

68 IS TOO LATE!

POA parliamentary briefing June 2023



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POA Westminster march and rally, March 2019

Committed to Justice

POA national chair MARK FAIRHURST and general secretary STEVE GILLAN on why we need a new approach to prisons

The POA have been extremely concerned over a number of years about violence in our prison system and the Government view that prison officer grades, along with Operational Support Grades in public-sector prisons should have their pension age linked to the state pension age, which will eventually rise to 68 and probably further.

Most commentators are shocked by this and simply observe that this should not be the case. The POA have always stood ready to negotiate with the Government, who claim that their door is always open, but it appears they are prepared to listen but not act on this particular injustice.

This booklet aims to relaunch our “68 Is Too Late” campaign with politicians of all parties. This doesn’t just apply to POA members in public-sector prisons but our secure hospitals, where we also have members who work in an environment that is very challenging. The same applies to POA members in private prisons, where their pension age is linked to the state pension age.

The booklet will also explain why it is our policy to call on whoever is in Government to hold a Royal Commission, not just into our prisons but the whole criminal justice system – from probation, to the courts and ultimately policing. The POA believe there must be a root-and-branch review from an independent inquiry into the state of the justice system. We want to partner with organisations and indeed other recognised trade unions in our sectors such as PCS,



Steve Gillan (below) and Mark Fairhurst (left) at POA conference 2023, Eastbourne

Napo, Police Federation, Community the union, GMB and Unite the union, along with organisations such as the Howard League and Prison Reform Trust, to name a few.

This is an opportunity to have a review to ensure that, going forward, our criminal justice system is fit for purpose and that those who work in it are treated fairly and appropriately for the professional work they do on behalf of society. Everything needs to be reviewed, from terms and conditions to fair pay and pension age – along with the restoration of trade union rights.

The POA stand ready to give evidence to such an inquiry and that is why we are launching this campaign on 19 June 2023. We will reach out to other unions and organisations in due course to gain their support for a Royal

Commission, and we will continue to campaign with all political parties to ensure a Royal Commission is part of their manifesto going into a future general election.

The criminal justice system will be a major factor, we are sure, in any general election campaign about which party can be trusted to deliver to ensure our courts, Probation Service, Prison Service and policing will have the confidence of the general public. The Conservative Party made this a central plank of its manifesto to hold a Royal Commission in the 2019 election but has so far failed to deliver that pledge. It is now time for all parties not just to pledge who will be the toughest on crime but to have a root-and-branch review of Justice. Let us commit to that process.

Royal Commission now!

Justice Unions Parliamentary Group briefing (Feb 2023)

In their 2019 manifesto and Queen's Speech, the Conservatives promised a Royal Commission on criminal justice – but they have not yet delivered. Answers to parliamentary questions claim that “further announcements will be made in due course” (18 June 2020), the Government is “carefully considering the precise remit and timing of this Commission” (19 October 2020), that “it is right that we now pause work on the Royal Commission to allow space for the [pandemic] recovery work” (21 July 2021), and: “We continue to keep issues in the wider criminal justice system under review” (29 March 2022 and 14 November 2022).

It looks increasingly unlikely that the Government will honour this election pledge, yet such an inquiry is needed more than ever. And at the heart of the crisis in the criminal justice system is the dire state of the Prison Service, so this must be front and centre of any investigation. Far from places of support and rehabilitation, prisons have instead become engines of criminality and have yet to recover from the damaging impact of austerity. If we want to fix our broken criminal justice system, we must first fix our broken Prison Service.

That is why the POA are seeking the support of Parliamentarians to make the Government keep their promise and kick-start a wide-ranging public inquiry run by experts with statutory powers – a Royal Commission on Prisons and the Wider Criminal Justice System.

The central question about prisons is: what are they for? What

do the Government and the public want from our modern prison system? Do they want it to punish, to rehabilitate, to support or to care for those sentenced by the courts to incarceration? Or all of these?

Many prisoners have significant mental health issues that, all too often, staff are ill-equipped to deal with properly. Many offenders today don't seem to hold any fear of being caught by police, being prosecuted by the CPS, or serving sentences in prison. It appears to many law-abiding citizens that the deterrent factor of the criminal justice system is failing – and no one is coming to help.

For a number of years, the POA have taken the message of the dire problems that exist behind the walls and fences of our prisons to Parliament and to Parliamentarians. We have always been well-received and our case has always been listened to. But the positive outcomes from our campaigns to improve conditions inside have all too often been limited and short-lived.

For example, the POA campaigned for the ability to block mobile phone signals within prisons. We were successful and the law was changed – which we hoped was a step towards stopping the illegal use of mobile phones, with which prisoners run drug enterprises inside and outside prisons or intimidate witnesses. But the question now is, how many prisons are using these new powers to help stop this illegal phone use? Not many!

The campaign to ensure that prison and immigration staff in both the public and private sectors were included within the Assaults on Emergency Workers

Act 2018 was also seen as a success. Unfortunately, it has failed to deliver any noticeable reduction of violence against staff in our prisons and detention centres.

Or take PAVA – a vital piece of personal protective equipment when working in such violent and dangerous environments. The POA fought hard for the roll-out of this synthetic pepper spray, which started in 2018 but has still reached less than half of our prisons because of management foot-dragging and a ludicrous requirement that 50% of staff have received full training before anyone in an establishment can carry it.

Campaigns by others have had significant support and publicity – but little in the way of positive, identifiable results and outcomes. And for too long, we have seen investigations and reports by the Justice Select Committee, the Chief Inspector of Prisons, the Prisons and Probations Ombudsman, judicial enquiries and parliamentary inquiries – with recommendations published, considered by Government and sometimes even accepted, yet nothing seems to change. Now is the time to bring all this knowledge together so that we can tackle the crisis in our prisons and truly protect the public.

We ask all Parliamentarians to support our call for a Royal Commission on prisons and the wider criminal justice system, and to ask written and oral questions about whether the Government will establish this. MPs are encouraged to consider signing EDM 590 if they are in a position to.

Sally Jameson speaking at POA conference 2023

Held in contempt

The concerns of prison officers need to be at the front line of politics, insists SALLY JAMESON



Since being selected as a parliamentary candidate in a city with four prisons, I have been asked on a regular basis about what the key challenges facing our service are.

The reality is there are so many – escalating levels of violence, rapid overcrowding and a staff recruitment and retention crisis, to name but a few. Amongst all of this, there is also another serious issue facing prison officers – the pension age of 68.

Whilst the Prisons Act 1952 grants us all the protections and privilege of the police, this does not extend to pension age, and in 2013 the Conservative government passed legislation that took us out of line with similar services like the police and raised the age to 68 – a bitter blow to many of my colleagues.

This decision is symbolic of the contempt in which this Government have often held prison officers. Indeed it wasn't too long ago that the Conservative Prisons Minister referred to us as having similarly demanding roles to seamen on Royal Fleet Auxiliary.

Whilst we know seafarers have a very difficult job, I have never heard of them having to carry PAVA incapacitant spray and batons as part of their everyday uniform in order to protect themselves, as Mark Fairhurst and other POA members highlighted at Conference this year.

I am not aware of seafarers getting threatened or assaulted with sharp weapons whilst at work, and seafarers don't face the threat of walking past someone who decides to throw urine and faeces all over

them. Nor do seafarers have to deal day in, day out, with high-risk violent criminals.

Time and again, whether it is pension age, ignoring the pay review body recommendations, or failing to tackle the problems of overcrowding and violence across the estate, the Prison Service continues to be undervalued by the current Government.

Prison officers are often referred to as the “hidden heroes” of the front line services – and if I'm elected, that's what I want to help change, to make sure the issues faced in the service are at the front line of our politics.

• Sally Jameson is a serving prison officer and POA branch chair, and the Labour & Co-operative parliamentary candidate for Doncaster Central

Out of sight, out of mind

RHONA HOTCHKISS looks at why the role of prison officers is so misunderstood

officers. No-one sees the situations and dangers they face on a daily basis. Most people will never be involved in such situations and the cameras are never there to capture them, so they simply have no idea what's involved – the speed with

which situations can escalate, the threat, the violence presented, the adrenaline, mental and physical effort required to subdue that violence.

There is no other job where we'd expect a 67-year-old man or woman to face, grapple with and restrain a physically

fit man of 25, possibly armed with a bladed weapon and often rendered beyond reason by a life of violence, intoxicating drugs or both, with nothing more than their own wit and whatever level of strength and fitness they may retain.

The fact that prisoners pose no threat to the public, being as they are behind bars, means that that public doesn't have to be aware of the folly and injustice of expecting unarmed men and women of 67 to deal with situations they wouldn't expect military or police personnel of that age to step into.

Indeed, that's the excuse politicians have used to justify the pension age of 68 for prison officers – the violence posed by prisoners is "contained". It

is, but at what cost to prison staff?

Politicians know the reality, but the fact is there are very few votes in this issue. Who cares what happens in a prison so long as it stays there? Who cares that we are asking people who just a few years ago would have been able to retire years before the age of 68 to stay and face situations of threat and violence on a daily basis?

I'm 62 now and was fortunate enough to be able to retire a few years ago. I consider myself reasonably fit and well but, even as a former prisoner governor, I simply cannot imagine having to get up and fulfil the role of a prison officer every day for the next 6 years. I don't have the stamina, I don't have the strength and I know that maintaining my fitness is getting harder with each passing year.

I look at friends and family who are 67 or 68 and I would be horrified at the thought of them having to do the job of a prison officer. If I don't want that for my friends and family, I don't want it for the friends and family of anyone else.

Please, please think about the unreasonable, unsafe and unjust nature of what prison officers are being forced to do. Think about why the military and the police are not being forced to work until 68 and ask yourselves why prison officers should. Please – support the POA in saying "68 Is Too Late".

• **Rhona Hotchkiss is a former prison governor in the Scottish Prison Service**



To which other job or profession could we compare that of the prison officer?

The role incorporates a little bit of many others – community worker, counsellor, support worker, teacher, social worker – but really none of these comes close to capturing what prison officers do.

The closer comparison might be the military or the police – or perhaps somewhere in between, with aspects of discipline, physical fitness and physical intervention, incident command and control and others. If we look at the jobs some prison officers have done before they join the service or what they leave the service to do, both of those will feature heavily. Men and women working in these jobs though can still retire at 60 or below, so why not prison officers?

Well, I have a theory. The public depend on our armed services to walk into conflict situations so they don't have to. They expect them to turn out when the country faces internal disasters like floods or when vital services are threatened

by strike action – think ambulances – and they see them do this, on the news or in person on a regular basis.

No doubt they heave a sigh of relief that these people are there to help – to defend them, to stop conflict from reaching them. Likewise, the police are depended on to run towards situations that most of us would run away from – people armed with guns or knives, the scene of an explosion, terrible road accidents – the kind of thing most people don't want to go near.

It's easy then for people to understand why we shouldn't require men and women of 67 years of age to be soldiers or police officers – our proxies in these situations. Not so with prison

Compounding injustice

Working to 68 just isn't feasible, warns KENNY MacASKILL MP

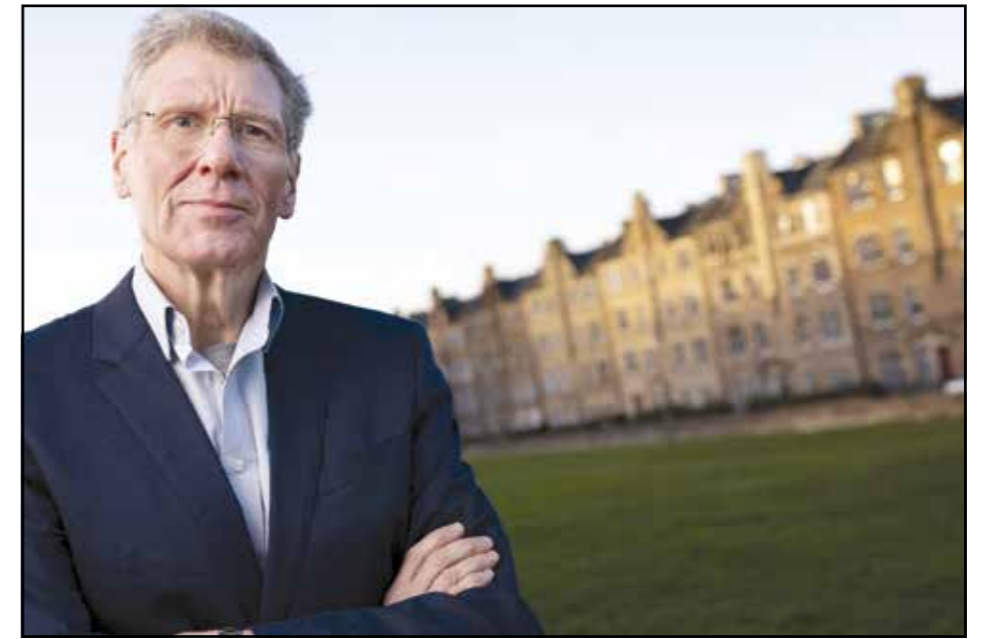
There are many stark injustices in the current workplace. Anti-trade union legislation, a weakening of the labour movement and political manipulation over recent decades have seen oligarchs enriched beyond imagination, whilst working people have been impoverished, with the terms and conditions of their employment worsened alarmingly.

It's why we have the disgrace of Fire and Rehire and the shame of zero-hours contracts. The euphemism of the "gig economy" are simply weasels words to try to mask the reality of the pain and desperation it causes. Work doesn't pay enough to meet the bills, and multiple jobs and long and gruelling hours are the result.

Not as high profile but just as insidious has been what has befallen prison officers. Of course, they're still in work and not as harshly treated by employers as so many others. But not being as bad, doesn't make it right. It's still a wrong and it's certainly hard for not just officers but their families.

First it was pay and now it's pensions. Both are an injustice – at a lower level maybe, but wrong all the same.

I recall my friend Professor Andrew Coyle, a former governor both sides of the border at Peterhead and Brixton, narrating how historically police and prisons officers' pay had been the same – the evolution of the agencies being as intertwined as were the roles. That parity had been broken though, if my memory serves me well, about the time of the First World War, and the gap between



the two has only grown ever since.

The contrast in pay is now considerable and even more marked for those outwith the public sector. As a public institution has been privatised, terms and conditions of employment – along with wages – have worsened. Even in the state sector, the pay of a prison office is now way below that of a police constable. And it's not just for the rank and file, in the front line and on the landings, but throughout the service.

When I was Scottish Justice Secretary, I recall being scandalised at prison governors' pay. The governor of Barlinnie, with all its challenges and out-of-hours responsibility – never mind risk – was paid less than the headteacher of a major secondary school in my constituency. Now, I was a big fan of the "Headie" and back the teachers in their demands, then and now, for a pay rise. I greatly admired her and respected what she did, along with her colleagues, as they still do.

So, I'm not criticising what they were and are paid as it's a challenging role, but instead I was rather aghast at how little we value those who are in the Prison Service. The Barlinnie governor paid less, along with colleagues in other institutions, yet with out-of-hours work, risk factors and responsibilities that way surpassed the headteacher.

Now though, the issue is also pensions, which simply compounds the injustice for those working in the prison sector. Working until you're 68 simply isn't feasible for many. There are jobs where you just can't push your body or are able to endure the challenges that age brings.

And it's not simply for professional athletes or even those in hard manual labour. Hanging up your boots or putting down your shovel has to be matched by handing in your keys and pass or the equivalent in other jobs.

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Unfair, unjust and unworkable

PAUL NOWAK explains why the POA is right to demand decent pensions and dignity

The TUC is proud to stand shoulder to shoulder with the POA in its “68 Is Too Late” campaign. Expecting prison officers to work into their late sixties is unfair, unjust and unworkable.

The jobs prison officers do are uniquely difficult and dangerous. They’re also physically demanding for younger staff – let alone men and women approaching their seventh decade, who may have been on the job for almost 50 years. A retirement age of 68 risks the safety of prisoners, prison officers and public alike.

The Government may claim prisons are a “controlled environment” but the reality is very different. Prison officers are not deskbound civil servants, but uniformed workers facing violence and assaults on a daily basis.

They are on the frontline of our criminal justice system, protecting the public from some of society’s most dangerous people. And as we saw during the pandemic, when Covid swept through our prisons with such devastating effect, prison officers’ sense of duty is second to none.

Years of austerity and real-terms pay cuts have dramatically increased the pressure on prison officers. Since 2010, uniformed grades were slashed by a quarter, the prison population has soared and assaults against staff have doubled.

But rather than delivering the decent terms and conditions prison officers have every right to expect, the Government has doubled down on plans to make them work until 68. That’s an insult to some of our most important keyworkers – and an incredibly loyal, committed,



skilled workforce.

Rather than trying to run our prisons on the cheap by expecting prison officers to do more, for less, for longer, we need a change of direction from Government. The POA is absolutely right to demand decent pensions and dignity for prison officers who have given a lifetime of public service. And that demands a fair retirement age, in line with other uniformed services such as the police and firefighters, who retire at 60.

It’s high time ministers understood the uniquely challenging nature of the jobs prison officers do. And it’s time for proper negotiations with the POA about setting their retirement age accordingly – something that would go a long way to addressing the acute retention crisis in our prisons. Back in December 2021, then-prisons minister Victoria Atkins promised to meet the POA to discuss the pension age – 18 months later and there’s still no sign of any talks.

And the TUC wants pensions justice to be accompanied by the restoration of full trade union rights for prison officers – including the right to strike, as in Scotland. It’s because prison officers’ bargaining power has been systemically stripped away that ministers have been able to impose pay cuts, staffing cuts and an increased retirement age.

More broadly, the TUC wants a wider debate about the wisdom of a higher pension age. As well as prison officers, we know other professions – including paramedics, nurses and teachers – are deeply concerned about having the retirement age for their workplace pension scheme linked to an increasing state pension age. Few workers want to be working full-time until the age of 68. And the same goes outside the public sector, where TUC research has exposed the growing number of people unable to stay in work until they reach State Pension Age.

Fair pensions and dignity in

retirement have always been touchstone issues for the trade union movement. Rather than bullying prison officers and other professions into work into their late sixties, we want workers to enjoy the fruits of their labour.

And we won’t stand for the argument that we can’t afford a fair pension age. If CEOs can trouser massive salaries, shareholders can enjoy rising dividends and bankers can receive bumper bonuses, then all working people should get a fair deal at work and in retirement. Fair taxes the rich can’t dodge would fund a lower pensions age for prison officers and other public sector workers.

The POA’s “68 Is Too Late” campaign is vitally important. It reflects an issue that is fundamental to millions of working people. That’s why the TUC will continue to work with the POA – and all our unions – to secure dignity in retirement for our members. And that must start with a fair pension age.

• **Paul Nowak is the general secretary of the TUC**

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Expecting a prison officer to be on the landing or in other equally demanding roles at that age is simply unacceptable. Again, as Justice Secretary I recall speaking to an officer who told me that almost weekly she’d be on the ground having to wrestle with someone, often trying to do themselves harm, never mind anyone else. That wasn’t in the Bar L, but Cornton Vale, which was then the women’s prison in Scotland. And the officer wasn’t



a fit young male in his 20s but a lady approaching her 60s. I hope she doesn’t feel insulted, but she reminded me of my granny, who I loved and was equally caring but firm.

I’ve now got my bus pass and next year I qualify for my state pension. I’m still working but it’s a largely sedentary job and my constituents are a lot easier to deal with than prisoners. Yet, I feel the strains of age – even just travelling takes more of a toll. How other

MPs can reject the claim of prison officers but protect their own rights is staggering hypocrisy.

It’s why it’s simply unacceptable to expect officers to work until they’re 68. It’s unfair on them and the consequences could be harmful for us all, given the risks that go with the estate. It’s time for justice for the Prison Service and for those who’ve often served a lifetime in it.

• **Kenny MacAskill is the Alba MP for East Lothian and was Scottish Justice Secretary from 2007 to 2014**

An obvious error

Lord BRYN DAVIES explains why the decision to raise the pension age of officers ignores the reality of prison life

The Prison Service is facing a multi-faceted crisis, where one of the major issues that needs to be addressed is a crisis of staffing. There is much that needs to be done to lift the pressure on staff, but prison officers have themselves identified the age at which they can draw their full pension as a crucial problem.

The Normal Pension Age (NPA) for prison officers – that’s the age at which they can draw a full pension – is set by the rules of the standard civil service pension arrangement. Known as the alpha pension scheme, it is the scheme to which all prison officers now belong. So, they receive the same benefits and are subject to the same provisions as mainstream civil servants.

The alpha scheme came into effect in 2015 and is often referred to as the “2015 Scheme”. It provides a satisfactory level of pension for long-service members, based on the member’s average earnings, revalued in line with CPI inflation. However, the problem for prison officers is the age at which that pension is payable, their NPA.

The rules, laid down in regulations, provide that the member’s NPA under the scheme is the same as the member’s State Pension Age (SPA). Unfortunately, the SPA is being increased. For people reaching NPA, currently it is 66 – but for those now in their early sixties and under it is being increased to 67. There is then a further increase, already built into legislation, which applies to anyone under age 46, which



‘Why do prison officers have the same pension age as civil servants, when their working conditions are so different?’

means it will reach 68 for all those now under age 45.

That’s not the end of it. The Government has been consulting on further increases in SPA although, unsurprisingly, it has recently deferred a decision until after the forthcoming election. It is clear, however, that it favours both bringing forward the increase to 68, perhaps catching those now between ages 45 and 55, plus an additional increase to 69 coming a bit later. Some right-wing commentators have even called for an SPA of 70.

So, the question is, why do prison officers have the same

pension age as civil servants, when their working conditions are so different? The answer is clear that it was simply an oversight. The 2015 Scheme was established following the 2011 review of public-service pensions by Lord Hutton of Furness. He said that, for the uniformed services, “where pension age has historically been lower to reflect the unique nature of their work”, a pension age of 60 was appropriate. Prison officers are manifestly a “uniformed service” but they already had a retirement age of 60, so they were simply left off the list.

To any outside observer the error is clear. But when this is pointed out to ministers they double-down on the mistake. They have tried to claim that 68 is an “appropriate” age for prison officers to retire as prisons are a “controlled environment”. This simply ignores the reality of prison life with, for example, prison violence, especially against staff, having soared since austerity cuts to staffing a decade ago.

The problems created by having an NRA that is too old do not only affect prison officers. It is also a problem for the prisoners they protect and for the general public, because unsafe and understaffed jails make rehabilitation impossible. It is therefore a matter of regret that the Treasury has consistently sought to delay discussions of the issue simply because, it would appear, of the cost.

• *Lord Davies of Brixton is a Labour Peer and former member of the Occupational Pensions Board*

Desperate signs of a decade of despair

RICHARD GARSIDE on the need for a realistic retirement age

A toxic mix of budget cuts and rising demands over the past decade and more has left many parts of the criminal justice system in England and Wales in a real state.

The desperate situation in many of our prisons – desperate for both prisoners and the staff who work in prisons – is one of the most conspicuous signs of a decade of decay. Conspicuous, that is, for those who work in and around prisons. The awful state of our prisons is almost entirely hidden from the wider public.

The hollowing out of the prison operational workforce – both the large drop in overall numbers and the disproportionate loss of experienced, senior staff – might have been sustainable had it been part of a plan to reduce workloads and shrink the prison estate. This was broadly Ken Clarke’s plan when he announced his “rehabilitation revolution” over a decade ago. But this particular revolution was never properly thought-through or implemented. While successful in cutting budgets and staff, it utterly failed to reduce workloads or prisoner numbers.

As the POA have pointed out on numerous occasions, the decision back in 2011 not to include prison officers among the “uniformed services” – the armed forces, police and firefighters – protected from the rise in the state pension age made no logical sense. It did, though, make perfect sense as part



of the ongoing austerity agenda.

The impact on prison officer morale and retention, and the attractiveness of the job for prospective recruits, is clear if difficult to quantify.

I write this as someone who would like to see a plan from Government – a distant prospect currently – to substantially reduce the prison population and shrink the size of the estate. But given where we are, it matters greatly that our prisons are adequately staffed by a properly paid, trained and valued workforce. A realistic retirement age at which

prison officers can claim their pension, in line with expectations in the other uniformed services, is a necessary part of this.

It matters to the prison staff themselves, of course. If we expect them to work in some of the most challenging conditions any public-sector worker can be expected to face, it is important that this is reflected in their pay, terms and conditions.

It matters for prisoners, who rely on well-trained, motivated and confident officers. The long shadow of the Covid lockdowns continues to be cast on prisons, with many prisoners still spending the large majority of their time locked in their cells. Without a fair settlement for prison officers, including on the age at which they can claim their full pensions, it is difficult to see how the role will ever be more than a second or third choice to many prospective recruits.

And without more staff, it is difficult to see how decent and humane prison regimes can become the norm, rather than the exception.

And finally, it matters for the wider justice system. If the terms and conditions of prison officers remain unattractive in comparison to those on offer in the police, in particular, we should hardly be surprised if potential recruits chose that particular uniformed service over working in prisons.

• *Richard Garside is director of the Centre for Crime and Justice Studies*

Ideological vandalism

Experience has been driven out of the Prison Service, explains IAN ACHESON

Those who have are plainly disconnected from that reality by layers of management that seem to endlessly proliferate while the front line bleeds.

I am not confident that ministers are being given the full picture of what, in too many establishments, has become an impossible job, with disempowered governors and too few, demoralised and battered staff unable to do much more than keep prisoners and themselves upright from unlock to lock up. In this context, rehabilitation – what ought to be the core mission of every prison officer – is rendered a delusion. It certainly explains why we have some of the worst recidivism rates in Europe.

Excluding prison officers from an exemption to the increase in pension age to 68 when other blue-light emergency services and the military qualify has never been satisfactorily explained. While it is highly unlikely many of today's new officers could survive such a physically and psychologically demanding job to that time, it is still in my view an immoral and indefensible prohibition.

Prison officers are emphatically not like other civil servants who can be found cosy offices to coast in when their health and physical competence are in decline. The paradox is that we need good people in our prisons with years of jailcraft to inspire, motivate and retain good

new staff. But few would be willing to put their health and welfare on the line for so little obvious reward or care from the state.

It gives me no pleasure to say that the ministerial response to legitimate claims for parity for frontline prison staff with their colleagues in the fire service or police on retirement age was woefully inadequate and shamefully misinformed. I'm speaking specifically about the House of Lords debate in March of this year, which was answered for the Government by Lord Bellamy.

Prison officers deal with levels of violence and distress almost every shift because of the particular characteristics of the people they lock up. To mischaracterise the level of professionalism, resilience and bravery required in the face of now routine and serious violence is to tell prison officers in the clearest possible way that the state does not value their service.

Many Conservatives would agree with me. The safety of prison officers ought to be and is a cross-party concern. It is time for ministers to listen and do the right thing. Without a ready supply of men and women who put on the uniform each day to do amazing work hidden within those walls, we will all be in serious trouble.

• **Ian Acheson is former prison governor and Government counter-terrorism advisor**

I served as a uniformed frontline prison officer for over two and a half years at the start of what became a varied career. More than anything I've done since, it was the making of me and I still remember my time in the service of the Crown with great affection.

For this reason I have something of a profile in the cause of prison officer welfare, a cause that is undermined by poor leadership, management, pay and conditions. That officers are expected to function in some of the most hostile and debilitating work conditions until the age of 68 is just another function of official indifference. It is shameful.

I'm 55 now and fairly fit but I simply cannot imagine how I would cope in today's prison environment, awash with distress, overcrowding, brutality and senior managers who are more interested in the correct way to refer to prisoners – sorry, residents – than the welfare of people who, at their best, help transform lives. We need experienced officers, yet expensively trained recruits are leaving in record numbers, often before their probation is finished.

Experience was deliberately driven out of the service by ruinously misplaced early retirement schemes to slash costs under austerity. That ideological vandalism left landings denuded of control, with appalling consequences for the men and women who wear the uniform and those they are meant to keep safe and turn around in custody. I say that without any relish as a member of the Conservative Party. But it is an unavoidable truth.

A good part of this problem is that we have a critical law enforcement agency run by civil servants, many of whom have never faced the reality of managing the prisons they are accountable for running as a frontline officer.

Ministers under pressure over prison officer pensions

MPs and Peers from across the political spectrum call for new negotiations with the POA, reports CHARLEY ALLAN

The continuing injustice of prison officer pension age has been debated in both Houses of Parliament this Spring – first on 30 March at a debate secured by Earl Attlee, then at one on 10 May led by his Conservative colleague Gordon Henderson, MP for Sittingbourne & Sheppey.

Both times, Government ministers have tried to defend the indefensible, arguing that these unique public servants have more in common with seafarers than police or firefighters – and so must work until the State Pension Age or pay a high financial price.

And both times, every other Parliamentarian in the chamber has insisted that 68 is too late for prison officers to wait to collect a full pension – with most speakers well-versed in the POA's arguments for pensions parity with the police and firefighters.

PROTECTIONS AND PRIVILEGES

Attlee, the grandson of legendary Labour Prime Minister Clem Attlee, had secured an oral question in the main chamber about prison officer pension age the previous June, at which he asked Minister Lord Stewart whether he thought it "morally right to ask a prison officer to serve until he is 68 years of age".

Addressing Peers at his March debate in the Moses Room, the second debating chamber in the House of Lords, he explained that Stewart had "claimed that prison officers worked in a controlled environment compared with firefighters and police officers" – but insisted that "anyone who thinks that prisons are a controlled environment should go away and read the Woolf Report", the seminal



Earl Attlee (right) at POA conference 2023

1991 probe into prison riots.

Henderson highlighted this same "disappointing" response at his May debate, which he said showed "surprising lack of knowledge about working in a prison environment", adding: "I have to tell the noble and learned Lord that his conclusion is utter nonsense."

This was Henderson's third debate in three years on the topic, all in the Commons' second chamber – known as Westminster Hall after the 900-year-old great hall next to it – which felt "a little like Groundhog Day", he explained, adding that he'd also tabled written questions on "the scandal that many prison officers are expected to work until they are 68 when their counterparts in the police and fire services are able to retire at 60".

He then spelled out the key argument for pensions justice – that "the Prison Act 1952 gives prison

officers 'all the powers, authority, protection and privileges' of police officers. However, despite that clear legislative statement, prison officers do not have the same protection and privileges as police officers when it comes to their pension rights".

ANGER AND RESENTMENT

The same point had been raised in the upper house by Labour's shadow minister Lord Ponsonby, who highlighted the "apparent conflict" of the 1952 Act with the Public Service Pensions Act 2013, which had enshrined into law Lord Hutton's 2011 recommendation to exempt the police, firefighters and armed forces – but not prison officers – from the pension age rise to 68. He added that "this omission has never been explained or justified" and "is a cause of anger and resentment among prison officers".

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Giving some background to the dispute, Attlee explained that “prison officers are prohibited from taking any form of industrial action” and that “ministers need to be very careful to ensure that they are not abusing this restriction and underpaying and under-rewarding prison officers – and I think that they are underpaid”, pointing to the “retention rate of newly recruited prison officers” as “very good evidence” of this.

“The Prison Service desperately needs experienced prison officers, but ministers are failing to retain them,” he continued. “Rather, resources are being wasted on training newly recruited prison officers, who quickly leave, while the Treasury quietly calculates the notional savings from full pensions not being paid out.”

RECRUITMENT AND RETENTION

The recruitment and retention crisis was a key theme of both debates, with Ponsonby quoting POA national chair Mark Fairhurst’s February testimony to the Justice Select Committee that, “if I join now as an 18-year-old recruit, I have to work for 50 years on the frontline before I can access my full pension”.

Lib-Dem Lord Thomas pointed out that, “if he fails his annual physical test, the prison officer is allowed to retire but does not get his full pension. That saves the MoJ money – the noble Earl, Lord Attlee, has already covered that point – but it leads to poor recruitment and retention”.

And back in Westminster Hall, Plaid Cymru Westminster leader and MP for Dwyfor Meirionnydd, Liz Saville Roberts, pointed out: “Not only is the retirement age wrong and unfair, but it has a direct effect on the quality of the service provided in our prisons. We know that recruitment is in

crisis. More than that, retention is in crisis. We lose good-quality prison officers because, with these pension arrangements, they are not prepared to stay.”

Speaking for the Government, Prisons Minister Damian Hinds conceded: “It is recognised, of course, that the role of prison officer is physically demanding. In 2007, the Cabinet Office gave consideration to that prior to the pension age being increased from 60 to 65 for newly recruited civil servants. Its finding was that, as a number of other civil servants had similarly demanding roles – for example, seamen on Royal Fleet Auxiliary ships – a lower pension age could not be justified following comparison with members of other schemes.”

Intervening, Saville Roberts insisted: “I am sure the Minister will appreciate that the POA does not understand the comparison with seafarers, and it is difficult for anybody in the chamber to do so. Will he respond to the POA’s concern that the Treasury is trying to derail pension age discussions because of its cynical estimation that many prison officers will have to leave before the age of 68 because they will fail their annual fitness test or due to injury or illness? That in itself will save the Treasury money. That deserves a response.”

But even though Hinds admitted that “it certainly deserves a response”, he didn’t give one.

UNREALISTIC AND CRUEL

Justice Committee member Janet Daby, Labour MP for Lewisham East, highlighted Fairhurst’s evidence and pointed out: “There is a serious retention and recruitment problem with prison officers. When the Justice Committee recently heard from prison officers, many of them said that they were not looking to remain as prison officers within the Prison Service because of the retirement age.”

Prisons Minister Damian Hinds (right) at POA conference 2023



Replying, Minister Hinds insisted: “I take both recruitment and retention extremely seriously.” He continued: “Many factors affect retention. I accept, of course, that the pension is absolutely part of the blend of remuneration, benefits, working conditions and all the other things that go to determine people’s career choice about whether to stay in a particular role or not.”

But his counterpart in the upper house took a different line. Minister Lord Bellamy claimed the Government was “cautious about acting on the basis that someone at the age of 20, deciding whether to join the Prison Service, is at all focused on whether their full pension would be payable in 2071, 2068 or 2063”, adding: “That is not the kind of thing that affects recruitment or retention” – subtly conflating the two problems while only addressing the first.

He continued this tactic by

playing down “the impact – which is probably contestable – that this pension age has on the decision of a recruit to either join, or stay in, the Prison Service”, adding that “the Government are not persuaded that there is a real link between the ultimate pension age at which the full pension is payable and the problems of retention and staffing in prisons. I think that they are due primarily to other factors and not the pension issue, although I accept that the pension issue has some symbolic value.”

Recruitment and retention, although connected, must be addressed separately. All the evidence – and plain common sense – suggests that the “unrealistic and cruel pension age of 68”, as Ponsonby described it at a December 2021 debate, is certainly affecting the second problem, if not the first directly. And until the Government

concede this and agree to sit down with the POA to resolve this festering sore, it will continue to pollute industrial relations and weaken the Prison Service at a time when staff need support more than ever.

TALKS ABOUT TALKS

At both debates, speaker after speaker called on the Government to restart negotiations with the union. Conservative Lord Balfé, a former Labour MEP, had “a very simple but, I believe, acceptable request. Will the Minister ask his responsible ministerial colleague to initiate informal talks with the POA to ascertain whether there is enough common ground to resume official discussions on just the retirement age in the rejected Liz Truss package of December 2016?” He added: “To quote one of my early heroes, Harold Wilson, I am sure that ‘talks about talks’ could

be quite useful in this regard.”

Lords Thomas and Ponsonby agreed, while in the lower house Henderson insisted that, “with good will on both sides, the Government and the POA should be able to sit down and work out a realistic and cost-effective way to allow prison officers to retire at 60”, adding: “I would be grateful if my right hon. Friend the Minister agreed to meet the POA, if only to talk about the practicalities of such a negotiation process.”

Ian Lavery, Labour MP for Wansbeck and POA honorary life member, pointed out that Minister Hinds had “basically given the real reasons why the Government and the POA should meet to discuss these issues, although there has been a reluctance to do so. Everything he said can be challenged, and I think that constructive discussions between the POA – representatives of the people working in prison – and the Minister and his team would be highly productive. Will he give that commitment before he concludes his speech?”

Disappointingly, Hinds declined the opportunity, despite his predecessor Victoria Atkins promising twice to meet the union to discuss the standalone issue of pensions, before resigning in last year’s palace coup against Boris Johnson.

But ministers must realise they are increasingly isolated in their ongoing refusal to reopen negotiations, a transparent attempt to punish the POA membership for rejecting the 2016 offer. And if it wants to avoid paying a high political price at the next election, the Government should seriously consider whether it has anything to lose by agreeing at least to “talks about talks” with the union.

• *Reprinted from POA journal Gatelodge Summer 2023 edition. Watch highlights from the debates: bit.ly/QSD300323 and bit.ly/WHD100523*



The POA encourage all MPs to consider taking the following actions:

- *table a Justice Oral Question on “if he will have discussions with the POA union on the potential merits of lowering the pension age of prison officers” (deadline Wednesday 21 June 12:30pm)*
- *apply for a Westminster Hall Debate (60/90mins) on “the potential merits of establishing a Royal Commission on prisons and the wider criminal justice system” (deadline Monday 26 June 10pm)*

Peers are encouraged to consider equivalent action – many thanks!