked extensively in the field of senior level Public Sector pay, including for the Department of Finance and the Review Body on Higher Remuneration in the Public Sector, and assisted the Association in the preparation of its previous submission to the Benchmarking Body in 2001.

Contents

	<i>Page</i>
1. Executive summary	1
2. Organisation of the Prison Service	4
2.1 Prison Service HQ	4
2.2 Prisons	4
2.3 Governor of Training and Development	7
2.4 Governor of Works	8
3. Recent prison reform	9
3.1 Additional Hours System (AHS)	9
3.2 Prison Service Escort Corps (PSEC)	11
3.3 Reduced number of IPS Trades Staff	12
4. Overall role and competencies of the Prison Governor	13
4.1 Role of Prison Governors	14
4.1.1 Management of offenders	16
4.1.2 Human resources management	17
4.1.3 Security and safety	17
4.1.4 Buildings and maintenance	18
4.1.5 Financial management and control	18
4.1.6 Information technology management	19
4.1.7 Industrial relations management	19
4.1.8 Interaction with other agencies	19
4.1.9 Committee work	21
4.2 Singular burdens of the Prison Governor job	21
4.3 Competencies of the Prison Governor	22
5. Specific impact of modernisation and prison reform	24
5.1 Impact of the modernisation process	24
5.2 Impact of prison reform	25
6. Benchmarking : Job Content & Pay Comparisons	28
6.1 Job Content	28
6.2 Pay comparisons: Internal	29
6.3 Pay comparisons: External	29
6.4 Salary comparisons	30
6.5 Non-salary remuneration	30
6.6 Remuneration : The overall picture	32
6.7 Pension Entitlement & Governor's Allowance	32
7. Action required : Correct the anomalies	33

1. Executive Summary

The Irish Prison Service (IPS) is an executive office of the Department of Justice, Equality and Law Reform. Its Director General is responsible to the Secretary General for leading, managing and directing the IPS on a day-to-day basis. The Government has also appointed a Prisons Authority Interim Board which is to advise the Minister on the management, administration and business of the IPS.

Section 2

The Headquarters of the IPS will shortly be relocated from Clondalkin in Dublin to Longford Town. The Service has a unified staffing structure, with potential for mobility between the Prisons operational area and Headquarters, and an annual budget of almost –400 million.

At the core of prisons management at operational level are the 22 Prison Governors. These report direct to the Director General, head up the prisons staff of about 3,400, and are responsible for the direction, management, control and operation of a secure, safe and humane regime for the 3,200 or so prisoners held in the fourteen prisons and places of detention across the country.

July 2005 saw publication of the final SORT/STEP proposals for organisational reform in the IPS. These proposals have now been largely implemented, and are viewed as the most radical organisational change in the Prison Service since the foundation of the State. The reforms are wide in scope, including provision for a comprehensive range of prisoner-focused measures, and three further major initiatives – the *Additional Hours System*, the *Prison Service Escort Corps*, and a *reduced number of IPS Trades Staff* – whose impact on the organisation and management of the IPS, and most particularly on the management role of Prison Governors, are radical and dramatic.

Section 3

All management decisions regarding additional hours – including for emergencies and other unforeseen events – fall to the Governor, who now has to operate his institution within strict working hours budgets.

The PSEC is not resourced – and not required – to guarantee full prisoner escort cover, and it is the Governors who must, as often as is required, make up the shortfall. This has a direct impact on their ability – within the terms of the new AHS working hours budgets – to provide other prisoner services as specified in the proposals.

In short, it is the Governor of each institution who is now personally accountable for resolving the entire range of staffing, organisational, service-provision and other operational problems presented and foreseen by this new regime.

Governors are appointed by the Minister for Justice, Equality and Law Reform. Their statutory functions are contained in the Rules for the Government of Prisons, which *inter alia* provide that, while the Governor is responsible for prison management and administration to the Director General of the Prison Service, the Governor shall also, entirely at his own discretion, freely and confidentially communicate with the Minister on all matters relating to the Prison.

Section 4

The Governor bears singular responsibility for all dimensions of the business and operational management of individual establishments with up to 730 employees and 640 inmates, with additional burdens imposed by the unique – and potentially dangerous – nature of the prison environment.

The extension to the IPS of all elements of the public service modernisation process, and the establishment of the Prisons Authority on a statutory basis, have constituted a profound broadening and deepening of the role, responsibilities and accountabilities of Prison Governors. The Governors are now critically involved in national strategy and policy development covering all areas of the new IPS. They are key players in the development of policies, business plans and expenditure budgets, both for the IPS generally and for the particular prisons which they individually manage. The process of drawing up Strategy Statements and Business Plans is now firmly established, and once again it is the Governors who are singularly accountable for strategy and business planning.

Section 5

Governors now have greater levels of explicit ***internal accountability*** for personal job performance, and for the job performance of subordinates. Moreover, they also have a sharply increased level of ***external accountability*** to the Oireachtas (through evidence to Dáil and other Committees), to participants in the Social Partnership process, to a wide range of organisations, to the media, and to the general public.

And it is the Governors who are personally accountable for managing and operating the 2005 SORT/STEP reform and restructuring programme within each institution, including management of the annualised hours budget; delivery and maintenance of regimes and services; ongoing management of staff training; balancing the need for proper services to offenders with the need to allow staff off duty; coping with reduced numbers of trades staff, and with changes in the structure of the maintenance and stores functions; allocating staff to escort duties not provided by PSEC; managing all forms of staff leave in order to comply with staff working time budgets; and, more generally, continuously developing, implementing and managing new operational strategies that seek to give effect to the wide range of agreed changes which characterise the new prisons regime.

The management accountabilities of Prison Governors have developed and expanded very considerably over the past five years, due both to the continuing process of public service modernisation and to the more recent radical reform of how prisons are run. In contrast, however, the salary headroom that Governors enjoy compared with their immediate subordinates has effectively been reduced by about 13% since the Association last made a submission to the Benchmarking Body five years ago.

Section 6

Furthermore, our consultants advise us that there is specific direct equivalence between the position of Prison Governor and that of Head of Function/Division in the business sector. But the salaries earned by Prison Governors are considerably lower than the basic salaries of their analogues in the business sector. Indeed, they are currently even lower in comparative terms than before the last Benchmarking Body review. The Prison Governor scales would need to be increased by 61% to ensure the same degree of equivalence at salary level that applies in respect of job size and content, and by over 100% to match total cash remuneration in the business sector. This is without taking any account of the singular burdens imposed on Governors by virtue of the unique managerial environment of the prison system.

We submit, therefore, that the Benchmarking Body should, on the grounds of logic and equity:

Section 7

- recommend substantial increases in the salary scales for all grades of Prison Governor;
- recommend increasing the Governor's Allowance for each Grade by the same percentage;
- ensure that existing pension entitlements remain in place; and
- recommend the initiation of a process which will ensure that, within a reasonable time frame, Prison Governor remuneration is set, and will remain, at a level that is not merely market-competitive with the business sector, but also reflects the unique personal pressures of the position.

These seem, in the light of all that we have presented in this submission, to constitute fair and reasonable requests. Their endorsement by the Benchmarking Body, and acceptance by government, will clearly signal that a modernised prison system, managed by Governors to the highest professional standards, is indeed a major national priority.

2. Organisation of the Prison Service

The Irish Prison Service (IPS) is an executive office of the Department of Justice, Equality and Law Reform. Under the Public Service Management Act 1997, the Director General, appointed in 1999, is authorised to lead, manage and direct the IPS on a day-to-day basis, reporting to the Secretary General of the Department. The employees of the IPS are all Civil Servants.

The Government has also appointed a Prisons Authority Interim Board which, under the chairmanship of Mr Brian McCarthy, is to advise the Minister on the management, administration and business of the Irish Prison Service.

Under the Government's decentralisation programme, the Headquarters of the IPS will be relocated in early 2007 from Clondalkin in Dublin to a newly constructed office in Longford Town.

2.1 Prison Service HQ

Also established, under the Director General, is an IPS directorate structure comprising seven Directors, with individual responsibility for Operations, Estate Management, Finance, Human Resources, Corporate Affairs, Healthcare, and Regimes. The final shape of the organisation at this level is subject to continuing discussions.

There will, additionally, be an administrative support resource, comprising possibly 150 staff, who may be transferred from the Department of Justice, Equality and Law Reform. A transition team, involving Headquarters and Prisons staff, has already been established, and a Prison Governor Grade I has been involved in this area.

The IPS has a unified staffing structure, with potential for mobility between the Prisons operational area and Headquarters, and an annual budget of a little less than million.

2.2 Prisons

At the core of prisons management are the 22 Governors, who head up the prisons staff of some 3,400, and are responsible for the direction, management, control and operation of a secure, safe and humane regime for the 3,200 or so prisoners held in the fourteen prisons and places of detention across the country.

There are now three levels of Governor. The larger prisons at Mountjoy, Portlaoise, Midlands, Cloverhill and Wheatfield are headed by Grade I Governors, while Grade II or Grade III Governors are in charge in all other prisons.

The prisons and places of detention administered under the control of Prison Governors are as follows:

□ *Mountjoy Prison – Governor I, Governor II, 475 staff, 454 prisoners*

A committal prison for adult male and female prisoners, committed for all types of offences, located at North Circular Road Dublin. The prison suffers an endemic overcrowding problem. A high level of drug addiction characterizes the prison population, and a Drug Treatment Centre Facility, within the Health Care Unit, operates at the prison.

□ *Portlaoise Prison – Governor I, 295 staff, 188 prisoners*

A closed, high-security prison for male offenders and subversives located on the Dublin Road, Portlaoise, Co. Laois. The prison population includes offenders drawn from a number of different subversive organisations. A constant Garda and Army presence is retained due to the prison's high security status.

□ *Wheatfield Prison – Governor I, 306 staff, 373 prisoners*

A closed, medium-security, purpose-built prison for adult male offenders, serving sentences up to life imprisonment, located at Clondalkin, Dublin.

□ *Midlands Prison – Governor I, Governor II, 345 staff, 447 prisoners*

A medium/high security prison for adult male offenders, located on the Dublin Road, Portlaoise, adjacent to the existing Portlaoise Prison, with a capacity for 515 offenders. The prison includes a Special Unit for forty offenders, comprising selected problem and disruptive prisoners from other institutions.

□ *Cloverhill Prison – Governor I, Governor II, 347 staff, 433 prisoners*

A remand prison for Dublin and the surrounding counties, located in Clondalkin, Dublin. Approximately 80 per cent of the prison population are on remand.

□ *Arbour Hill – Governor II, 112 staff, 140 prisoners*

A committal prison for adult male prisoners serving sentences of more than two years in duration, located at Arbour Hill, Dublin. A sex offender's rehabilitation programme, run under the direction of the Psychology Service and Probation Service, operates within the prison.

□ *Castlerea Prison – Governor II, 157 staff, 206 prisoners*

A medium-security and semi-open committal prison for adult male prisoners, committed for all types of offences, located at Harristown, Castlerea, County Roscommon, with a capacity of 165 offenders. A separate area within the perimeter wall functions as a semi-open prison for up to 36 offenders. Castlerea operates as a custodial prison for the Connaught region and additionally takes committals from counties Donegal, Cavan and Longford.

□ *Cork Prison – Governor II, 229 staff, 275 prisoners*

A closed medium-security prison for adult male offenders, committed for all types of offences. Cork prison experiences severe overcrowding problems due to the fact that it has a design capacity of just 150. The Prison has a small 'D' unit for disruptive and violent prisoners, which includes those transferred from other institutions. Committals to Cork Prison are taken directly from the Courts in Cork, Kerry and Waterford, and by way of ordinary transfer from other prisons.

□ *Limerick Prison – Governor II, 210 staff, 275 prisoners*

A closed, medium-security, committal prison for male and female offenders, committed for all types of offences, located at Mulgrave Street, Co. Limerick. The current prison population comprises 220 male and 14 female offenders.

□ *Loughan House – Governor III, 43 staff, 86 prisoners*

An open centre for adult male offenders, committed for all types of offences, situated at Blacklion, County Cavan. Loughan House runs extensive educational and vocational work programme for inmates.

□ *Shelton Abbey – Governor III, 42 staff, 55 prisoners*

An open centre, low security facility for male offenders aged nineteen and over, serving sentences up to life imprisonment, located in Arklow, Co. Wicklow. Shelton Abbey runs an extensive educational programme.

□ *St. Patrick's Institution – Governor I, 196 staff, 217 prisoners*

A medium security closed place of detention for juvenile male offenders, serving sentences up to life imprisonment, located on the North Circular Road, Dublin. The prison operates a Drug-Free Unit, catering for 62 offenders.

□ *Training Unit – Governor III, 71 staff, 96 prisoners*

A semi-open, low-security prison for male offenders located at Glengariff, Dublin. The Training Unit operates as an Industrial Training Centre for male offenders serving sentences up to life imprisonment, and the majority of the offenders are serving sentences in excess of five years. The training unit offers a range of certified educational and vocational training courses. It also established the first Drug-Free Area initiative within the Irish Prison System.

□ *Dóchas (Women's Prison Mountjoy) – Governor III, 86 staff, 88 prisoners*

A separate committal prison for adult female prisoners, committed for all types of offences, and serving sentences up to life imprisonment, located at the North Circular Road, Dublin.

2.3 Governor of Training and Development

The Governor of Training & Development is responsible and accountable for all aspects of the planning, design, development, co-ordination, delivery and evaluation of staff training and development in the IPS. His role is to support the achievement of corporate and business plan objectives by managing the training and development services and resources to meet the services needs and training priorities and agreed needs of all staff(3,200 approx). This includes developing and implementing training and development policy and strategy; setting the vision for training and development for the future; and continually raising the standard, quality and effectiveness of training delivery and administration. He is responsible for establishing links with external education and training organisations, and for introducing and maintaining systems for accreditation/validation.

Responsibility for the training function for the IPS devolves on the Governor of Training and Development at the Training Centre, Beladd House, Portlaoise. In that context, the Governor of Training and Development has responsibility, inter alia, for progressing with Governor colleagues the following tasks in response to the SORT recommendations in this area:

- Carrying out a training needs analysis, in consultation with staff, and having regard to training needs identified under the new Performance Management and Development System.
- Developing and overseeing the introduction of a Performance Management and Development System into the Prison Service, having regard to competencies identified as necessary for effective performance in each grade.
- Developing and introducing a coherent training and development programme for all grades of staff in the Service.
- Drawing up common standards and guidelines, across the Service.
- Developing appropriate structured training programmes for all grades.
- Supporting the development of dedicated staff training in each institution.
- Identifying the particular skills required by Training Officers and providing appropriate training and support.
- Maintaining appropriate records of all training activities.
- Setting standards and guidelines for on-the-job training.
- Identifying and prioritising training needs in relation to new technology.

2.4 *Governor of Works*

The role of the Governor of Works is complex and multifaceted. He is responsible and accountable for:

- Providing specialist management and technical support to Prison Governors in the operation of their prisons.
- Managing the transfer of technical information to Estates Management at IPS Headquarters.
- Managing his institution to ensure statutory and regulatory compliance with IS and BS standards.
- Managing 2 Deputy Governors, 2 Assistant Governors, 2 Mechanical Inspectors, IPS Health & Safety Officer, Environmental Manager, the High Security Locking Division, and the Administrative Division.
- Ensuring legislative and regulatory conformance for all aspects of technical installations at prisons, such as fire alarms, generators, support to kitchens and laundries, and security/control room installations.
- Monitoring all budget requirements, maintenance requests and emergency repairs submitted to BSD. This includes certification of invoices and compliance with the various prompt payments Acts.
- Participating in several executive committees, including health and safety, environment, fire, and prison design.
- Project managing, through his specialist team, all aspects of new building and maintenance supports.
- Managing the supply, installation, replacement and support of all high security lockings and high security access and control systems.
- More generally, management involvement in such areas as:
 - New prison design
 - Court Service locking support and new building design
 - Electrical maintenance support.
 - Mechanical maintenance support
 - Vehicle procurement and disposal
 - Provision of new buildings
 - Briefing of OPW and appointed consultants
 - Inspection of completed works and related reports
 - Ensuring all technical documents for completed works are in place.

3. Recent prison reform

After several years of negotiation, disagreement and re-negotiation, July 2005 saw publication of the final SORT/STEP proposals for organisational change in the IPS. These have now – in large measure – been implemented.

The proposals are acknowledged as the most radical organisational change in the Prison Service since the foundation of the State, and were heralded by the Minister, in his address to the POA Annual Conference on 4th May 2006, as “*a comprehensive agreement which provides us with a clear framework for the operation of the Irish Prison Service in the twenty-first century and beyond*”.

The reform proposals were comprehensive in their scope, including provision for such measures as:

- extension of industrial work and training, and enhancement of service delivery standards;
- reorganisation of the Service’s stores and procurement functions;
- reorganisation to provide greater focus on maintenance requirements on a service-wide rather than individual institution basis;
- and establishment of a new Recruit Prison Officer grade to which all new entrants to the Service will be recruited, and then trained for three years, prior to appointment to Prison Officer level.

They also included three further major initiatives – in the creation of which Governors were crucially and centrally involved – whose impact on the organisation and management of the Prison Service, and most particularly on the management role of Governors, are radical and dramatic. These are:

- *the Additional Hours System (AHS)*
- *the Prison Service Escort Corps (PSEC)*
- *reduced number of IPS Trades Staff.*

3.1 Additional Hours System (AHS)

The AHS requires all Prison Officer grades to work additional hours, and obliges management to guarantee payment for the agreed level of hours each year irrespective of whether Officers work these hours or not.

The basic rostered time to be worked by the Officer grades is 39 hours per week, and the use of additional hours will be for demands in excess of those rostered hours. The

gross number of additional hours to be provided by the Prison Officer grades each year is 954,000, and these hours are distributed proportionally between each prison, and across grades, as required. There are four band levels:

- (1) zero hours per annum,
- (2) 112 hours per annum,
- (3) 240 hours per annum, and
- (4) 360 hours per annum.

The number of additional hours is divided equally across the four quarters of the year. An Officer working with the full 360-hours commitment who has not worked all of his/her hours in a quarter will carry forward a maximum of eleven hours into the next quarter. All other unused hours will be written off and paid for. Pro-rata arrangements will apply for Officers in the other bands.

In exceptional and unforeseen circumstances, an Officer may be required to work hours in a situation where his/her hours have already been exhausted. The decision to draw down hours to cater for an unforeseen event can be made only by *the Governor*, and a Governor will not draw down hours where there are other Officers who have not yet exhausted their hours for that quarter and are available to work the required hours.

In these cases, the decision lies with *the Governor* whether to draw down hours or allow hours to be written off.

Control mechanisms have been put in place for authorised absences, and this control is exercised by *the Governor* of the institution.

There is also provision for major emergencies, defined as an events which include rioting, mass escape attempts, hostage taking, fires, destruction of buildings, and so on. These are incidents which, in the opinion of *the Governor*, the Director General and the Minister, are of unarguable gravity in terms of immediate threat to the integrity of the Prison. The decision to declare a major emergency rests in the first instance with *the Governor*. Payment for these emergencies is over and above the extra hours attendance envisaged in the Agreement with the POA.

These changes envisage that *Prison Governors* will now have to operate their institutions within strict working hours budgets, and meet stringent limits under the new agreement. In the past, for example, *the Governor* could draw down working hours and related resources as required. However, due to enforcement of the new budget-driven style of management, major additional pressures are now imposed on *Governors* in the Prison Service.

The bottom line of the introduction of AHS is that the Service is now required to carry out its existing and enhanced functions in circumstances where the previous staff overtime budget of 1,300,000 hours per annum has been eliminated.

3.2 Prison Service Escort Corps (PSEC)

The purpose of the PSEC is to provide a prisoner escorting service, including inter-prison escorts; planned out-patient and in-patient hospital escorts (conditional on the availability of resources as priority will be given to court escorts); temporary release escorts; and, where necessary, a “manning the dock” service.

The PSEC, which is headed by a Governor III, and has a current staffing level of 147, operates independently within the IPS, on the basis of service-level agreements with **Governors**, Gardaí and the Courts Service. PSEC headquarters is located at Cloverhill, with four regional bases at Cork, Limerick and Castlerea prisons, and in the Portlaoise/Midlands complex. Such centralised control of an operational section within the Prison Service is unique.

PSEC has responsibility for escort and care of an average of 120 prisoners each day. In staffing level terms, PSEC has achieved a 43% efficiency in comparison with the previous operating system. This has been achieved through rationalisation and the introduction of new, more efficient, working practices.

The introduction of PSEC has created a new role for Governors. The Governor III who heads PSEC manages an operation that provides an escort service to 14 prisons, and a manning the dock service in all criminal courts above District Court level throughout the State. It engages with the Courts Service, at both national and local level, on matters of mutual interest, and the PSEC Governor is required to engage with five different local POA committees.

Cellular vehicles had to be obtained to provide the escorting service, and 90% of these vehicles were obtained second-hand. The second-hand vehicles require constant attention, as they are critical to the delivery of service.

The SORT/STEP proposals included a provision that PSEC staff would operate agreed working arrangements to meet the unpredictable demands of escorts. To date this measure has not been put in place. As a result, the usage of Additional Hours by PSEC staff is extreme, and impacts on the provision and delivery of service to prisons. Where PSEC staff are fully deployed, and no further PSEC staff are available to perform any remaining escorts which need to be covered, then the prisons in question are required to cover those escorts.

Indeed, the final SORT/STEP proposals explicitly acknowledge that escort demand might well exceed PSEC capacity, and that individual institutions are then required to meet such demand. Other circumstances where individual institutions may have to provide escorts include urgent hospital escorts, hospital in-patient cover (particularly at night), and temporary release.

The implications of these provisions must be clearly appreciated. In simple terms, the PSEC is not resourced to a level – whether in staffing or organisational terms – which provides any guarantee of full cover for prisoner escort. In principle therefore, and also in practice, it is the individual institutions which must, as often as is required, provide the additional escort cover. Responsibility for such provision rests, within

each institution, with the **Governor**. This has a direct impact on the ability of Governors – within the terms of the new AHS working hours budgets – to provide other prisoner services as specified in the SORT/STEP proposals.

Let us repeat this critically important point. It is the Governor of each institution who is responsible – and personally accountable – for resolving the staffing, organisational, service-provision and other operational problems presented and foreseen by this new regime.

3.3 Reduced number of IPS Trades Staff

The SORT/STEP proposals also provided for a reduction of almost 50% in the number of Trades staff employed within the IPS, and for the consequent outsourcing of almost half the trades work previously carried out in-house.

This particular provision has had a major impact on the management role of the Governor, who is now obliged to manage the operation of the outsourcing process, and to deal with the delays, and constrained working hours, which the process necessarily presents.

Perhaps just as importantly, the **Governor** is also obliged to assign to Prison Officers the task of escorting and generally supervising outsourced trades staff who possess none of the security and related credentials – possessed in full by in-house Trades Staff – essential for trades work within the prison environment.

4. Overall role and competencies of the Prison Governor

The role and competencies of Prison Governors are best understood with reference to the nature and operation of the State's prisons and places of detention, and the statutory managerial and administrative relationships between Prison Governors, the Minister for Justice Equality and Law Reform, the Director General, and the directorate and administrative support staff of the IPS.

While ultimate responsibility for prison policy rests with the Minister, responsibility for day-to-day administration of the Prison Service rests with the statutory Prison Authority.

In its June 2002 report, The Benchmarking Body included "generic observations" which it stated comprised the job profile for Prison Governors. It added that these observations "do not constitute any form of a job description which purports to describe all the duties, functions and responsibilities of the grade". The observations were as follows:

- *Although not an entry requirement for the grade, job holders should attain an educational standard equivalent to bachelor's degree level or corresponding professional qualification.*
- *Experience required is around 15 years depending on the nature of the job.*
- *Jobholders apply specialised knowledge and skills enabling the provision of guidance, internally as well as externally, that can include expert knowledge used by a range of other organisations depending on the nature of the actual posts.*
- *Work is very diverse where decision-taking and analysis of problems requires a significant degree of managerial discretion and innovation in situations where precedent may not always be available.*
- *Leadership role over a significant number of teams across a variety of functions, including full management responsibility for a number of supervisors/team leaders, with key responsibilities and related accountability under legislation for specific duties.*
- *A strong degree of interactive ability and highly developed interpersonal skills are required in applying their expertise and in negotiations with others that can include acting in a lead authority.*
- *Respondents reported the anti-social aspect of the job (long working hours and a stressful environment) and they also noted the important leadership role of the post within prisons and places of detention.*

We note that this job profile amounts to 204 words, compared with over 3,365 words dealing with the same issue in the Association's 2001 submission. We note, also, that the words "managerial" and "management" appears only once each in the profile.

It is the Association's view, and that of its advisors, that this profile constitutes a grossly understated definition of the Prison Governor job, and inappropriately ignores a considerable number of crucially important job features, most particularly those relating to the management dimension of the Governor position.

4.1 Role of Prison Governors

Governors are appointed by the Minister for Justice, Equality & Law Reform. The statutory functions of Prison Governors are contained in the Rules for the Government of Prisons 1947, which establish an explicitly pre-eminent role for the Governor in relation to all aspects of the custody and care of prisoners, the management of prison staff, and the overall management of each prison and place of detention.

While Governors are accountable, from the point of view of prison management, to the Director General of the Prison Service, it is important to take account of their unique relationship with the Minister, as enshrined in the Rules for the Government of Prisons, 1947:

- 1. The Governor shall freely and confidentially communicate with the Minister on all matters relating to the Prison, appraising him of any occurrence of importance; and, in case of any emergency not sufficiently provided for in the Rules, he shall apply to him, and conform to his orders; acting, if necessary in the meantime, to the best of his own judgement, according to the circumstances of the case.*
- 2. The Governor may at any time offer any suggestion for the improvement or for the advantage of the service, and need not reserve it for his annual report.*
- 3. All submissions from Prison Officers to a higher authority shall be addressed to, and transmitted through, the Governor of the Prison.*

More generally, the traditional role of Prison Governors, based on statute and practice, may be summarised as follows:

- To manage the prisons and places of detention to which they are assigned by the Minister, in accordance with statute and with any general or particular directions issued by or on behalf of the Minister.
- To receive into their custody persons committed to custody either directly by the courts or on transfer from other institutions on Ministerial Order.
- To produce, when required, to relevant courts persons in their custody who are on remand, or awaiting trial or sentence, or required to face further charges.

- To release persons in their custody under sentence on lawful expiration of sentence or sooner if so directed by the courts or ordered by the Minister.
- To provide and manage a level of security and control in prisons appropriate to the offender population in care, that level being decided in consultation with the Department of Justice, Equality & Law Reform.
- To ensure that offenders are accommodated in conditions which are specified as a matter of policy, i.e. in regard to such matters as food, clothing, bedding, heating and sanitation.
- To manage – effectively, efficiently and economically – the complexities and difficulties of the Additional Hours System.
- To promote and oversee management arrangements for staff under their control to achieve optimum efficiency and effectiveness.
- To promote among their staff an ethos for the correct management and care of persons in their custody.
- To promote and develop satisfactory industrial relations.
- To establish, direct, control and manage services and activities directed towards the well-being of persons in their custody, and towards leading them to a more constructive life in the community on release. In particular:
 - to ensure that offenders have a broad range of work, education and recreational activities,
 - to ensure that offenders receive appropriate levels of care from the medical, psychological and chaplaincy services to meet their physical, mental and spiritual needs.
 - to develop, direct and manage programmes specifically geared towards the rehabilitation of offenders.
 - to co-ordinate the activities of custodial and support agencies (Probation and Welfare Service, Psychological Service, Work Training, Education, etc) within each institution.
- To draw attention as necessary to the need for systems improvement, and to plan and manage the process for their achievement,
- To implement agreed financial management and control measures so that the financial resources allocated to the Prison System are employed for optimum efficiency and effectiveness.
- To be managerially accountable to the Secretary General of the Department of Justice, Equality and Law Reform for the income and expenditure of the institutions which they manage.

This formal recitation of the role of the Prison Governor does not, of course, adequately capture the flavour and complexity of the work of Prison Governors. Nor does it reflect the extent to which their traditional roles have changed by virtue of the application of the SMI within the IPS, and the establishment of a statutory Prison Authority. Both of these aspects are dealt with later in more detail.

The role of the Prison Governor may, perhaps, be even better understood by reference to his/her responsibilities in relation to the following key areas:

4.1.1 Management of offenders

Prison Governors are directly involved in all aspects of the management of offenders, very many of whom are from deprived social backgrounds, have serious personality, health or drug problems, and are completely dependent on the Governor and the prison system.

Governors of committal prisons are obliged by law to accept all committals from the Courts at any hour of the day or night, irrespective of overcrowding and shortage of bed spaces in cells. This leads, in turn, to daily transfers between prisons and places of detention, and to the overuse of temporary release – “the revolving door” safety valve in prisons. It also places a huge responsibility on Governors to recommend offenders for transfer or temporary release knowing little about their personal, family or social backgrounds, or the circumstances to which they are prematurely about to return, if on temporary release. A further issue is that some offenders may have to be transferred to other institutions which do not have the same facilities or support arrangements as those of the original institution.

Within the prison, the Governor must ensure that the offender is allocated appropriate accommodation having regard to security, health, safety or other special requirements. The Governor also has direct responsibility to ensure that every offender is made aware of the rules of the prison (including his entitlement to parole and his more general rights) and how the system operates. It is of critical importance that the Governor deals with the complaints of offenders in a manner which ensures that legitimate complaints by prisoners are dealt with fairly and promptly. It is, obviously, imperative that the exercise by the Governor of disciplinary powers in relation to offenders is tempered by justice.

The Governor must also ensure that a regime of work and recreation is available; that the physical and mental health of offenders is protected; that they are facilitated to remain in touch with family and friends; that visits by legal advisers are facilitated; and that they have access to special or general programmes of a rehabilitative nature.

The Prison Governor must ensure that the orders of the Courts in relation to offenders are fully complied with in terms of their incarceration, their attendance at Court hearings and, finally, their release.

4.1.2 Human resources management

The Prison Service is a disciplined uniformed force of approximately 3,400 staff of various grades, including specialist grades, located throughout the country.

The Prison Governor's role includes direct responsibility for all aspects of human resources management within the institution, including:

- Recruitment
- Assignment
- Probation Assessment
- Increment Assessment
- Training and Development
- Rostering
- Manning levels
- Work Assessment
- Transfers
- Complaint investigation
- Discipline and appeals
- Promotion
- Staff welfare
- Equality

Prison staff operate in an enclosed, high-pressure and dangerous environment, where their personal safety and security, and professional character and reputation, are daily at risk. Given the problems caused by staff shortages, violence and threats of violence, abusive behaviour by offenders, and the potential for riots and hostage taking, it is absolutely vital that Governors discharge their HR management responsibilities in a fair and even-handed way, having regard to best practice and the essential need to operate a humane prison regime.

4.1.3 Security and safety

The security and personal safety of both offenders and prison staff is of vital public importance, and it is the Governor's responsibility to ensure that the regime in place in this regard meet the highest standards.

The practical reality, however, is that there is continuous potential for violence and assaults, for disturbance, for destruction of property, for riots, for hostage taking, and for individual or group escapes. On the health and safety side, broader issues of health (mental and physical), drug related treatments and the like also arise.

Every Governor is responsible for managing, on a continuing basis, the full range of these and related issues, and in particular the initiation and management of staff training and development programmes aimed both at minimising the risks involved and coping – in the interests of both prisoners and staff – with the consequences of actual or threatened breaches of the security and safety regimes.

4.1.4 Buildings and maintenance

Governors are involved with architects, builders and contractors, mechanical and electrical engineers and inspectors for managing every building programme and individual project that is carried out within their institutions, and are responsible for compliance with all Health and Safety regulations relating to the programmes and projects concerned.

Governors are also involved with local planning authorities when new works are planned and ongoing, and have to satisfy themselves that all projects and new buildings meet specified standards and comply with statutory regulations.

The Governor is responsible for the prompt payment of all bills, including maintenance bills; chairs weekly site meetings when a large project is undertaken locally; and chairs the annual meeting with Departmental officials which agrees the projects and maintenance requirements of his particular institution for the following year.

On the maintenance side, Governors are responsible for the preparation, for tender purposes, of specifications relating to the supply of equipment and materials. They have particular responsibility for ensuring that all buildings within their remit are adequately heated, ventilated and lit, and comply with all relevant regulations.

4.1.5 Financial management and control

Within the financial framework for prisons, Governors carry direct responsibility for financial planning, management and control within their respective establishments. Specific responsibilities include:

- Confirmation and certification of salary, travel and subsistence payments, and other allowances to all staff.
- Payment of gratuities to offenders.
- Purchase of the materials, machinery, victuals, clothing, furniture and sundries necessary for the day-to-day running of the institution.
- Purchase of specialist equipment such as closed circuit television, audio-visual controls, biometric controls, and so on.
- Provision of yearly maintenance contracts for the institution, including emergency and breakdown cover over 365 days.
- Ensuring that all purchasing complies with the full range of specified public procurement procedures.
- The payment of all properly due accounts within 45 days.
- Verification of accounts, stock levels and the like to ensure full compliance with specified accounting procedures and value-for-money guidelines.

It should be added that, in addition to their management, accounting and control responsibilities, Governors also bear decision-taking accountability for settlement of cash transactions. In Mountjoy, for example, these amount to about 00,000 per annum.

4.1.6 Information technology management

The rapidly accelerating adoption of state-of-the-art information, communications and security systems within the Prison service poses growing challenges to Prison Governors, who bear ultimate responsibility for the successful deployment and management of these technologies in their respective institutions, and for managing the training of prison staff in their effective operation..

4.1.7 Industrial relations management

The Governor is responsible for all local-level negotiations with the Prison Officers' Association. These negotiations are frequently contentious in relation to the allocation of resources, rostering, duties and responsibilities, grievance and discipline, the introduction of new technology, and the exceptionally demanding (in a prison context) requirements of the Health and Safety at Work Act.

Governors are also very much involved, from an industrial relations perspective, in dealing with appeals by members, supported by their union, arising out of disciplinary and other decisions made by Governors in the course of their duties. This is both onerous and time consuming.

There is, in practice, a myriad of local issues and problems which, unless managed effectively by the Governor, will escalate quickly to national level, and seriously undermine the smooth operation of the Prison Service as a whole.

Governors must also have an informed input into the development of industrial relations policies and practice at national level. This calls for close liaison between the Governor, the Director General of the Prison Service and the Department.

4.1.8 Interaction with other agencies

Apart from the Prisons HQ and the Department, Governors must also, in their management role, interact with a wide range of other agencies. These include:

Courts

Governors must ensure that all court orders are fully complied with. All offenders are received into custody on foot of a court order. Their incarceration must always be in accordance with law, and Governors must not only ensure that court orders are fully and properly complied with, but may also be required to personally appear in Court – often at short notice – and/or to correspond with the legal representatives of offenders, to explain and justify the courses of action taken by them and their institutions.

The range of issues in which the Governor has involvement in Court is not confined to *habeas corpus*-type applications. Legal issues in respect of alleged assaults, and the health and safety of offenders, also arise frequently.

Governors are also involved in setting up Courthouses attached to Prisons, and in liaising with the Courts Service in relation to producing offenders to the various Courts.

□ *Garda Siochána*

Governors maintain regular contact with the Garda Siochána, at levels up to Assistant Commissioner, in respect of security, emergency response plans, fire and emergency, riot control, level of Garda cover appropriate to categories of offenders in custody, and requests for security clearance for people entering the Institution.

There is also general interaction by the Governor with senior Garda officers regarding investigation of crimes and many other related matters.

□ *Voluntary Organisations*

Governors regularly meet representatives of the many NGO groups which visit the prisons to help offenders. These include Alcoholics Anonymous, Narcotics Anonymous, Gamblers Anonymous, the St. Vincent de Paul Society, Focus Point, Cross Care, Travellers Associations, and so on.

□ *Visiting Committees*

Governors personally meet Prison Visiting Committees each month. As well as submitting routine reports to these Committees, they also advise them of issues and incidents which may have arisen since the last meeting, and endeavour to respond constructively to any observations or complaints made to the Committee by offenders.

□ *Hospitals*

The Governor of every institution must establish and maintain a constant liaison with all hospitals within its catchment area, and also the Central Mental Hospital. Both health and security dimensions are involved here.

□ *Offenders Families*

Governors regularly meet with relatives of offenders, take telephone calls from wives, parents, and other relatives of offenders.

□ *Education Services*

Governors play a major role in the provision and delivery of educational services to offenders, and are continuously involved in discussions with the Co-ordinator of Education and with Local VECs, libraries and the like

□ *Media and Publicity*

Governors must be available at short notice to deal with media enquiries and may occasionally be required to give radio or television interviews. Governors also deal increasingly with requests for information under the Freedom of Information Act, and provide material to enable the Minister to answer Parliamentary Questions and to reply to debates in the Houses of the Oireachtas.

4.1.9 Committee work

Finally, all Governors are involved in extensive committee work, both within the Prisons themselves and in the context of the overall strategic planning, direction and management of the Prison Service. The following list – which is far from exhaustive – conveys some of the flavour of this dimension of the Governor's role:

- Prisons Service Management Team
- Suicide Awareness Group
- Contagious Diseases Group
- Security Committee
- Physical Education Committee
- Sentence Review Group
- Integrated Services Programme
- Intensive Supervision Scheme
- Monthly Review Meeting
- Health and Safety Committee
- Managing a Drug-free Unit
- Managing the Connect Project
- Annual Project Meeting
- Information Technology Committee
- Time and Attendance Committee
- Hostage taking Committee
- Prisons Redevelopment Groups
- Strategy Planning Committee

More generally, meetings take place on a continuing basis with the Director General of the Prison Service and with top management of the Department, and the input of the Governors plays a major role in the development of Ministerial and Government policy on all prison matters.

4.2 Singular burdens of the Prison Governor job

While the role, responsibilities and accountabilities of the Prison Governor are clearly equivalent, in most major respects, with those of high-level managers in the business sector, Governors must, in addition, carry singularly immense burdens that are without parallel in any other sector of the economy.

4.2.1 Personal risk

Governors must live daily with the fear that they may be attacked within the prison, and – worse still – that they or their families will be subjected to violence outside the prison walls.

4.2.2 Management of prisoners

Governors are involved – with a continuing high degree of direct contact – in the management of prisoners, many of whom come from seriously deprived backgrounds; have at an early age dropped out of the education system; have no history of paid employment; may have histories of chronic drug abuse; may carry highly dangerous and infectious diseases; and may have a predisposition towards violent behaviour.

Moreover, where prisoners have subversive connections, and are held in a top security prison such as Portlaoise, the Governor's role is made still more burdensome by having to work alongside Garda and Defence Forces staff based on site, and by the awareness of the potential for organised violence and, possibly, breakouts – either of which events would have potentially serious repercussions both in this country and internationally.

4.2.3 Security and discipline

Security and discipline are the essential foundations on which every prison regime must necessarily be based. The main driver here must be the Governor, who has to direct, manage and deliver a security and disciplinary regime which is fair and humane as well as effective, and which must be maintained around the clock every day of every year.

4.2.4 Multi-grade and cross-stream working teams

One of the most singular characteristics of the Governor's job is that every prison deploys, in the interests of prisoner welfare, a wide range of vocational specialists – chaplains, probation and welfare officers, doctors, dentists, educators, psychologists – and a variety of multi-disciplinary teams that include these specialists, with all of whom the Governor and his direct staff must work, but over none of whom he has jurisdiction. The burdens which this imposes include the requirement that the Governor be familiar with the nature, relevance and application in a prison context of the entire range of professional skills involved.

4.3 Competencies of the Prison Governor

The Prison Governor discharges particularly onerous responsibilities. He is required to successfully operate on behalf of the State a secure, safe and humane regime in a complex prison environment fraught with conflicting frustrations and tensions, fuelled by incarceration, by drugs, by illness, by despair, by boredom and by institutionalisation. He is required to do so in a difficult industrial relations climate without, on occasions, the resources – staffing, financial, accommodation, medical, educational, recreational or rehabilitative – which would lighten his task. All too often, the Prison Governor is expected to deliver against critical and unreasonable public and media expectations.

In these circumstances, and in particular the complex and radically re-developed work environment that we have already described, the core competencies required by a Prison Governor are that he:

- Holds an educational standard equivalent to bachelor's degree level or corresponding professional qualification and possesses about fifteen years of relevant experience.
- Demonstrates a deep understanding of the nature, complexity and dynamics of the Irish prison system and of the requirements of a humane and positive penal theory.
- Contributes effectively to the overall development of prison strategy and policy.
- Creates and secures the commitment of prison staff to a clear vision of the system's strategic goals and translates these goals into practical and achievable plans.
- Moulds and develops, through positive and sensitive leadership, a humane prison culture, and inspires confidence, publicly and within the prison, in the application of the rule of law and in the fair and humane implementation of prison rules and procedures.
- Displays excellent organisational and management skills in the allocation and control of financial, staffing, support services and other resources in the ongoing management of the Prison.
- Builds trust, good morale and team work; develops staff to meet challenging organisational needs; and delegates effectively, knowing when to step in and when not to.
- Demonstrates sound judgement, adapting appropriately to changing needs and circumstances, responding constructively to alternative ideas, and encouraging initiative and innovation.
- Is concise and persuasive, orally and in writing, and displays good representational, presentational and media skills.
- Anticipates and plans effectively for emergency situations, and displays resilience, stamina and reliability under pressure.
- Demonstrates excellent interpersonal and negotiation skills, being especially competent in HR and industrial relations management.
- Demonstrates commitment to using modern systems technology in management, in communications, and in prison operational areas.
- Understands the wider social, economic and government framework within which prisons operate in society, and manages external relationships in a sensitive and productive manner.

5. Specific impact of modernisation and prison reform

5.1 Impact of the modernisation process

The extension to the IPS of the Strategic Management Initiative (SMI) and other elements of the public service modernisation process, and the establishment of the Prisons Authority on a statutory basis, together constitute a profound broadening and deepening of the role, responsibilities and accountabilities of Prison Governors.

- *Strategy and policy*

Governors are now critically involved in the overall formulation of national strategy and policy covering all areas of the new IPS. They are key players in the development of policies, business plans and expenditure budgets, both for the IPS generally and for the particular prisons which they individually manage.

Within prisons, the process of drawing up Strategy Statements and Business Plans is now firmly established. Once again, the key players are the Governors, who are singularly accountable for strategy and business planning.

- *Devolution of authority, responsibility and accountability*

At the heart of the SMI, as it applies to the IPS, is the devolution to Prison Governors of greater levels of explicit accountability for personal job performance, and for the job performance of subordinates. This has been achieved within the framework of the *Public Service Management Act*; through the newly developed Strategy Statement, Business Planning and Performance Management framework; and through increased financial delegation and new budgetary regimes. Taken together, these have given rise to greatly more explicit ***internal accountability*** on the part of each Governor.

- *External accountability*

The enactment of the Freedom of Information Act 1998, and the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) Act 1997; the development of the Committee System in the Houses of the Oireachtas; the Ethics in Public Office Act and the Standards in Public Office Act; the Civil Service Code of Standards and Behaviour; all taken together have imposed substantially increased ***external accountability*** for Prison Governors

Under these and a range of other public service modernisation measures introduced in recent years, Governors are now held accountable for their management decisions, not merely internally to the Minister, the Secretary General and the Director General of the IPS, but also externally to the Oireachtas (through evidence to Dáil and other Committees), to participants in the Social

Partnership process, to the media, and to the general public. The day of the anonymous Prison Governor is now well and truly past.

Taken in its entirety, therefore, the public service modernisation process constitutes one of the most fundamental culture changes in the Prison Service, and in the management role of the Prison Governor, since the foundation of the State, and presents an entirely new approach to managing prisons. What it has yielded – and will continue to yield as the process further evolves in future years – is a Prison Service strategic in outlook, focused on results, operating along business lines, with clear lines of management authority and accountability, and with a degree of transparency and external accountability without any parallel in the business sector.

5.2 *Impact of prison reform*

Those who are responsible, and personally accountable, for management and operation of the 2005 SORT/STEP reform and restructuring programme within each institution or service are, once again, the Prison Governors.

It is the Governors who are implementing the new structures and practices in each institution. It is they who have to meet POA on a weekly basis to iron out problems that arise from implementation of SORT/STEP. It is they who will be held responsible if the institution does not live within the allocated budget of hours, including the elimination of 1,300,000 hours of staff overtime annually.

This adds a new dimension of additional – and very considerable – strain on the Governors' management of their institutions:

- Management of the Additional Hours budget, delivery and maintenance of regimes and services, and ongoing management of training in the Prison Service, must all now be carried out against a background of greatly reduced resources.
- The underlying philosophy underpinning the Additional Hours concept is that staff will seek to ensure that they work the least number of hours possible. The inevitable result is that Governors are now under constant pressure to reduce services to offenders in order to allow staff off duty. The reduced numbers of trades staff, and changes in the structure of the maintenance and stores functions, also require intensive and continuous Governor management.
- Prison regimes, which were due to be enhanced as a result of the new system, are in many cases much worse off. Due to staff shortages, and allocation of staff to escort duties not provided by PSEC, libraries are frequently closed most days; it is invariably a struggle to keep schools operating; letters can be over a week waiting for clearance in censors' offices; workshops are being closed or curtailed; there is often no trades cover from 8.00 pm to 8.00am; and prisoner hospital appointments are having to be cancelled. Responsibility for dealing with these, and a range of other new problems, resides in each case with the Governor.

- The introduction of the PSEC – which, we must again stress, did not receive the staff allocation assigned to it under the SORT/STEP agreement – has resulted in a requirement for continuous management. Governors have lost a large measure of control of a vital function, while nevertheless continuing to be accountable for ensuring that Prisoners are produced at courts and hospitals as required. This issue has already resulted in intensive and ongoing Governor involvement. In Wheatfield Prison, for example, PSEC are currently carrying out only 50% of agreed escorts. Mountjoy Prison has twenty-seven staff allocated to escort duties. The short notice given by PSEC of their inability to undertake escorts – frequently as late as 4.00 pm the previous day – means that it is acutely difficult to find staff to make up the deficit.
- There has, in many institutions, been an increase in staff sick leave, and more generally there is much increased emphasis on the management of all other forms of staff leave (maternity, parental, force majeure etc) in order to comply with staff working time budgets. Responsibility for closely monitoring this situation, while at the same time ensuring full compliance with the requirements of the Working Time Act, rests with Governors.
- The introduction of the new grade of Recruit Prison Officer has created a new layer of Governor monitoring, supervision and assessment on a continuous basis.
- Governors who work in specialist areas (Building Services, and Staff Training and Development) are now involved on a continuous basis in developing policies and strategies to deal with the evolving and variable issues that are generated by the change process.
- The culture and ethos amongst some Prison staff which exploits absenteeism in order to generate overtime now has to change if the new working arrangements are to be successful. This necessarily involves, inter alia, the introduction and implementation of new management and disciplinary procedures, in which Governors will have a uniquely crucial and continuous involvement.
- More generally, the success of the change process depends upon a sea change in the culture of the Prison Service. Governors are heavily involved on a continuous basis in terms of developing, implementing and managing strategies that seek to effect the agreed changes.

Many more examples could be provided of the actual impact of SORT/STEP, in practical terms, on the responsibilities, accountabilities and time commitment of Governors.

Another important point to note is that, in its findings of 24th January 2005 in relation to staff represented by the Prison Officers' Association, the Board stated:

In deciding whether an operational allowance should be payable, the Board must consider whether any change in the working conditions of

Prison Officers are adequately addressed by the payment of a lump sum. In the opinion of the Board they are not. The lump sum is payable over a period of three years while the changes continue into the future. The Board believes that such an ongoing contribution to productivity and flexibility merits an ongoing allowance rather than simply a one-off payment. Officers who are recruited in the coming years may get little or no benefit from the payment of a lump sum, but would be obliged to operate the additional hours arrangement.

The amount of the allowance must have regard to the level of savings achieved by the introduction of the additional hours in short term and into the future. It must also have regard to the policy decisions by the state that it is appropriate to achieve savings in the payroll costs of the prison service by substantial reduction in the amount of overtime work.

Having regard to all the circumstances, the Board believe that this can best be achieved by the payment of an annual operational allowance of 8% of basic pay, which allowance would be pensionable.

As pointed out in the finding, the Operational Allowance – which is fully pensionable, and thus, in reality, an increase in regular pay/salary – will be paid to all POA grades, irrespective of whether they are required to sign up for additional hours. Moreover, at least 13% of the POA grades will not be required to work overtime, but will still receive the Operational Allowance; and new recruits, who will not lose any overtime, or who will not even be required to work additional hours, will also get the Operational Allowance.

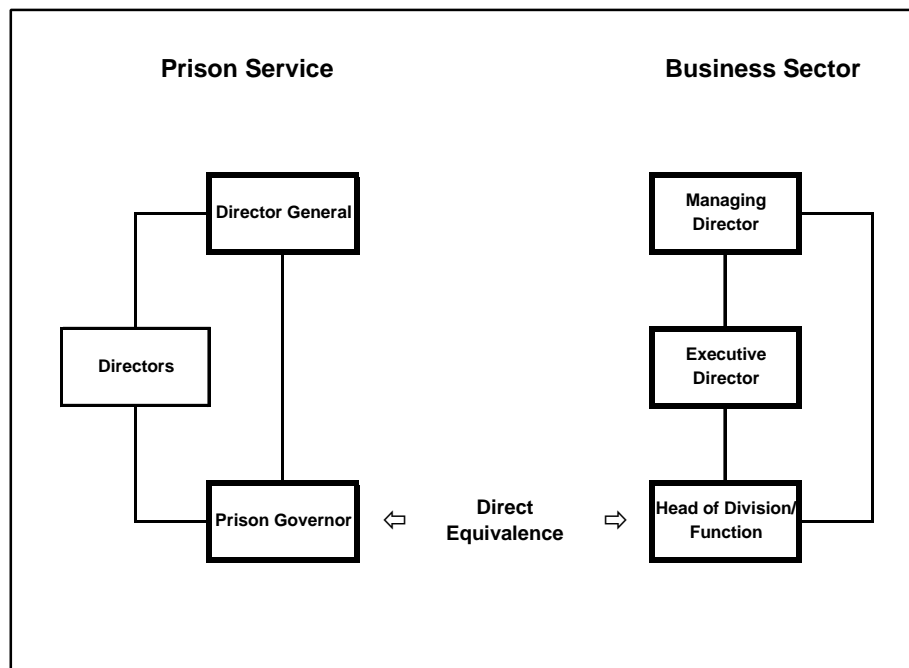
Most importantly, because successful operation of SORT/STEP to secure the levels of savings to be achieved is crucially dependent on the success of Governors in managing and operating the new system, all of the points made by the Arbitration Board in relation to the POA grades necessarily, and by definition, apply to Governors also.

However, it is the Governors alone – 0.7% of those employed in the IPS – whose receipt of the Operational Allowance has been denied. The Association and its Governor members are at a complete loss to understand the basis for this particular recommendation.

6. Benchmarking : Job Content & Pay Comparisons

6.1 Job Content

The preceding Sections clearly indicate an equivalence between the work performed by Prison Governors and that performed at senior management level in the business sector. This perception is validated by the Association's consultants, Burnham House, who have advised us that there is – in terms of both managerial content and overall management structure – specific direct equivalence between the position of Prison Governor and that of Head of Function/Division in the business sector. The only important difference is that reporting by Prison Governors direct to the Director General (rather than through the functional directors) is the rule rather than, as in the business sector, the exception. This may be illustrated as follows:



The position of Prison Governor is thus – at the very least – equivalent to what Inbucon Ireland defines, both in its pay surveys and in its job evaluation exercises (see this Association's separate submission on Principals and Assistant Principals), as a Rank 4 manager in the business sector, defined as:

The Head of a major Division or Function of the unit who, although operating at policy level, is not a main board member. Normally reporting to a Rank 3 (Full-Time Director) jobholder, he/she can also report to a Rank 2 (Chief Executive/Managing Director) jobholder

The environment within which Prison Governors discharge their managerial role is, of course – for reasons that will be abundantly clear from the earlier content of this submission – considerably more onerous and demanding than that of managers anywhere within the business sector.

6.2 *Pay comparisons: Internal*

The three Governor grades were awarded increases of between 9.8% and 10.4% on foot of the last benchmarking exercise. In contrast, increases of 15% were awarded to Deputy and Assistant Governors.

Moreover, Deputy and Assistant Governors have also recently received, at arbitration, a further 8% increase on foot of the Additional Hours agreement. This 8% increase was not awarded to Governors, notwithstanding that it is they who are explicitly and personally accountable for management and control of the entire new prisons regime.

The impact of these changes is that the salary headroom of Governors compared with their immediate subordinates has effectively been reduced by about 13% since the Association last made a submission to the Benchmarking Body five years ago. This is despite the fact that the management accountabilities of Governors have – as already clearly demonstrated – sharply increased in relative terms over the past five years.

6.3 *Pay comparisons: External*

For the purpose of the analysis which now follows, Prison Governor pay has been documented by reference to the current official scales for the three grades concerned.

In the case of business sector comparators, we have made use of the data contained in the Inbucon Ireland Survey of Executive Salaries & Fringe Benefits in Ireland 2005. This survey, which spans the full spectrum of management jobs and industrial sectors in Ireland, provides basic data on levels of remuneration at all ranks of management, and is generally regarded as one of the most comprehensive, detailed and authoritative of such surveys in the Irish management market place. The survey data refers to September 2005. With Inbucon's agreement, we have updated these data to March 2006 levels by applying an increase of 2.5%.

A key issue which had to be determined in this regard was which size category of business sector organisations should properly be adopted as the basis for comparison. Official figures for January list a total of 3,400 staff employed in the Prison Service. Accordingly, we concluded that, for pay and benefits comparison purposes, the relevant size category within the business sector was companies employing more than 1,000 people, and it is on this basis that we have conducted the comparative analysis which now follows.

6.4 Salary comparisons

With regard to basic salary levels, our analysis yields the following results:

<i>Average Basic Salary (€)</i>			
<i>Prison Governors (Weighted average of min and max for the 3 grades)</i>	<i>Business sector Rank 4 Managers (updated by 2.5% to March 2006)</i>	<i>Prison Service compared with business sector</i>	<i>Business sector compared with Prison Service</i>
78,270	126,200	- 38.0%	+ 61.2%

These figures confirm that the salaries earned by Prison Governors are considerably lower than the basic salaries of their analogues in the business sector. Indeed, they are even lower in relative terms than at the time of our last submission in 2001.

The Prison Governor scales would, in fact, need to be increased by over 61% to ensure the same degree of equivalence at salary level that applies in respect of job size and content.

6.5 Non-salary remuneration

While basic salary comprises the main component of remuneration in both the public and business sectors, the basic salary data just set out constitute an incomplete picture of the comparative remuneration, in overall terms, of the Prison Governor grades and their business sector equivalents. A more complete picture requires that account also be taken of the range of non-salary components of remuneration to be found in the public and – particularly – the business sector.

6.5.1 Non-salary cash remuneration

While Prison Governors do not have access to performance-related bonus earnings, such earnings constitute a significant element of remuneration across all management ranks in the business sector. We quote, in this regard, the following data from the Inbucon Survey of Executive Salaries & Fringe Benefits in Ireland 2005 insofar as they apply to Rank 4 managers:

<i>Percentage of managers entitled to bonus</i>	<i>Average bonus paid to eligible managers</i>	<i>Bonus as % of recipient's salary</i>
82.9%		21%

Other non-salary elements of total cash remuneration available to Rank 4 managers in the business sector include profit sharing (27% of managers), commission earnings and directors' fees. Inbucon calculates that, taken together, these bonus, profit share and other non-salary cash payments amounted, as of September 2005, to the case of Rank 4 managers.

When these various non-salary cash items are added to the salary data already set out (after adjusting for the percentage incidence of each pay category, and with the September 2005 business sector data updated by 2.5% to March 2006), the following position emerges:

	<i>Average Prison Governors (€)</i>	<i>Average business sector (€)</i>	<i>Prison Governors compared with business sector</i>	<i>Business sector as % of Prison Governors</i>
Basic salary	78,270	126,200	- 38.0%	+ 61.2%
Non-salary cash	n/a	34,456
Total cash remuneration	78,270	157,578	- 50.3%	+ 101.4%

The inescapable conclusion is that the salary scales for Prison Governors need to be more than doubled if equivalence with the business sector at job size and content level is to be matched at total cash remuneration level.

6.5.2 Other benefits

As Inbucon point out in their report, Rank 4 managers in the business sector additionally enjoy a range of other benefits – company cars, share options, free

medical insurance – which do are not available to Prison Governors. They also enjoy death-in-service (life cover) benefits which are more than double the civil service level.

6.6 Remuneration : The overall picture

The overall picture emerging from this extensive analysis of comparative pay may be summed up as follows:

Salary

The salaries of Governors need to be increased by over 61% to match the basic salaries of their business sector equivalents.

Total remuneration

Their salaries need to rise by a further 25% (on top of this 61%) to match the total cash remuneration of equivalent business sector managers.

It is a bleak picture. The reality is that, while the work performed by Prison Governors is readily identifiable as directly equivalent to that of high-level managers in the business sector, their remuneration fails by an intolerable margin to reflect this equivalence.

6.7 Pension Entitlement & Governor's Allowance

We have already emphasised the singularly immense burdens borne by the Prison Governor, which are without parallel in any other sector of the economy, and which therefore are not reflected in the comparisons just made. Only two explicit concessions to these burdens are made by the current pay regime.

The first is that Governors are entitled to retire on full pension at the age of fifty, subject to their having served thirty years within the Prison Service.

The second is what is termed the “Governor’s Allowance”, which recognises that one of the burdens – but by no stretch of the imagination the heaviest – of Governorship is the requirement to work at weekends. For all new appointees, this allowance amounts, in all three grades, to approximately 7.6% of maximum salary.

The Association considers it imperative that these limited concessions to the unique additional burdens borne by Governors, compared with their business sector comparators, be retained. It is, we consider, also essential that the value of the Governor’s Allowance be maintained at its present relative value of 7.6% of the three scale maxima.

7. Action required : Correct the anomalies

The matters encompassed by this submission are necessarily detailed and complex. But the main thrust of the submission is clear-cut and overwhelmingly compelling:

- The management accountabilities of Prison Governors have developed and expanded very considerably over the past five years, due both to the continuing process of public service modernisation and to the more recent radical reform of how prisons are run.
- Moreover, these accountabilities are, at the very least, directly equivalent to those borne by Rank 4 managers in large organisations in the business sector, albeit in a management environment which imposes demands far beyond those which are to be found in any business enterprise.
- In marked contrast, the headroom of Governors compared with their immediate subordinates has effectively been reduced by about 13% since the Association last made a submission to the Benchmarking Body five years ago.
- And their remuneration for this work also falls overwhelmingly short of that of their business sector equivalents. Indeed, this shortfall has also increased considerably since our last submission in 2001. The salaries of Prison Governors would need to be increased by over 61% simply to match the basic salaries of their business sector comparators, and by a further 25% to match the total cash remuneration of those comparators. Neither of these adjustments would address the “environmental premium” which an informed social conscience would readily ascribe to the Governor’s uniquely onerous role.

We submit, therefore, that the Benchmarking Body should, on the grounds of logic and equity:

- recommend substantial increases in the salary scales for all grades of Prison Governor;
- recommend increasing the Governor’s Allowance for each Grade by the same percentage;
- ensure that existing pension entitlements remain in place; and

- recommend the initiation of a process which will ensure that, within a reasonable time frame, Prison Governor remuneration is set, and will remain, at a level that is not merely market-competitive with the business sector, but also reflects the unique personal pressures of the position.

These seem, in the light of all that we have presented in this submission, to constitute fair and reasonable requests. Their endorsement by the Benchmarking Body, and acceptance by government, will clearly signal that a modernised prison system, managed by Governors to the highest professional standards, is indeed a major national priority.