DÁIL ÉIREANN

AN COISTE UM CHUNTAIS PHOIBLÍ

COMMITTEE OF PUBLIC ACCOUNTS

Déardaoin, 25 Deireadh Fómhair 2012

Thursday, 25 October 2012

The Committee ~~met~~ at 10.30 a.m.

MEMBERS PRESENT:

Deputy Paul J. Connaughton,	Deputy Mary Lou McDonald,
Deputy John Deasy,	Deputy John McGuinness,
Deputy Paschal Donohoe,	Deputy Eoghan Murphy,
Deputy Sean Fleming,	Deputy Shane Ross.

DEPUTY KIERAN O'DONNELL IN THE CHAIR.

Business of Committee

Vice Chairman: Item No. 1 is the minutes of the meeting of 18 October. Are the minutes agreed? Agreed. The minutes of the meetings of 23 and 24 October will be dealt with at the meeting of 1 November 2012.

Item No. 2 is matters arising from the minutes. A note has been prepared by the Office of the Comptroller and Auditor General on the accountability of State funding for CIE.

Work is continuing on finalising the report on the Health Service Executive, HSE, but our current schedule of meetings is delaying matters. We have asked the HSE for an update on the cost of drugs. Does anyone want to raise any item on that schedule?

Item No. 3A is correspondence from Accounting Officers. No. 3A.1 is correspondence dated 11 October 2012 from Dr. Ruaidhrí Neavyn, President, Waterford Institute of Technology, re forwarding documentation requested at the committee meetings of 27 September and 4 October 2012. That is to be noted and published.

Item No. 3A.2 is correspondence dated 12 October 2012 from Mr. Robert Watt, Secretary General, Department of Public Expenditure and Reform, deferred from the meeting of 18 October 2012, re forwarding the minute of the Minister for Public Expenditure and Reform in response to the Committee of Public Accounts report on VAT costs on the National Aquatic Centre. That is to be noted. Can we defer consideration of this item until we have dealt with the allowances issue?

Deputy Paschal Donohoe: Yes.

Vice Chairman: Item No. 3B is correspondence alleging waste of public funds. No. 3B.1 is correspondence received on 18 October 2012 from an anonymous source re public sector allowances paid to third level lecturers to mark examination papers. That is to be noted, and a note is to be sought on this from the Department.

Item No. 3B.2 is correspondence dated 21 October 2012 from Mr. Daniel O Mahony re provision of education for children with autism. That is to be noted. We are getting a huge volume of papers from Mr. O Mahony who is questioning Government policy. The substantive issue he is raising is outside our remit and, therefore, I propose that it is forwarded to the Committee on Education and Social Protection.

Item No. B.3 is correspondence dated 20 October 2012 from Deputy Mary Lou McDonald re Dublin Fire Brigade. That is to be noted and published. The issue is outside our remit, however, so we will write to the Department of the Environment, Community and Local Government and ask that it review this to ensure that value for money is being achieved.

Item No. 3C is individual correspondence. Item No. 3C.1 is correspondence received on 18 October 2012 from Mr. Hugh Rance, Bantry, County Cork re County Cork VEC. That is to be noted and forwarded to the Department of Education and Skills for a direct reply.

Item No. 3C.2 is correspondence received on 22 October 2012 from Mr. P.J. Fitzpatrick, Chairman, Implementation Body, re providing information requested by the committee at its meeting of 11 October 2012. That is to be noted and published. Item No. 3C.3 is correspondence dated 22 October 2012 from Mr. Colin Menton, Secretary, Implementation Body, re forwarding correspondence between Grant Thornton and the Secretary General of the Department of Public Expenditure and Reform. That is to be noted and published.

Item No. 3D is documents relating to the committee meeting of today, 25 October 2012. Item No. 3D.1 is correspondence dated 12 October 2012 from Mr. Brian Purcell, Secretary General, Department of Justice and Equality, re forwarding details regarding payment of allowances in the Department of Justice and Equality and the Irish Prison Service. That is to be noted. Item No. 3D.2 is correspondence received on 22 October 2012 from the Courts Service re forwarding details regarding judicial expenses and allowances. That is to be noted. Item No. 3D.3 is correspondence received on 24 October 2012 from the Irish Prison Service re forwarding details regarding expenses and allowances. That is to be noted. Item No. 3D.4 is correspondence received on 24 October 2012 from the Prison Officers Association re opening statement. That is to be noted and published. Item No. 3D.5 is correspondence received on 24 October 2012 from Mr. Brian Purcell, Secretary General, Department of Justice and Equality, re opening statement. That is to be noted and published. We will publish these items when the opening statements have been made.

Item No. 4 is reports, statements and accounts received since the meeting of 18 October 2012. Item No. 4.1 is the Citizens Information Board annual report 2011. Item No. 4.2 is InterTradeIreland annual accounts 2011. Item No. 4.3 is the Commission for Aviation Regulation financial statements for the year ended 31 December 2011. Item No. 4.4 is Labour Relations Commission annual report 2011. Item No. 4.5 is County Wexford Vocational Education Committee annual financial statement for the year ended 31 December 2011.

Item No. 5 is the work programme. The work programme is now on screen. As members will see, we will meet next week when we will meet ICTU and the Department of the Environment, Community and Local Government. We will deal with ICTU from 2 p.m. to 3.30 p.m. and thereafter deal with the local authority allowances. Is that agreed? Agreed.

Item No. 6 is any other business. Do members wish to raise any other business?

Deputy Paschal Donohoe: Will the Chairman confirm that we are sitting next Thursday also?

Clerk to the Committee: Yes. Thursday is the discussion with the Garda Síochána.

Vice Chairman: The Deputy is down as the second speaker.

Deputy Paschal Donohoe: There are only the two of us here but would members prefer to have the meeting on a Thursday morning rather than an afternoon?

Clerk to the Committee: There is a problem in terms of availability of the Commissioner. The time provided is the earliest on which he is available.

Vice Chairman: Is the agenda in respect of the meeting at 2 p.m. on Wednesday, 31 October 2012 agreed? Agreed.

Department of Justice and Equality - Review of Allowances

Mr. Brian Purcell *(Secretary General, Department of Justice and Equality)* and **Mr. John Clinton** (*General Secretary, Prison Officers Association)* called and examined.

Vice Chairman: I welcome everyone to the meeting. Before we commence, I remind members and witnesses to switch off their mobile telephones as they cause interference with the sound quality and transmission of the meeting.

I advise the witnesses that they are protected by absolute privilege in respect of the evidence they are to give to this committee. However, if they are directed by the committee to cease giving evidence in respect of a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that where possible, they should not criticise or make charges against a Member of either House, a person outside the House or an official by name or in such a way as to make him or her identifiable.

I remind members of the provision within Standing Order 158 that the committee shall also refrain from inquiring into the merits of a policy or policies of the Government or a Minister of the Government or the merits or the objectives of such policies. I welcome Mr. Brian Purcell, Secretary General, Department of Justice and Equality. I understand this is Mr. Purcell's first appearance before the committee as Accounting Officer. I invite him to introduce his officials.

Mr. Brian Purcell: I am accompanied by Mr. Michael Donnellan, director general of the Irish Prison Service, Mr. Eric Brady and Mr. David Hardiman, also from the Irish Prison Service, and Mr. Michael Walsh and Ms Teresa Doolan, Department of Justice and Equality.

Vice Chairman: I welcome Mr. John Clinton, General Secretary of the Prison Officers Association, and ask him to introduce his officials.

Mr. John Clinton: I am accompanied by Mr. Jim Mitchell, Deputy General Secretary of the Prison Officers Association.

Vice Chairman: I also welcome the officials from the Department of Public Expenditure and Reform.

I now invite Mr. Purcell to make his opening statement. Is it in order for the committee to publish it?

Mr. Brian Purcell: Yes. I thank the committee for the opportunity to explore the payment of allowances to staff of the Department and the Irish Prison Service. Those staff who are in receipt of allowances are, in the main, on the front line of the fight against crime, be that in the context of operating and managing our prisons and places of detention or in support services such as providing an expert forensic science service to the Garda Síochána or a pathology service.

Members will be aware that expenditure on two separate Votes is being discussed here today, namely, Vote 24 - Office of the Minister and Vote 21 - Prisons. The fight against crime is a 24-7 resource-intensive effort as borne out in any analysis of expenditure in the Votes for the Department and Irish Prison Service. The requirement for staff to be in attendance on duty at all times is reflected in the levels of pay specific to attendance on weekends, public holidays and at

night and in the staffing levels required to give constant round the clock cover. On the prisons side, for example, the overall staffing stands at 3,429 personnel, which includes those deployed across the 14 places of detention, staff in ancillary services and also central administration staff located at the Irish Prison Service headquarters in Longford.

The committee will have heard from previous evidence that the use of the term "allowance" covers a multitude of different types of payments. This is certainly the case in the Prison Service where all payments outside of the basic payscale, whether for undertaking certain additional work or duties, working extra hours or in recompense for expenses incurred, all come under the general heading of allowances. Also in the Irish Prison Service, the requirement of the pay system for a separate allowance name for each variation in payment has created a large number of differently named allowances, most of which actually form part of the core pay for the majority of prison staff. Gross expenditure in the Prisons Vote in 2011 was some €348 million. Payroll costs came to approximately €243 million, of which more than €85 million was spent on allowances, namely, approximately 35% of the overall pay expenditure.

I would like to sketch briefly the range of payments that arise by way of allowance in the Irish Prison Service. As set out above, the overall expenditure on allowances comes to over €85 million. Of this amount, approximately €57.5 million is in respect of extra attendance and attendance for unsocial hours outside of normal work patterns. It is worth mentioning at this point that the Irish Prison Service operates 24 hours a day, 365 days a year, and that there is no time when staff are not required to attend for duty. In addition to this amount paid in respect of extra attendance, some €10.5 million is paid in respect of an agreement reached after arbitration in 2005, which made fundamental changes to the Irish Prison Service attendance patterns and resulted in ongoing savings of approximately €30 million annually in overtime payments.

Under the public service Croke Park agreement, an intensive transformation and reform programme is being undertaken in the Irish Prison Service. This programme, which is being undertaken in conjunction with the staff representatives, comprises a complete review of all tasks being carried out by staff in the Irish Prison Service with a view to driving efficiencies and meeting all the targets set out in the agreement. In addition to cost savings, the programme of reform will deliver improved services both to prisoners and the community, in line with an ambitious three year strategic plan.

A significant aspect of the Croke Park agreement for the Irish Prison Service is a review of allowances to align these to the core duties of the service and to direct interaction with prisoners. This review is ongoing in the context of the prison task reviews and at the prisons sectoral group under the Croke Park implementation body. In addition, following the publication by the Department of Public Expenditure and Reform of the results of the review of allowances across the public sector, preliminary negotiations have taken place with the staff associations, both on the allowances proposed to be restricted for new beneficiaries and on those contained in the priority list circulated by that Department. These negotiations will also take place within the scope of the Croke Park agreement.

I now turn to Vote 24 for the office of the Minister. In general, the position on departmental staff is that allowances are split between allowances payable to staff employed by the Department but deployed to front-line posts, for example, the staff of the Forensic Science Laboratory or the office of the State Pathologist, and allowances payable to staff in the Department such as service officers. The pay and conditions of such staff are dealt with at a central level and as such come within the ambit of the Department of Public Expenditure and Reform which has responsibility for Civil Service-wide allowances. However, the committee might wish to recall

that the 2011 pay element of Vote 24 was some €147.4 million, of which some €5.8 million was payable by way of allowances, which represented 3.9% of the pay allocation. The pay allocation in the justice Vote is made across approximately 30 subheads representing a broad range of offices and agencies attached to the Department. These range from the administrative areas of the Department to the Legal Aid Board, the Probation Service, the Criminal Assets Bureau, the forensic science and State pathology laboratories to organisations in the equality and disability sector such as the Equality Authority of Ireland and the National Disability Authority.

As has been outlined in recent correspondence to the committee, while the amount outlined in the Appropriation Account for 2011 included some €2.3 million in allowances to the child detention schools, responsibility for this function has moved to the Department of Children and Youth Affairs and, consequently, they do not feature in the business case made by the Department. If the child detention schools are removed, the proportion for allowances as a percentage of pay reduces from 3.9% to 2.4%. In addition, the figure of €5.8 million in allowances includes payments under other Votes for the reimbursement of allowance costs for staff assigned to crime prevention and detection work, for example, the costs of gardaí assigned to the Criminal Assets Bureau.

I assure the committee that ongoing reform is a day-to-day reality for the Department and its agencies. We have been delivering in full measure on the commitments given under the Croke Park agreement and this will continue to be the case.

Vice Chairman: I thank Mr. Purcell. I call on Mr. Clinton, general secretary of the Prison Officers Association, to make his opening statement. Is it in order to publish his statement?

Mr. John Clinton: Yes. I thank the Chairman and members of the committee for extending the invitation to the Prison Officers Association to outline its position on the allowances paid to members of the association. The association currently represents 3,221 grades in the Irish Prison Service ranging from the grade of recruit prison officer up to and including the grade of deputy governor. It was established in 1947 as a staff association and received full trade union recognition in May 1988 under section 10 of the Trade Union Act 1941 authorising it to carry on negotiations on the fixing of wages or other conditions of employment. It is an affiliate member of the Irish Congress of Trade Unions and, as a Civil Service trade union, operates through the agreed Civil Service conciliation and arbitration scheme.

A number of allowances are paid to members of the Irish Prison Service and all such allowances currently paid had to go through the agreed procedures set down in the Civil Service conciliation and arbitration scheme before sanction for payment was granted. The majority of allowances payable are in the nature of pay and pensionable and, therefore, are core pay.

The Prison Officers Association and its members have delivered significant reform in the Irish Prison Service in recent years and staff have received numerous awards, including the Taoiseach's Award. A major change programme was rolled out from July 2005 following lengthy negotiations facilitated by the Labour Relations Commission between management and staff and on foot of a report issued by the Civil Service Arbitration Board. Such was the magnitude of the change that the board commended both the Prison Officers Association and the Irish Prison Service for their participation in what no doubt had been long and difficult negotiations on the proposals for change. In reviewing this massive initiative at the 2006 Prison Officers Association annual conference the then Minister for Justice, Equality and Law Reform noted that both he and the union had come through a long and sometimes torturous process in our efforts to agree a better way forward for the Irish Prison Service. He also stated there could be little

doubt that industrial relations in the service were in a better state, with management and staff using a partnership approach to overcome their difficulties.

This process of co-operation with a problem solving approach is continuing through our involvement with the Croke Park agreement. There has been ongoing intensive engagement between the parties on our commitment to the public service agreement and the specific measures set down to secure payroll savings of €21 million. A full in-depth review of all tasks has been undertaken at all prisons and places of detention, the building services division, the prison service escorting corps and the operational support group. These joint reviews have been carried out by a team comprising both management and staff representatives and arising from them, transformation reports have been completed and implemented at a number of locations. New rosters are being constructed and implemented at all locations and a 17% reduction has been achieved at senior manager level with, among other things, the introduction of campus working arrangements at three locations. An incentivised enhanced privilege scheme for prisoners is being implemented across the entire prison network which is based on best international practice. There has been the introduction of 140 prison administration and support officers through redeployment from the Civil Service, thus allowing fully trained prison officers to return to front-line duties. Agreement has been reached on a number of important policy documents, including the standard prison day, prisoner property, internal escorts, communications, etc. There has been the opening of new prison accommodation using a significantly reduced staffing model, for example, at Wheatfield Prison. There has been greater use of automation to allow the redeployment of officers to front-line duties. The Irish Prison Service has been operating at or below its emergency control figure for some time, that is, with 338 fewer staff as per the last sectoral report.

Mr. John Clinton: There has been significant progress to date in the Irish Prison Service under the terms of the agreement against a background of an increasing prisoner population and a decrease in staff numbers. Furthermore, to date, there has been no requirement to utilise any of the third party mechanisms provided for under the terms of the agreement in the case of the service. The Prison Officers Association and its members have delivered everything asked of them under the terms of the agreement. All progress reports to date from the sectoral group to the implementation body verify this. This has had a significant impact on the running of the service, for example, the opening of a new accommodation block at Wheatfield Prison was made possible owing to the implementation of new regimes brought about by the public service agreement.

The public service agreement also provides that pay will not be cut in exchange for co-operation with the modernisation and change agenda which is being delivered in the Irish Prison Service. Therefore, pay should not be cut and that includes allowances. No distinction should be made regarding allowances that are part of basic or core pay. That is especially the case, given the particular circumstances that apply to allowances in the service and the way they have evolved historically to restrict knock-on pay claims. Furthermore, the service and the Prison Officers Association agreed, as part of the modernisation and change programme for the service, that we would conduct a review of all allowances on a cost neutral basis with a view to aligning the payment of allowances with the strategic priorities of the service. Many of the allowances come under the same heading and are paid for carrying out different tasks. For example, the assistant industrial supervisor, AIS, allowance, an allowance payable in the industrial area, can be paid to a person for their carpentry, catering or metal work skills, while the class 2 allowance is paid to officers who work in areas such as at the main gate of a prison or the prison tuck shop.

The allowances paid in the Irish Prison Service fall mainly within the following categories. The pensionable operational allowance forms part of the basic pay of prison staff. It is 8% of basic pay payable to all grades. This was the amount awarded by the Civil Service Arbitration Board set out in the July 2005 proposal for organisational change agreement. This agreement introduced immediate efficiencies into the operation of the service, with major changes to work practices and working conditions which have been responsible for an annual saving since 2005 of more than €30 million achieved through the elimination of overtime working. Additional hours bands have operated in the service since the introduction of the proposal for organisational change agreement in July 2005 which eliminated the need for overtime working. There are three additional hours bands - 112, 240 and 360 hours. On attendances allowances, payments made in the service under this heading are not allowances but payments made for attendance in respect of core hours of duty. The service operates on a 24 hour, seven day a week basis and some level of staffing is required at night and on Saturdays, Sundays and public holidays. Under the Croke Park agreement, specific to the Irish Prison Service, there is an ongoing in-depth transformation review, examining in detail all current structural and operational arrangements which will allow for prisons to operate in the most effective and efficient manner by the introduction of, among other things, enhanced regimes which will allow, where feasible, reduced staffing levels, freeing up staff to open new areas.

Rent allowance has long been accepted as part of basic pay. Therefore, given this position, it was agreed as part of the terms of Agreed Report 5/97, Programme for Competitiveness and Work, that this allowance would be pensionable for members of the Irish Prison Service serving on or after 1 January 1994.

Industrial area allowances are paid to prison grades who work in the various work and training areas of the prisons, where constructive accredited training is provided to prisoners. All staff appointed to these grades are appointed following national merit-based competitions and staff require specific skill sets to carry out these enhanced roles and functions on which work and training programmes are dependent.

Class 2 allowances are paid in the Irish Prison Service on the basis that the officeholder is performing duties deemed to be over and above those expected from a basic grade prison officer. For example, the officer in charge of the school is responsible for all aspects of security within his or her area. He or she is required to maintain attendance records and ensure prisoners get access to the school when required, and is responsible for arranging interviews for new committals who want to engage in and have access to educational facilities.

Acting-up allowances are paid in respect of officers taking up additional duties or a higher duty. These include the acting-up allowance, the substitution allowance and the in-charge-of-court allowance. The acting-up allowance is paid to a person who carries out the duties of a higher officeholder. For example, the assistant chief officer acting up to the grade of chief officer, normally for a period longer than 30 days. This normally only happens when it is essential for the maintenance of the chain of command, essential for the care and management of prisoners or essential to the security of the prison. Some posts may also be required by statute.

With regard to the environmental allowance in Portlaoise Prison, the basis for this allowance related to the presence of subversive prisoners in Portlaoise and Limerick prisons, which created a particularly tense environment in these prisons for prison officers and for their families in their private lives. While the security status of Limerick Prison changed in recent years, Portlaoise Prison remains the country's only committal prison for the Special Criminal Court and, as such, remains the State's high security prison. The purpose of the Army presence at

Portlaoise Prison is to protect the security of the State. To this end, military posts are situated throughout the prison and manned on a 24-7 basis by armed soldiers. The environmental allowance is under review as a result of a claim brought by the official side to the departmental council conciliation and arbitration scheme in January 2010 prior to the commencement of the Public Service Agreement 2010-2014.

Allowances in the medical area include the hospital or medical orderly allowance, which was paid for the role of carrying out specific specialist medical duties relating to the delivery of medical support to prisoners and specialist providers. The terms of Agreed Report 5/97, Programme for Competitiveness and Work, provided for the introduction of a nursing service in the Irish Prison Service to discharge professional health care duties, and on entering the Irish Prison Service nurse officers were awarded the medical allowance. This allowance was increased for the nurse officer grade by the public service benchmarking body in June 2002.

The plain clothes allowance is payable to prison officers who are obliged to wear civilian attire on certain duties, for example, inpatient or outpatient hospital escorts, temporary release escorts, certain court escorts, and those working in open or semi-open centres.

Historically, the above allowances evolved to restrict knock-on pay claims, for example, the rent allowance and the operational allowance, or the allowance was granted to a specific individual grade or for a specific role that was carried out. The aforementioned payments were clearly paid in the form of an allowance to control the escalation of payments, particularly during the periods of national wage agreements. As stated, all allowances payable in the Irish Prison Service first had to go through the agreed procedures set down in the Civil Service conciliation and arbitration scheme before sanction for payment was granted.

The allowance system in the Irish Prison Service is largely driven by a necessity to reward members of the Irish Prison Service for working long and unsocial hours, as the Irish Prison Service operates on a 24-7 basis, or for utilising specific skill sets over and above those required of the basic grade prison officer which are essential for the running and successful outcome of work and training programs. These allowances form part of the basic pay of prison grades and are something that our members cannot do without given the difficult financial circumstances many now find themselves in.

I thank the committee for giving the Prison Officers Association the opportunity to put forward the position of its members in respect of their pay and allowances. I hope this statement was helpful to the committee. I thank the Chairman and members.

Chairman: We will publish that statement.

Deputy John Deasy: In England and Wales, the average salary of a prison officer is approximately £28,000. What is the average salary of a prison officer here?

Mr. Michael Donnellan: We have two prison officer grades. We have the recruit prison officer grade which starts at a low salary of €25,600, with a maximum salary of €26,620. The prison officer midpoint is €35,568 and the maximum salary is €41,439.

Deputy John Deasy: Does that include pensionable allowances?

Mr. Michael Donnellan: There are a number of other allowances on top of that, which are pensionable.

Deputy John Deasy: It is approximately 35% on top of that.

Mr. Michael Donnellan: Correct. On top of that, there would be 35%. The only non-pensionable allowances are the plain clothes and additional working allowances, which are contractual hours.

Deputy John Deasy: The average would be quite a bit above that in England or Wales if one adds that in.

Mr. Michael Donnellan: Yes.

Deputy John Deasy: Why is that?

Mr. Michael Donnellan: The prison system in England has had a different history.

Deputy John Deasy: We are not comparing like with like. I understand that. That is fair enough.

Mr. Michael Donnellan: The private sector operates in the system there. The Irish Prison Service has 14 separate prisons. Over recent years, we have been trying to drive efficiencies out of them by pulling our prisons together. For instance, eight of our prisons are amalgamated under three prison governors. Over the next few years, significant savings can be made in regard to how we manage our prisons and how we deliver the services.

Deputy John Deasy: Would Mr. Donnellan say the bulk of the difference in pay is in the area of allowances?

Mr. Michael Donnellan: Certainly our prison officers have allowances, the majority of which are pensionable. There is no doubt that up to 35% of our pay budget is allowances.

Deputy John Deasy: I would like to ask about the rent allowance. The figure is €4,017, but not for new entrants. Will Mr. Donnellan explain the origins of that and how it developed over the years? When was the decision made not to give the allowance to new entrants into the Irish Prison Service?

Mr. Michael Donnellan: Rent allowance is one of the allowances that has been part of prison pay for decades, and it has always been seen as part of core pay, which is pensionable. All of the agreements and departmental council documentation going back to 1961 and 1980 talk about this allowance as part of core pay, which is pensionable. In common with the other sectors which have rent allowance, there is a broader issue in regard to how that allowance can be managed. It is clear that maybe that allowance could be brought into core pay in the future.

Deputy John Deasy: Going through this material is quite interesting. The one word that pops up every now and then is "relativities". Is that one of the allowances that has been borrowed from other services?

Mr. Michael Donnellan: We can track the discussion on rent allowance for prison officers back to 1961. Prison officers had rent allowance at a time when many of them lived in, or lived adjacent to, the prisons and they were part of that environment. As the Deputy knows, over time most of those practices have been eliminated but the allowance became part of core pay.

Deputy John Deasy: When did the Department decide not to apply it to new entrants? When did that come about?

Mr. Michael Donnellan: That decision was taken as part of the Department of Public Expenditure and Reform review which we received in recent months. The review suggested the allowance should not be part of the pay of new beginners.

Deputy John Deasy: Are new entrants compensated in a different fashion for not having the allowance?

Mr. Michael Donnellan: No.

Deputy John Deasy: They are not. In effect, they receive €4,000 less than someone who joined the Irish Prison Service ten years ago.

Mr. Michael Donnellan: Yes, but that is under review. Clearly, it is one of the allowances we need to review and negotiate when we sit down with the association and the sector.

Deputy John Deasy: Fair enough. When I went through the material, it caught my eye that a nurse officer within the Irish Prison Service was getting 18 allowances and an assistant governor, 17. These numbers struck me as being quite big. Will Mr. Donnellan explain the reason for this?

Mr. Michael Donnellan: In the case of the nurse officer, it must be borne in mind that there are 12 types of allowances for night duty alone. The range of allowances means each prison officer receives an average of approximately 14 allowances. As the Deputy said, the documentation shows that the maximum number of allowances received is 18. The majority of allowances - all but €6 million - are paid in respect of different types of attendance. Everything else relates to attendance during contractual hours. Members will be aware that the basic working week for a prison officer is 39 hours, but they are contracted to come in to work for an additional eight hours on top of this. Many of these payments fall into that category.

Deputy John Deasy: Can I quickly go back to the issue of relativities? Other than the rent allowance - Mr. Donnellan has explained that it dates back to 1961 - have other allowances been borrowed from the Garda Síochána and adopted by the Irish Prison Service over time? Have other allowances that were standard within the Garda Síochána been incorporated into the Irish Prison Service?

Mr. Michael Donnellan: No. The only other one is the premium payment for work done on a Saturday and Sunday and during unsocial hours. That allowance is payable in hospitals and to nurses, gardaí and other grades for night duty and work on days like Saturday, Sunday and Christmas Day. That is in common with the others. Specific allowances such as the operational allowance were driven out of an agreement in 2005. The other main allowance is the additional attendance allowance which is paid when people have to turn up and actually do the work. The people mentioned by the Deputy who receive a large number of allowances and, therefore, have a high level of pay had to work to get all of it. The majority of it is paid for physically being in a prison and looking after prisoners.

Deputy John Deasy: Mr. Donnellan mentioned the significant deal brokered in 2005. From his perspective, how have the changes that followed the agreement reached with regard to overtime and allowances worked out in the last seven years?

Mr. Michael Donnellan: The change negotiated as part of the 2005 agreement was significant because the overtime bill was running at huge sums before then. The annualised hours system has brought a structure to the way we operate within the Irish Prison Service, but it is

not without its challenges. We are currently-----

Deputy John Deasy: I would like to tease that out. What are the challenges to which Mr. Donnellan refers?

Mr. Michael Donnellan: The annualised hours are broken into four quarters. Each prison operates over four quarters. Resources and money are allocated to a prison for each quarter. We have to depend on the prison to operate these hours in the most efficient way, taking account of all the pressures it will encounter. I will give an example. If a prisoner is in hospital for an operation, nine officers will be required over a 24 hour cycle. This draws significantly from that budget. At any one time four or five prisoners in the Dublin region could be in hospital for dialysis, for example, or following a heart attack. It is challenging for governors to manage this. We are facing that challenge in a much more realistic way by budgeting across the quarter in order that we manage to get to the end of the quarter. We are running the prisons and our services in a safe way. However, it is not a perfect system. Clearly, it is structured in a way that allows everybody to know how it works.

Deputy John Deasy: Does Mr. Donnellan believe the system of paying allowances in lieu of overtime is better?

Mr. Michael Donnellan: Yes. I absolutely and completely agree that it is a better system. If we can work it more efficiently over each quarter in order that we can operate the prisons in an efficient way right up to the last day of the quarter, it will be delivering properly

Deputy John Deasy: I thank Mr. Donnellan. I want to ask Mr. Purcell a couple of questions about specific allowances that caught my eye when I was going through the various lists. It is indicated in one of the columns that the Gaeltacht allowance is variable. Approximately how much is paid to each of the 341 recipients of the allowance?

Mr. Brian Purcell: The Gaeltacht allowance is paid to gardaí. They are not in the justice or-----

Deputy John Deasy: Fair enough. Does Mr. Purcell have any idea what the amount in question is?

Mr. Brian Purcell: I do not have the actual amount in front of me, but I can forward the details of the breakdown of the Gaeltacht allowances to the Deputy.

Deputy John Deasy: I would like to ask about the employee and pay numbers that have not been reduced. Can Mr. Purcell give us an idea of the overall staff figure? Is it the same as it was in 2010 and 2011?

Mr. Brian Purcell: What specific figures are being sought by the Deputy?

Deputy John Deasy: I am asking about the figures for pay, allowances, overtime, attendance, employers' PRSI and everything else. I am curious that there does not seem to be a difference between the figures for 2011 and 2010. I would have assumed that there would have been a decrease.

Mr. Brian Purcell: Is the Deputy referring to the justice side?

Deputy John Deasy: Yes.

Mr. Brian Purcell: Since 2008 the number of staff has decreased from 2,161 to 1,816, or approximately 5%. I want to get the exact figures.

Deputy John Deasy: We will come back to them if Mr. Purcell can find them. Officials from the Department of Education and Skills appeared before the committee yesterday. My interest in this area relates to the origins of allowances and how they are deemed to be pensionable. When representatives of the Garda Síochána are in attendance next week, I will ask them how the radio allowance paid to gardaí was deemed to be pensionable. Is some kind of golden manual used as a resource in the Department when a decision is being made in a particular area? Is the Department of Finance contacted to figure out whether something should be pensionable? Do the officials understand where I am coming from? If the Department is contacted by a trade union about something that has come up, do officials get around a table with their counterparts in the Department of Finance to figure out whether it should be pensionable? How does the system work?

Mr. Brian Purcell: Down through the years, the system was that there were negotiations on particular allowance claims. Those negotiations would also have covered whether they were pensionable. At the time, that was done in conjunction with the Department of Finance. That issue would now be raised with the Department of Public Expenditure and Reform.

Deputy John Deasy: Representatives from the Department of Education and Skills have come before us. When one goes through the different Departments, one can see that Department gets more allowances than any other. The allowances come to about €600 million and in some cases, they are for particular VECs. It seems that people would sometimes contact the trade unions and then the Departments. They would sit around a table and create an allowance just to keep people happy in some cases. These then evolved into pensionable allowances. What is the formula within the Department of Justice and Equality when it comes to the creation of an allowance and then a pensionable allowance?

Mr. Brian Purcell: It would depend on what the allowance is for. If the activity was considered to form part of a person's core duties, the likelihood is that it would be regarded as pensionable, but there would be a process of negotiation, discussion and consultation with the Department of Public Expenditure and Reform and, previously, the Department of Finance.

Deputy John Deasy: Is it the same for the Irish Prison Service?

Mr. Michael Donnellan: Yes; all our allowances have to be sanctioned by the Department of Public Expenditure and Reform before we make a payment. It makes a decision as to whether it is pensionable.

Deputy John Deasy: It may be a stupid question, but when were most of the allowances in the Irish Prison Service and the Department born? Is there an even spread over the past 30 or 40 years or has there been an acceleration of allowances into the system over the past ten years?

Mr. Brian Purcell: I would have to see the exact breakdown, but some of the allowances have been there for long periods. For example, the rent allowance has been there almost from the foundation of the Irish Prison Service in the early days of the State. Mr. Donnellan covered that. That was paid out because at one stage, staff in both the Irish Prison Service and the Garda were required to live close to the prison. Those types of allowance stretch back right to the foundation of the Irish Prison Service. Other allowances would certainly have come about in much more recent times. We could give the Deputy the exact breakdown. Some of those

figures may have been given in respect of the dates they came in on. The figures we sent to the committee list when the various allowances came into payment. They would have come into payment following consideration through the various mechanisms that were there. Claims would have been made by the staff side and would have been discussed, for example, at the general council, and decisions would then have been taken either to award claims or not to award them.

Other allowances, such as the proposal for organisational change, which Mr. Donnellan described and which came about in 2005, were introduced following a lengthy consultation and negotiation process. As Mr. Donnellan indicated, that was brought in for a specific purpose, namely, to eliminate the payment of overtime in the Irish Prison Service. The allowances came about in a variety of ways down through the years. At the moment, most claims travel through the conciliation and arbitration scheme.

Deputy John Deasy: I will go back to the word "relativities". Has the Department ever had an experience in which unions picked out an allowance that was conceded or adopted by other Departments and argued that it should be applied in this Department?

Mr. Michael Donnellan: The nature of the Irish Prison Service is exclusive. Nobody else does that kind of work so there are very few relativities. However, the rent and unsocial hours allowances are generic allowances that have been around for years, whereas our attendance and operational allowances were born in 2005, as the Secretary General noted, and were related to a complete reform of our structure. They are our four main allowances which make up the vast bulk of the amount concerned. The rest is €6 million.

Deputy John Deasy: What is done by the Irish Prison Service is unique, but nurses and plenty of other people throughout the public sector do plenty of overtime and work on Sundays, Christmas Day, etc. Are unions piggy-backing on a particular allowance and then negotiating or brokering a deal? Has Mr. Donnellan ever experienced that?

Mr. Michael Donnellan: Saturday and Sunday allowance premiums in hospitals have been around forever. People get paid for working on Saturdays, Sundays and Christmas Day and for working nights in lots of other European countries.

Mr. Brian Purcell: These allowances are paid in all front-line services for what would be regarded as unsocial hours and working over and above the normal core pay. The 24-7 nature of front-line services gives rise to the payment of allowances for duty at weekends and outside normal core hours. There are relativities there in the context of other front-line services.

Deputy John Deasy: I am just interested in the evolution of the system of allowances in some of these Departments. I do not know this, but if I went to a different jurisdiction, I doubt I would find the plethora of allowances that exist in the Department and the Irish Prison Service. We have evolved a system that would probably not be built in the same way if we had to do it all over again. In the case of some Departments, it seems allowances were created just to keep people happy and give them an easy life. In the private sector no company would adopt a system like this. Frankly, they would go to the wall if they did. It could not be tolerated and would not be successful. It is a public sector solution.

Mr. Brian Purcell: It may well have been born of the mechanisms that were in place for negotiation on pay and terms and conditions. In some instances, where there were relativities between specific public service grades, a case might be made for a payment for one grade and

because of the relativities, there would have been a-----

Deputy John Deasy: There is a ripple effect.

Mr. Brian Purcell: There would have been a domino or ripple effect. Even where a payment was merited in a particular set of circumstances, it might not have been as merited in respect of the grades, ranks and posts in other organisations to which there would have been comparative relativity. An allowance would have been awarded to a particular sector.

Deputy John Deasy: That is what I am getting at.

Mr. Brian Purcell: Instead of giving a pay rise, which would have had a ripple effect right across whatever number of grades had linked relativities, an allowance would be paid. A number of these allowances arose following that type of situation down through the years. Others would have arisen out of specific claims being made solely for allowances as distinct from claims that otherwise would have resulted in an increase in pay.

Deputy John Deasy: These were specific allowances fashioned for the unique nature of particular Departments, but there is another category.

Mr. Brian Purcell: I suppose the allowances fit into three different categories. One relates to the nature of the work or requirements for attendance outside normal hours. The second relates to specific skills required for a particular duty. The third category is, in general terms, expenses incurred in the context of the job. As the Deputy noted, the way the system operated down through the years was of a patchwork nature. In other countries, there might have been more straightforward mechanisms for dealing with particular claims that would be applicable only to one sector and would be awarded on that basis. In a general sense - I am sure the committee has considered this - it would probably be better for all concerned if there were a more rational overall approach in order that whatever allowances were regarded as core allowances would form part of pay and would not be there as allowances. At present there is that division, whereby roughly two thirds - one third in the case of the Irish Prison Service-----

Deputy John Deasy: There is nothing the Secretary General can do about that. The monster has been created, although it probably is not the most efficient way of going about things.

I wish to ask one final question if the Chairman will permit me. It concerns the closure of Garda stations. Within the past year, between 30 and 40 rural Garda stations have been closed. I understand the Garda Commissioner is finalising a report that the Department will receive shortly. That report will detail a far more extensive list of Garda stations, particularly rural stations, to be closed. Effectively, it will amount to potentially the largest shutdown of Garda stations since the foundation of the State. Is that the case?

Mr. Brian Purcell: To facilitate the work of the committee, I will respond to the question briefly.

Deputy John Deasy: If the Chairman will allow it. I will not ask the Secretary General to get into areas of policy.

Chairman: I do not want the Secretary General to stray into matters of policy. If he wants to give a short comment that is fair enough, but the business of the meeting today is to discuss the allowances.

Deputy John Deasy: Fair enough.

Mr. Brian Purcell: I can give a short comment if that suits the committee. There were a number of closures last year. The Commissioner will submit his policing plan, which will cover the particular issue raised by the Deputy, towards the end of this month. The reality is that, out of approximately 700 Garda stations, 39 were closed last year, eight of which were previously closed stations which were not reopened. It is part of an ongoing rationalisation of the structure of policing in the State. As those stations were there since the foundation of the State, they would have been there when the British were here and there was a requirement for different reasons to have a widespread network of police stations. The evolution of policing since then means that the same number of stations is not needed. Effectively, what the Commissioner is doing is to try to deploy resources to the best effect to deliver what might be loosely described as smart policing. Advances in technology facilitate that. The Garda Commissioner and the Minister are acutely aware of the views of local communities if a Garda station is closed. The intention is that, rather than have a Garda sitting in a rural Garda station dealing, perhaps, with the stamping of passport forms, the resources can be deployed in a more active way in that area. Without getting into details, there are many ways of dealing with the gap left following the closure of a one-man Garda station, which can result in a more visible Garda presence in an area.

An issue that is being examined in the context of the stations that have closed - in conjunction with the Office of Public Works, which has responsibility for the buildings - is whether those buildings could be made available to local communities and in turn-----

Deputy John Deasy: When a station is shut down, obviously the Office of Public Works owns the building.

Mr. Brian Purcell: The Office of Public Works would own that building.

Deputy John Deasy: It would then be a question of handing it over to the community.

Mr. Brian Purcell: That issue is being examined. We have had discussions on the matter. The Chairman of the Joint Committee on Justice, Defence and Equality made a good suggestion on this matter, which is being examined. The availability of those buildings would then facilitate a requirement for a Garda presence on an occasional basis. There are other ways of dealing with the issue. The Garda has vehicles that could be used to give an indication of a visible Garda presence even in areas in which Garda stations have closed. The point I am trying to make is that the deployment of resources is an operational matter for the Commissioner. Both the Minister and the Commissioner are acutely aware of the issue and whatever is done will be done in a way that will maximise the-----

Chairman: That is a discussion for another day.

Deputy John Deasy: I thank Mr. Purcell for his response, but I have one tiny question. At a time when we are closing banks and post offices and abolishing town councils, particularly in rural areas, the closure of Garda stations is significant for communities that have lost a great deal in the past year. The Department needs to present this carefully as more effective and better policing and reassure the public that the changes will allow for and result in better policing. When people hear that the Garda station is closing they think of one thing - no police. The issue needs to be carefully presented and explained to the people. Sometimes the Garda Síochána is not great at explaining those issues. It is quite focused, and the Department does have a role.

Deputy Shane Ross: I apologise if I cover any of the ground already dealt with, as I had to go to the House for a vote.

In his presentation, Mr. Clinton said the Prison Officers' Association currently represents 3,221 grades in the Irish Prison Service. Is that a misprint?

Mr. John Clinton: No; that is correct. There are other staff associations and trade unions that represent other members. For example, the probation and welfare people who work in the prisons are represented by IMPACT, while their secretaries are probably represented by the Civil and Public Services Union and the higher governor grades are represented by the Association of Higher Civil and Public Servants. The grades in the Department itself-----

Chairman: Not grades, just to be helpful.

Mr. John Clinton: Sorry; I mean staff. We refer to them as grades in the Civil Service context. They are probably represented by the Public Service Executive Union.

Deputy Shane Ross: That is fine. I was just wondering because there are only 3,221 grades.

I shall move on to my next point, the 2005 agreement, which is obviously the basis of all these allowances. What was the problem before then that precipitated the 2005 agreement?

Mr. John Clinton: The Irish Prison Service was based on a work system under which much of the work was done through endemic overtime. For example-----

Deputy Shane Ross: What is that?

Mr. John Clinton: Prison officers were compelled to work overtime on their days off. There was no choice as to whether one came into work. If the governor required a body on the ground, he could compel a prison officer to come to work tomorrow on overtime. Therefore, one could be made work up to 60, 70 or 80 hours per week if the prison or the institution where one worked needed one. We took a case in this regard to the High Court in the early 1980s, which went to the Supreme Court. The case involved a female prison officer in Limerick Prison who was pregnant at the time and the State ruled that the governor of the prison had the authority to compel any prison officer to work overtime. That is still the case today. We now do it by a different mechanism, known as additional hours, which evolved from the 2005 agreement. There is not the same recourse to compulsory overtime now that we had in those days.

Deputy Shane Ross: The problem with overtime was that it was being forced on people from above.

Mr. John Clinton: Not in all instances would overtime have been forced on people. Prison officers could volunteer to work overtime but if the governor needed 20 extra people and only ten had volunteered, he could then compel ten people to come in on overtime.

Deputy Shane Ross: Was there any exploitation of overtime by the prison officers?

Mr. John Clinton: Not that I could put my hand on. We could not create overtime. The bill and the budget were always dictated by the management.

Deputy Shane Ross: It is the opinion of a body of people that the use of overtime was exploited. Would that be a fair opinion? In other words, people went sick and others then did overtime and maximised their overtime payments as a result.

Mr. John Clinton: I would not accept that. If one examines the IBEC booklet on the idea

behind annualised hours and their introduction, one will observe that in places where the use of overtime was endemic and people were working very long hours, there was a high sick leave record. When annualised hours programmes are introduced, we tend to see a drop in sick leave taken because people do not work as much. They have more time off and get used to the system. If we went out to our members today and asked them to return to an overtime system, they would not want to reverse the clock at all.

Deputy Shane Ross: Therefore, Mr. Clinton could put his hand on his heart and say there was no exploitation of the system by the workforce.

Mr. John Clinton: Not that I can say.

Deputy Shane Ross: The result was to secure for prison officers allowances up to approximately €50 million plus. Is that correct?

Mr. John Clinton: No, we only negotiated in the context of the 2005 agreement. We went to conciliation to design a new work system. We never got involved in the negotiations on what the outcome of the payment would be. We decided at an early stage that both parties, management and ourselves, would design a system and that we would then go before the Civil Service Arbitration Board which decided on the payments. The reason for taking this approach - Deputy Deasy referred to this when trying to get to the explanation of how the system of industrial relations evolved - is that during that time we could not have put in a pay claim through the normal conciliation and arbitration scheme in operation because we were precluded from doing so by the national wage agreements which only allowed workers to enter a claim through their conciliation and arbitration scheme on what would be considered a minor change. The agreement on a new work system was considered to be a huge productivity agreement and, as such, a major change. Therefore, we had to deal with it in the fashion we did. We went through a period of approximately 14 months of conciliation to come up with wide-ranging new work practices. Then, everything to do with the pay elements was put before the Civil Service Arbitration Board which decided on the payments arising from the process.

Deputy Shane Ross: Is it correct that the result was €18,000 or €19,000 per head in extra payments for the 3,000 prison officers?

Mr. John Clinton: No, that was related to a once-off lump sum payment as a buy-out of overtime payments at the time.

Deputy Shane Ross: How much was it?

Mr. John Clinton: It was €15,000 per head.

Deputy Shane Ross: What were the allowances payable after that happened?

Mr. John Clinton: There was an 8% increase or an operational allowance. The reason it is not called a pay increase is we were not able to receive a pay increase during the term of the national wage agreements. Therefore, the increase became an operational allowance. Any other payment is strictly related to extra attendance.

Deputy Shane Ross: The operational allowance cost approximately €10 million or represented an 8% increase in the pay bill.

Mr. John Clinton: I would say the figure was approximately €8 million at the time.

Deputy Shane Ross: It would be approximately €11 million now.

Mr. John Clinton: That is the figure I believe the officials will receive this morning.

Deputy Shane Ross: There is a rent allowance, which is approximately €4,000 per head.

Mr. John Clinton: It is roughly €153 per fortnight.

Deputy Shane Ross: It is now approximately €4,000 per head and paid to 3,000 staff. The figure is €14 million, or approximately €4,000 per head.

Mr. John Clinton: Roughly, yes.

Deputy Shane Ross: Then there is the figure of €10.6 million. Therefore, prison officers received a benefit of €18,000 per head by way of the attendance allowance, of €4,000 per head through the rent allowance and an operational allowance which amounts to 8% of basic pay. All in all, they have an extra €26,000. What is the average take home pay of an average prison officer?

Mr. John Clinton: Depending on the-----

Deputy Shane Ross: Is it correct that it is approximately €43,000?

Mr. John Clinton: On the starting salary, with all allowances included, a prison officer would be on approximately €40,000.

Deputy Shane Ross: Is that core pay?

Mr. John Clinton: With everything included.

Deputy Shane Ross: Prison officers receive approximately €43,000. The minimum salary is €31,000 and the maximum, €43,000. Is that correct?

Mr. John Clinton: No, a new recruit starts off on a figure in the low €20,000s because of the 10% decrease introduced in the 2010 budget.

Deputy Shane Ross: I am talking about the average prison officer, not the new recruit. That is the lowest level.

Mr. John Clinton: There is a basic incremental grade salary that increases over 16 years until the officer reaches the top point of the scale. Then there is an operational allowance which as I explained is core pay as a result of the 2005 agreement. The rent allowance is also seen as core pay. As the Secretary General said, the agreement dates back to the foundation of the State. It was agreed to as part of a pay agreement with prison officers to break relativity with psychiatric nurses in 1997 and deemed to be core pay. Any payments on top of these are for additional attendance.

Deputy Shane Ross: What is the average take home pay of the average prison officer?

Mr. John Clinton: I would say the average for recruits is approximately €42,000 and for a man on the maximum point approximately €62,000.

Deputy Shane Ross: Does that figure include the amounts of €18,000, €4,000 and €3,000?

Mr. John Clinton: The €62,000 includes everything, unless one is in a promoted grade or

has additional skills.

Deputy Shane Ross: Is Mr. Clinton including the average assistant chief officer, prison officer and recruit prison officer?

Mr. John Clinton: I am including from the recruit prison officer to the prison officer on the maximum. They are the two grades included. Any other grade above is a promoted grade.

Deputy Shane Ross: Therefore, average take home pay is approximately €62,000.

Mr. John Clinton: It ranges from €40,000 to €62,000 and depends on at what point of the incremental scale one is on. The increment level dictates the payment.

Deputy Shane Ross: The maximum is €62,000. How does that compare with payments in the United Kingdom?

Mr. John Clinton: As the Comptroller and Auditor General pointed out, one is not comparing like with like. Our nearest counterparts in Northern Ireland, for example, work a 34 hour week. We work a 47 hour week. They have different payments and staffing levels. They have huge staffing levels compared to here, given the system in place there. There are also different systems in England, dating back to an agreement in 1987 which allowed people to buy out houses as part of the deal which did away with their rent allowance. They were allowed to buy their accommodation. There are various pay scales and a number of prisons run by Group 4 and private sector companies. Therefore, there is not a direct comparison.

Deputy Shane Ross: Is there any comparison?

Mr. John Clinton: Not with them. We never compare ourselves with the British.

Deputy Shane Ross: As they do not work the same hours, could one have a per hour comparison?

Mr. John Clinton: If one takes the 34 hour system worked in Northern Ireland, prison officers there are on a higher hourly rate.

Deputy Shane Ross: Average take home pay there is approximately £32,000.

Mr. John Clinton: It depends on the grade of the officer and how the figure is worked out. We do not have the same grading system either.

Deputy Shane Ross: What proportion of allowances is pensionable?

Mr. John Clinton: The majority of allowances are pensionable owing to the fact that they all evolved through the Civil Service conciliation and arbitration scheme. They were awarded to us either through the conciliation council or the arbitration board and are pensionable if deemed to be allowances in the nature of pay. Any allowance payable for additional hours of attendance is not pensionable. Plain clothes allowances are not pensionable and-----

Deputy Shane Ross: Will Mr. Clinton provide a figure for the proportion of allowances that is pensionable?

Mr. John Clinton: I would not have access to that figure. However, the majority of allowances are seen as core pay and pensionable.

Deputy Shane Ross: Does the Department of Justice and Equality have the figure?

Mr. Michael Donnellan: If one removes the additional hours payments which are not pensionable, the majority or 99% of the allowances are pensionable.

Deputy Shane Ross: What was the effect of the 2005 deal on the pay bill of the Irish Prison Service?

Mr. John Clinton: It reduced the annual bill by €30 million. This figure had to be verified in order for payments to be made to staff. It had to be shown that all of the savings figures were being reached.

Deputy Shane Ross: Does the Department agree with this?

Mr. Brian Purcell: Yes. The difficulty prior to 2005 was that the Irish Prison Service was unlike many other areas of the public service. If someone is absent, for whatever reason, in other areas of the public service, the work is either done by someone else or left undone. For whatever reason, in other areas of the public service thw wo

In the Irish Prison Service, however, there are certain manning levels that must be maintained. Staffing shortfalls must be met and, prior to the putting in place of the current system, the only mechanism for doing so was by way of overtime. By 2005 the overtime bill, based on prevailing rates, had grown to more than €65 million annually. The agreement reached with the Prison Officers Association facilitated the operation of prisons within the required manning levels for safety at an ongoing saving of €30 million a year. The agreement introduced four bands for prison officers - Mr. Clinton may have covered this in his opening address - each allowing for a range of additional hours, from zero to a maximum of 360. The additional hours allowance which, as Mr. Clinton pointed out, is not pensionable covers extra attendance over and above the core hours. This arrangement effectively delivered savings in excess of €30 million on an ongoing yearly basis.

Deputy Shane Ross: Does Mr. Purcell agree with Mr. Clinton's analysis that the overtime bill was necessarily so high because staff were effectively given no choice other than to work well beyond their core hours, or is Mr. Purcell of the view that the overtime system was exploited by staff?

Mr. Brian Purcell: To some extent, the system in place led to overtime.

Deputy Shane Ross: What does that mean?

Mr. Brian Purcell: As I said, the requirement for specific manning levels meant that staffing shortfalls had be covered by having staff do overtime. A fairly common scenario would have been where there was tension in a particular section of a prison which would have required the deployment of additional staff. The only way in which a governor could have provided for that increased deployment, outside the normal core attendance hours, was by way of having staff do overtime. The system encouraged that arrangement. As Mr. Clinton pointed out, in any front-line service where staff are working a seven day week, 24 hour system, there tend to be gaps in attendance which must be filled in some way. The annualised hours system enabled the prison service to manage that need for flexibility and ensure every eventuality was covered.

As I said, the overtime bill, after growing incrementally over a period, had reached €65 million by 2005. The new system enabled the delivery of services within a much reduced budget.

One could say any reform one seeks to introduce in the public sector, particularly in more recent years, must have as a condition that it will not impact on the delivery of services. In fact, under the Croke Park agreement, there is a requirement to deliver improved services with reduced cost levels. The proposal for organisational change was a very good example of how, with co-operation and pragmatic engagement, it was possible to deliver significant savings. By any standard, knocking €30 million per annum off a bill of €65 million is a very significant achievement. This was not achieved easily but only after a long, drawn-out process of negotiation and its implementation, as with any new system, brought its own difficulties.

Deputy Shane Ross: I agree that the €30 million saving is a tremendous achievement. What I am trying to establish is whether, in Mr. Purcell's view, the overtime system was being abused prior to the introduction of the new arrangements.

Mr. Brian Purcell: I would not say that it was being abused.

Deputy Shane Ross: There is something wrong when the annual cost is €65 million.

Mr. Brian Purcell: What we had prior to 2005 was an *ad hoc* system. Overtime was discretionary in the sense that if there was a need for additional officers to be in place in a particular prison at a particular time, a call had to be made. It is not an easy operational call to make. A governor might be informed, for example, that growing tension on a particular wing is pointing to the likelihood of a heave or other disciplinary incident. I do not need to explain the risk involved in such a scenario, where the governor must decide whether the need to bring in additional staff outweighs the corresponding increase in the overtime bill. In a normal public service setting a shortfall in staffing might lead to a temporary delay in the processing of applications or something like that. On the other hand, if something goes wrong in a prison setting, it can go very wrong. Difficult calls have to be made in these circumstances.

Deputy Shane Ross: How does Mr. Purcell explain how a saving of €30 million could be so easily achieved?

Mr. Brian Purcell: A core element in how the new arrangement was structured was the prison by prison review of every task that had to be done and every element of the staff resource required to perform a particular task. This review formed the basis of the negotiations that followed with the staff association. What enabled the delivery of the service was an agreed change in the structures and levels of staffing required to run a prison. That is what facilitated the delivery of the same service without the equivalent level of overtime and at a saving of €30 million per annum.

In many ways, this agreement was the forerunner of the Irish Prison Service's engagement with the Croke Park agreement. One of the benefits of having gone through that process, difficult as it was, is that it gave the service a template for future efficiency improvements. That mechanism or engagement has been adopted by the service in its consultations and negotiations with the Prison Officers Association in respect of the savings required to be made under the Croke Park agreement. It is one of the reasons the service has been very much to the forefront in meeting these requirements Consequently, a distinct advantage was gained from that experience as a pointer or mechanism for looking at how one did things and realising and understanding that with a positive level of engagement on all sides between management and staff, one could do things in a better way. One can deliver significant reforms and this is precisely what has been happening under the Croke Park agreement. This is what has enabled one significant achievement that the Irish Prison Service and the Prison Officers Association have been able to

deliver.

There has been a massive rise in the number of prisoners entering the system. For example, there has been a rise of approximately 30% in the numbers in custody since 2005 when the proposal for organisational change was introduced. As for the total numbers in the system, the increase probably is closer to 35%, while there have been increases of 28% and 25% in the numbers of committals and those in custody since 2008. From 2008 the Irish Prison Service and the members of the Prison Officers Association who are the staff of the aforementioned service have been obliged to deal with increases in numbers of roughly 25% in custody and perhaps 30% in the entire system, but at the same time they have been able to do this with roughly 10% fewer staff. This is how one achieves reform in the context of agreements such as the Croke Park agreement. This is how one achieves reform in the public service. It is also how one achieves it - I do not state this without difficulty because it is an extremely difficult process - in consultation and negotiations with the staff associations.

Deputy Shane Ross: I thank Mr. Purcell. I wish to ask a few further questions about the number of allowances. It appears as though some people in various grades from assistant chief officer and upwards are being paid more than 15 allowances. Is this correct?

Mr. Brian Purcell: I will have a quick look at the figures to hand. Yes, I see there is an assistant chief officer who has 16 allowances.

Deputy Shane Ross: Is that not crackers?

Mr. Brian Purcell: I would have to look at the breakdown. We probably can give the Deputy a breakdown of the types of allowance.

Deputy Shane Ross: At all levels, if they are on huge numbers.

Mr. Brian Purcell: One does not simply get an allowance for nothing, as one must tick whatever box is required to be ticked. Consequently, the particular officer would be attending in respect of various categories. One would have additional hours and there would be certain elements for attendance on a Saturday or Sunday. The point I am making is that if an officer is on 15 allowances, while that seems like an awful lot, one does not simply get an allowance without doing something for it. Consequently, if the particular officer is getting an allowance, the Deputy may be assured that he is ticking the box in respect of whatever the allowance is paid for.

Deputy Shane Ross: Is this not an administrative nightmare?

Mr. Brian Purcell: Yes, it does not make things any easier.

Deputy Shane Ross: If one goes down the scale slightly - I believe these figures were supplied by the Department - more than 11 allowances are being received by 125 assistant chief officers. I note that 93 assistant chief officers of a different grade and 12 assistant governors are getting more than 11 allowances. To administer this must be absolutely impossible.

Mr. Brian Purcell: It places certain demands on one's payroll system. However, one explanation is that there are 13 separate allowances that would apply in some instances under the additional hours system. The pay-off in the introduction of the additional hours system was the ongoing saving of €30 million plus each year. Perhaps the downside is that administratively, it is difficult. I referred to the difficult negotiating process and the difficulties in implementing

the new agreement. One downside in this regard is that one has this plethora of allowances that all fall under the additional hours heading. However, the upside and pay-off are the ongoing saving of €30 million a year. I assure the Deputy that were it possible to deliver the same or an enhanced level of service with these levels of percentage savings, the administrative inconvenience of being obliged to do it this way, about which the Deputy is absolutely right, is a price we would willingly pay to deliver such reforms and highly significant savings.

Deputy Shane Ross: It seems bonkers to me. How does the Department administer its payroll system?

Mr. Brian Purcell: I revert to the point I made about how someone who was receiving that number of allowances was getting them for doing A, B, C and D up to the 16th letter of the alphabet. Equally, however, the difficulty is that instead of giving everyone the 16 allowances, others only get a few of them, but it means they are not doing A, B, C and D up to the 16th letter. It is like anything else, in that nothing of that scale is ever achieved easily.

Deputy Shane Ross: Would the Department not consider rationalising the whole thing by incorporating them all as core pay and getting on with it?

Mr. Brian Purcell: I suppose it is something it could consider. The only-----

Deputy Shane Ross: What does their pay cheque look like every week? Must they have these 15 allowances categorised on each pay cheque?

Mr. Brian Purcell: Yes.

Deputy Shane Ross: Someone must input this information.

Mr. Brian Purcell: Yes, that is my point; there is a-----

Deputy Shane Ross: Must people be employed to do this work?

Mr. Brian Purcell: We have our payroll services in Killarney. In this regard, a recent examination of benchmarking and the delivery of payroll services by our shared services centre in Killarney showed it was the most cost-effective, right across the system. It is an indication of the tremendous job being done by the staff in the payroll section in Killarney that they can cater for what is, as the Deputy noted, this mammoth, difficult and complex task. However, one of the disadvantages-----

Deputy Shane Ross: How many people must the Department employ to input the information onto this massive process?

Mr. Brian Purcell: I think we have approximately 200 staff in Killarney, but that is to handle seven payrolls. The centre serves the Garda, the prisons and the Department of Justice and Equality, as well as a number of other Departments. It is the most effective and efficient payroll system in the public service. However, on the point made by the Deputy as to whether one could bundle them all up and include them as core pay, there is one issue associated with doing something like this. If I am correct, the additional allowances are not pensionable, whereas core pay is. Consequently, there are issues one must consider in that context.

Deputy Shane Ross: Of the aforementioned 200 staff, how many are dealing with this problem?

Mr. Brian Purcell: I suppose the Irish Prison Service represents one quarter or perhaps more of the total workload. If one looks at the figures, the centre must deal with approximately 13,500 gardaí, 3,500 Irish Prison Service staff and the Department's staff of just under 2,000. There are another four payrolls for other Departments, although I acknowledge all of them involve much smaller numbers.

Deputy Shane Ross: How many are working full-time on the payroll?

Mr. Brian Purcell: Off the top of my head, 176 people are working in the Killarney centre, but I cannot tell the Deputy exactly what is the deployment figure in respect of the Irish Prison Service. They would be doing things across-----

Chairman: Mr. Purcell can provide the committee with a note on it.

Mr. Brian Purcell: We certainly can provide members with a note on the actual breakdown of the workload in the financial services centre in Killarney.

Deputy Shane Ross: Yes. I do not want to ask the Secretary General a question he cannot answer as that would not be fair, but it would be interesting to know how much this arrangement costs in terms of administration.

Mr. Brian Purcell: Yes, but as I indicated, it is the most cost-effective in the system and has been benchmarked as such.

Deputy Shane Ross: By whom?

Mr. Brian Purcell: I am not sure. It may have been Mazars.

Deputy Shane Ross: Not Mazars. Members have come across it before.

Mr. Brian Purcell: It might have been-----

Deputy Shane Ross: Do not tell me it was Mazars.

Mr. Brian Purcell: I think it might have been PwC.

Deputy Shane Ross: That is worse.

Mr. Brian Purcell: I did not say that, Deputy.

A Deputy: The same bunch as the last time.

Deputy Shane Ross: Can I ask a question about judges' allowances?

Mr. Brian Purcell: I will try to be as helpful as I can, but-----

Deputy Shane Ross: It is the Department's baby, is it not?

Mr. Brian Purcell: The chief executive of the Courts Service is the Accounting Officer, but if the Deputy has a question I will try to deal with it.

Deputy Shane Ross: Judges' allowances seem to me to be rather a twilight area and somewhat obscure. Apparently, judges of the Circuit Court, High Court and Supreme Court get various allowances, such as €9,000 per year for working at home. Is that correct? It is pretty vague.

Mr. Brian Purcell: We can give the Deputy details on this, but there are a number of allowances. As we were saying earlier, many of the allowances would have evolved over a long period. They would have been there going right back to the British days. A review is nearing completion that will address the issue of allowances. It is being done in consultation with the court presidents and the Association of Judges. It is looking at streamlining some of the more convoluted elements of the allowance system.

Deputy Shane Ross: It seems to me that some of them are pretty unjust or pretty difficult to explain. Did Mr. Purcell know that a judge gets €2,000 for a wig? I could do with one of those.

Mr. Brian Purcell: I know that court attire is one of the lists. The Deputy probably saw in newspaper reports in recent days that new judges' attire is being introduced, which will reduce the cost substantially. Our Minister introduced legislation which meant that judges did not have to wear wigs. Indeed, I think that some of them would not have done it voluntarily.

Deputy Shane Ross: They are happy to wear them.

Mr. Brian Purcell: I referred earlier to the fact that allowances broadly fall into three categories. One is for whatever circumstances or additional hours are over and above the norm. Another covers special skills, and the last is for expenses necessarily incurred in carrying out duties. If judges had to wear particular attire in those circumstances it is justifiable to say that those would be permitted as allowances.

Deputy Shane Ross: I apologise. I was probably being a bit frivolous about the wig allowance. However, I am seriously concerned about some of the allowances judges get, which people do not seem to know anything about. From the Chief Justice down to judges of the High Court, they get what is called an annual expense allowance of €9,000. Why do they get that?

Mr. Brian Purcell: I can confirm it for the Deputy but, off the top of my head, my recollection is that those allowances are paid to cover travel.

Deputy Shane Ross: No. They are not the travel ones. I think they are to cover working at home and things like that.

Mr. Brian Purcell: I apologise. Yes, the Deputy is right. It is an allowance that is in place to cover any expenses that might be involved in work they would have to do at home.

Deputy Shane Ross: Do they get that automatically?

Mr. Brian Purcell: Yes, I think so.

Deputy Shane Ross: Do they still get it if they do not do any work at home?

Mr. Brian Purcell: As far as I am aware that is not the question. They do work at home.

Deputy Shane Ross: How does Mr. Purcell know?

Mr. Brian Purcell: In a lot of instances they would have to work at home.

Deputy Shane Ross: Some of them would.

Mr. Brian Purcell: The allowances are there. The point I made earlier is that a review is almost complete and is being done in consultation with court presidents and the Association of Judges in Ireland. It is looking at allowances that are being paid with the intention of streamlin-

ing the entire process.

Deputy Shane Ross: They get €9,000 - which is presumably unvouched - for working at home, and they get all sorts of allowances for travel, which are almost indecipherable from what I can see. They get removal expenses. They get €127 a day for going to Cloverhill prison. Is that right?

Mr. Brian Purcell: I would have to check that.

Chairman: We are not dealing here with the Accounting Officer for that area.

Deputy Shane Ross: I know. I just wanted to raise it, so maybe we can get a note on that.

Chairman: We do have to move on to the other members.

Deputy Shane Ross: I apologise, but may I finish? Judges of the Special Criminal Court get €145 per day for turning up from a rural area, whatever that means. It just seems to me that this is very unclear. Judges are getting a lot of extra pay. They are immensely well paid. We have already had a controversial referendum on judges' pay. Behind that pay there are many rather opaque allowances that we should know about.

Mr. Brian Purcell: As the Deputy is well aware, judges have taken significant cuts in their salaries. The allowances are being reviewed by the review group, so we will have to await the outcome of that particular review.

Deputy Shane Ross: I think the allowances are excessive and are not transparent enough. Can Mr. Purcell give us a note on them?

Mr. Brian Purcell: Yes.

Deputy Shane Ross: I would like a note on what they get, what they are entitled to, and what they have actually drawn in recent years. Obviously, some of these are voluntary and they do not have to take these annual allowances. Could Mr. Purcell let us have a note on that as well?

Chairman: We will get the Accounting Officer of the Courts Service to give us a full breakdown of all the figures the Deputy has sought.

Deputy Shane Ross: I may have been unfair to Mr. Purcell, but I just wanted to get this off my chest.

Mr. Brian Purcell: I did not say that.

Deputy Shane Ross: No, but it is something I would like to pursue, so perhaps the Department could give us a note on it. Would that be all right?

Deputy Paschal Donohoe: The witnesses are all very welcome and I thank them for attending the committee. I thank them also for the amount of work they have prepared and the information that is available for this session.

I will begin with two points. All of the business cases for the allowances were shared with us. The business cases I have received so far from the Department of Justice and Equality are of the highest quality of any I have seen. That applies to the details and the quality of the rationale for why some things are needed. It certainly brought to light the role that some of

the allowances play. The State Pathologist's call-out allowance is an example. In the business case, a point was made that in the last competition to recruit a forensic pathologist, which was run twice by the Department, in neither case was it successful in recruiting a single qualified pathologist. It certainly puts this issue in an interesting light. I will come in a moment to whether an allowance is the right way to deal with that, but I want to acknowledge that the quality of business case here is very strong.

The second, more general, point is that a week ago I spent a morning in St. Patrick's juvenile detention centre. I went in completely oblivious to the fact that a report was coming out the following week. I genuinely did not know, but it sharply illustrated the kind of work that people do in an environment like that. The work is really difficult, as are the challenges people face. I did not get a chance to say it in the Dáil, so I will take the opportunity to do so now. I met the new governor and deputy governor, as well as many staff who all said they wanted to rise to the challenge of the report that was coming out. They really impressed me. I found it a very informative and quite searing experience. When we are having this discussion about allowances it helps me to understand the kind of work that is going on. I wanted to record that.

Regarding Vote 21 for the Irish Prison Service, will Mr. Purcell explain how the annualised hours system arose and the subsequent savings delivered to the taxpayer? He stated in reply to a question from Deputy Shane Ross that there were 13 allowances under the annualised hours umbrella. Will he explain what they comprise?

Mr. Brian Purcell: There are 12 separate allowances that refer to different aspects of night duty. Typically, an officer could be in receipt of six separate allowances which add up to the normal night duty payment. There are 13 allowances that are part of normal remuneration. They include the allowances for additional hours, bonus hours and pooled hours and the operational allowance. There are various sub-divisions of pooled hours and bonus hours. When an officer is unable to attend for an additional hours shift, he or she loses pay and the hours are pooled, that is, they are kept available for another officer to work within that quarter. Regarding bonus hours, the minimum length of a shift for additional hours is eight hours. If an officer has less than eight hours remaining, he or she will be paid for those hours, although they cannot be actually worked. There are also allowances for retro hours and back payments for hours not included in staff pay for the relevant pay period. Other allowances are simply explained such as extra payments for attendance on a Saturday and Sunday, unsocial hours, night-time duties, Christmas and public holidays.

Deputy Paschal Donohoe: One allowance provides that officers are paid, even if the hours are not worked. Will Mr. Purcell explain that one?

Mr. Brian Purcell: The hours are divided up on a quarterly basis for rostering purposes. As the minimum length of a shift is eight hours under the additional hours system, if an officer works all of his or her hours except for four, he or she will receive a credit for it. With escalating overtime costs, it was decided to examine rostering arrangements in 2001. Annualised hours systems were examined in several private sector companies. One of the advantages of this system is that it encourages smart working. An employee is paid within the band he or she works. If one is in a 360 hour band, one is paid for 360 hours and it is supposed to encourage people to work smart. It was one of the underpinning planks of the system. However, we have had to cope with a massive increase in the numbers in custody with a 10% reduction in prison staff. This has put a great strain on the additional hours system. The reality is that every officer has to work his or her full amount of hours.

Deputy Paschal Donohoe: There are 64 allowances available in the Irish Prison Service. In the Defence Forces there are 63. One view the Department of Defence put to us was that the Defence Forces was in its own mini-world in that it had its own surgeons, engineers and so forth, meaning it had a high number of allowances to cover this. There are more people in the Irish Prison Service in receipt of more allowances than we have seen in other case studies. For example, 1,476 prison officers are in receipt of more than one allowance, 1,390 are in receipt of more than eight allowances and 1,000 are in receipt of 12 allowances. What the committee has seen so far is that even if there are many allowances, many may not be claiming them. This is different in the Irish Prison Service where there are many allowances and most prison officers claim them. Is this caused by the additional hours system?

Mr. Brian Purcell: The additional hours system is one of the main factors. There are 13 separate allowances under the additional hours system which accounts for a significant number of the allowances. It depends on what band a prison officer is in and what way he or she is rostered within it. That is the main reason so many are on a high number of allowances.

Deputy Paschal Donohoe: Most of the additional hours are non-pensionable. This goes back to the reform to deal with the cost of overtime we discussed. Would Mr. Purcell be able to produce a table that stripped out the additional hours in order that we could see the lay-down of additional pensionable allowances?

Mr. Brian Purcell: We could do that. In addition to that, the other main ones are the rent allowance, the operational allowance, the Saturday and Sunday payments and the nights allowance because staff are rostered on nights as well. The additional hours allowance and these allowances comprise the bulk of the allowances. Other allowances are there but the Deputy will see from the figures and the business case we have provided that relatively small numbers are on the other allowances. The bulk of staff are covered by additional hours and the five or six I mentioned. We can give the Deputy something.

Deputy Paschal Donohoe: This goes back to something we have been examining, which is when is an allowance not an allowance? The way Mr. Purcell has helped us to understand this allowance is that it was brought in to deal with the overtime issue. It saved €30 million and it is not pensionable. It is a payment that ties into additional work that is being done. It would be helpful to understand when something such as this is stripped out what it looks like.

Mr. Brian Purcell: We will certainly provide that.

Deputy Paschal Donohoe: I refer to the points of difference between this and other graphs. We have covered off the first issue, which is more people are in receipt of more allowances and Mr. Purcell has given an explanation for that. The further one goes up the income ladder, the lower the percentage of allowances is as a percentage of the total compensation. As I go further up the income tier, staff are claiming fewer allowances and they are worth less, which is what the committee has seen elsewhere. However, this graph is striking because that trend does not emerge as clearly. For example, 32.45% of the deputy governor's total compensation is still allowance related. It is 41% for assistant chief officers and 40% for prison officers. There is not the change that we see elsewhere.

Mr. Brian Purcell: One of the explanations, which does not cover it totally, is that all the ranks up to chief officer are rostered. It is not on exactly the same basis as the basic rate prison officers but they are on rosters. Some of the allowances paid to the deputy governor and assistant governor are a result of them working a five day roster, which includes attendance at

weekends. The prisons operate on a 24 hour, seven day week basis. That would partly explain why the Deputy cannot see the tapering off that he expects but all the staff right up to chief officer are rostered. For example, assistant chief officers are on a seven day roster.

Deputy Paschal Donohoe: Mr. Purcell, therefore, attributes this difference to the rostering nature of these roles.

Mr. Brian Purcell: That is one of the reasons.

Deputy Paschal Donohoe: That will be an interesting issue to examine when we deal with other Votes to establish whether there is a similar trend with rostering. We deal with the Garda Vote next week and rostering plays a prominent role in its activities. It will be interesting if I see a similar trend emerging.

Mr. Brian Purcell: I go back to the point I made earlier. The allowances tend to fall within three categories: first, the nature of the work or the unsocial hours aspect; second, additional duties; and third, expenses necessarily incurred. Sometimes that element can be reflected in the levels they are paid as well.

Deputy Paschal Donohoe: These are three payments, which are all different, but they are called allowances. This has been at the heart of the difficulty in understanding this issue.

Mr. Brian Purcell: The Deputy is correct. We saw a good example when one tries to look at the 13 different elements of the additional hours payment. It is an example of when one has a plethora of different allowances for different purposes covering broadly those three core areas I mentioned. I can understand how difficult it can be for an outsider and it can be difficult for an insider sometimes to grasp completely what it is. That is one of the reasons, in providing the briefing material, we tried to make it as comprehensive as possible. I very much appreciate the Deputy's compliment to the people who prepared the briefing material but it was done in that context. It is a complex area and we tried to give as much information while, at the same time, not making it too confusing. I hope we have partially got that balance right.

Deputy Paschal Donohoe: Mr. Purcell has and I thank him again for all the material supplied to us.

Deputy Kieran O'Donnell: I welcome Mr. Purcell and Mr. Clinton. It is welcome that both management and the unions are present and I commend the union representatives on taking up our invitation.

A number of features have come to light in all the deliberations with the various groups that have appeared before us. The first is the number of allowances and the second is how they are categorised. For example, is the description of some of them outdated? Should some be reclassified as reimbursement of expenses? Many of the allowances appear to be part of core pay and some will always be the subject of discussion. What is the total number employed in the Irish Prison Service?

Mr. Brian Purcell: It is 3,240.

Deputy Kieran O'Donnell: I refer to the numbers in the grade in receipt of more than one allowance. I added the numbers given for each grade and the total is 3,708, with people on eight allowances. It appears that the majority of staff are on an average of eight allowances. When the 2005 negotiations took place, many of them were part of core pay. A number of the allow-

ances with published business cases, including the operational, additional hours and IPS on-call allowances, are non-pensionable.

Mr. Brian Purcell: The operational allowance is pensionable; the additional hours is non-pensionable.

Deputy Kieran O'Donnell: The operational on-call allowance is for principal and assistant principal officers.

Mr. Brian Purcell: I apologise. I thought the Deputy was referring to the operational allowances in the Irish Prison Service.

Deputy Kieran O'Donnell: Therein lies the confusion because there are so many allowances. Why did the negotiations in 2005 not consider reclassifying many of the allowances as core pay?

Mr. Brian Purcell: I might say that it was enough of a job trying to negotiate an agreement that would deliver €30 million in savings a year from a bill of €65 million-----

Deputy Kieran O'Donnell: I congratulate Mr. Purcell on that.

Mr. Brian Purcell: -----without trying to do everything at the same time, but I would not disagree with Deputy O'Donnell's point.

Deputy Kieran O'Donnell: The basic import, which has come up with every group that has come before the committee, is that the public looking in see this massive array of allowances and a significant proportion of them are core pay. It is about presentation. I would like to hear Mr. Clinton's input on this as well. Do they both believe there is a need to review how allowances are classified because it has led to a lack of clarity among the public in properly judging what is core pay, allowances and reimbursements?

Mr. Brian Purcell: It is a valid point. I speak only in terms of the sectors covered by the justice family. It also leads to a situation where, because of the nature of the work, the elements of the public service that would be delivering front-line services, and some of them on a 24-7 basis, get much more in terms of allowances, both numerically and as a percentage of their pay, than perhaps the majority of public servants. I agree with Deputy O'Donnell that, essentially, perhaps one is seeing an unfair focus on the very groups which provide the front-line services. From that point of view, Deputy O'Donnell is probably right that it would be better if there were a much more compact remuneration structure where there was not this plethora of allowances. Even an insider would look at them and scratch his head trying to work out exactly what way the payments are made, who gets them, who is entitled to get them, why someone would get them now and then would not get them, and the complexities that go with it. I think Deputy O'Donnell is right.

Deputy Kieran O'Donnell: When one looks down through the average overall percentage of gross pay, there are nurse officers for whom, in one case, nearly 50% of their income is allowances. Clearly, that must be core pay. Will Mr. Purcell carry out a review of the allowances, in terms of outdated descriptions and titles, in consultation with the unions?

Mr. Brian Purcell: It is something that we could do. I suppose there would be an input from the Department of Public Expenditure and Reform on that in the context of the structuring of remuneration packages. As I stated, it is a very fair point.

Mr. John Clinton: From our perspective, and the Secretary General referred to it earlier, one of the positive things about having gone through such tortuous negotiations in 2005 was that we were very clued into doing these type of agreements when the Croke Park agreement came along.

To answer Deputy O'Donnell's question on the operational allowance in the Irish Prison Service, for example, we were precluded from looking for a pay claim at that time because there was a national wage agreement, which would have been sustaining progress under the central agreements. The central agreement was agreed between the public services committee, in the public service context, of the Irish Congress of Trade Unions and the Department of Finance and nobody was allowed to get a pay claim outside of that. When we went into the negotiations in relation to bringing in the annualised hours package, we were restricted in the methodology in how we could do it and, therefore, we were only able to seek at the arbitration board an allowance in the nature of pay rather than a pay increase.

Deputy Kieran O'Donnell: Is there a need for a review to consolidate the sheer number of allowances?

Mr. John Clinton: It is very much a perception versus merit issue. If one goes into the 24-7 type work that 80% to 90% of our members do, one is automatically attracting allowances for what is core pay. One of the good aspects of having gone through the 2005 agreement was that when we entered into the Croke Park negotiations, we had agreed with the employer that we would sit down and do a cost neutral review of all allowances paid in the Irish Prison Service and match them then to the Irish Prison Service strategic objectives. That was agreed prior to the Department of Public Expenditure and Reform looking into these with its review of allowances. We had agreed that in the Croke Park agreement.

Deputy Eoghan Murphy: I thank everyone for coming in today and for the detailed information. I will pick up on that point made by Deputy Donohoe. In terms of the business cases that we have received from Departments, those of the Departments of Justice and Equality and Social Protection are excellent compared with the rest. They contain a great deal of detail and one can really get into it and understand the rationale for the particular allowance whatever it may be.

Of the review of the 88 priority allowances taking place that the Minister, Deputy Howlin, has asked for, how many are in the Irish Prison Service?

Mr. Brian Purcell: We got the indication from the Department of a number that will not apply to new beneficiaries. At the moment, we must look at which allowances are being paid and where that is going to go. I suppose there are a number of issues relating to that. The first challenge is to determine how these allowances, among those that have been abolished for the new beneficiaries but still apply to current beneficiaries, can be dealt with. The second would be to look at the ones that the Department of Public Expenditure and Reform has stated would remain in payment yet would be subject to modification as to what exactly those modifications would be. Overlapping or covering all of that is doing that in consultation, given the fact that the exercise has to be carried out within the parameters of the Croke Park agreement. If there is to be any agreement on that, it will have to be done on that particular basis.

Deputy Eoghan Murphy: The Minister has prioritised 88 allowances for existing beneficiaries that he wants to examine.

Mr. Brian Purcell: There is 17 on the list of 88 that are being prioritised for elimination.

Deputy Eoghan Murphy: Is there a separate list to that? Was Mr. Purcell asked to draw up his own list for a further round?

Mr. Brian Purcell: They have indicated that we should not rule anything out in terms of looking at this. That exercise will then have to take place. As I stated, the challenge will be how exactly you proceed with that.

Deputy Eoghan Murphy: From the 17, is Mr. Purcell drawing up another list of an amount of allowances that would be looked at through these arrangements?

Mr. Brian Purcell: We will have to look-----

Deputy Eoghan Murphy: Has Mr. Purcell a number yet? We heard yesterday from the Department of Education and Skills that there were 80 allowances on its list.

Mr. Brian Purcell: We are probably looking at a rough figure of 30 right across the entire justice area.

Deputy Eoghan Murphy: That is not only prisons; it is across justice.

Mr. Brian Purcell: It is right across justice.

Deputy Eoghan Murphy: Is the figure of 17 of the 88 for justice or for prisons?

Mr. Brian Purcell: That is right across, but 17 of those refer to the Irish Prison Service. Some 17 from the list of 88 refer to the Irish Prison Service. There are 17 on it but some of them would be duplicated. One example would be the plain clothes allowance that is paid to different people. It is displayed on the screen there.

Deputy Eoghan Murphy: These are the 17 that are part of the 88 priority items.

Mr. Michael Donnellan: Yes.

Deputy Eoghan Murphy: They apply to the Irish Prison Service but some will carry over to other areas of the Department of Justice and Equality.

Mr. Brian Purcell: In total there are about 30 altogether that will-----

Deputy Eoghan Murphy: In the justice area there is a list of 30 to be brought back to the Minister with the Mr. Purcell's recommendations as to what is to happen to each.

Mr. Brian Purcell: Yes and it will depend. As I said about some of the issues where modifications are required we will be getting responses back from the Department of Public Expenditure and Reform on those ones.

Deputy Eoghan Murphy: Is there a timeline for that?

Mr. Brian Purcell: On the review, I believe there have been initial discussions on this, but it will carry forward and there is a deadline, I think of February 2013.

Deputy Eoghan Murphy: Does Mr. Purcell have a costing for those 30?

Mr. Brian Purcell: Not yet.

Deputy Eoghan Murphy: It would not be too difficult to calculate, would it?

Mr. Brian Purcell: Some of them would be relatively easy to give in terms of those allowances that would not be paid to new beneficiaries, for example. We could give a list of the existing cost of those allowances, I suppose, but then again it depends on what the outcome will be.

Deputy Eoghan Murphy: I imagine Mr. Purcell must give an upfront existing cost before entering into any kind of discussion on what is to happen.

Mr. Brian Purcell: We can certainly give that to the Deputy.

Deputy Eoghan Murphy: If Mr. Purcell would, I would appreciate it. I return to the agreement on the annualised hours made in 2005. What was the pay bill for the Irish Prison Service then, prior to this new agreement?

Mr. Brian Purcell: What was the-----

Deputy Eoghan Murphy: How much were we paying in salaries, separate from the overtime bill?

Mr. Brian Purcell: What was the overtime?

Deputy Eoghan Murphy: Separate from the overtime bill, what was the basic pay bill?

Mr. Brian Purcell: Separate from the overtime bill, I have not got that off the top of my head, but we can get that for the Deputy.

Deputy Eoghan Murphy: I am interested to know. Mr. Purcell said the overtime bill was €66 million.

Mr. Brian Purcell: Yes.

Deputy Eoghan Murphy: What would that have been then-----

Mr. Brian Purcell: As a percentage of the total pay bill. We can get the Deputy that. It probably would not have been that far off where we are now because where we are now is with a reduction of roughly 300 staff from where we would have been at the time. Rather than do-----

Deputy Eoghan Murphy: Where were we then?

Mr. Brian Purcell: In terms of numbers-----

Deputy Eoghan Murphy: The pay bill for the Irish Prison Service.

Mr. Brian Purcell: The pay bill is €243 million now.

Deputy Eoghan Murphy: That follows reductions in staff of approximately 300.

Mr. Brian Purcell: Yes, but we can get the Deputy exact figures dating back to 2005.

Deputy Eoghan Murphy: Overtime would have been quite significant.

Mr. Brian Purcell: It was quite a significant element of the overall pay bill - very significant.

Deputy Eoghan Murphy: Part of that agreement introduced the new allowance for addi-

tional hours, night-time, Christmas Day, weekends and public holidays. Is that correct? When the annualised hours were agreed, the new allowance system was agreed.

Mr. Brian Purcell: No, not an entirely new allowance system. There was a new allowance system that referred specifically to the additional hours. They are the 13 different allowances that are incorporated, I suppose, under the broad heading, additional hours allowances.

Deputy Eoghan Murphy: That does not include the night-time allowance, Christmas Day allowance, the weekend allowance or the public holiday allowance.

Mr. Brian Purcell: It would include some element of payment for those, but there would be separate premium payments that would apply to Saturday, Sunday and public holiday working as well.

Deputy Eoghan Murphy: I am trying to figure out where the €30 million saving for overtime would be reflected.

Mr. Brian Purcell: Where did one get it from?

Deputy Eoghan Murphy: Yes.

Mr. Brian Purcell: One got it from the reduction. I do not know if the Deputy was here when I was talking to Deputy Ross.

Deputy Eoghan Murphy: I was here for Deputy Ross's questioning, but not for Deputy Deasy's.

Mr. Brian Purcell: The way it actually came into being was that the structure of the way the prisons operated in terms of the tasks and the deployment of staff to various tasks was reviewed for each prison. That task review delivered a structure that enabled the prison system to run with a reduced level. It enabled the system to run with the total number of additional hours based on four bands raising from a zero band right up to 360. I think it was roughly a zero band, 110 hours, 240, 360, or something like that. So the review of the tasks within the prison delivered a structure that enabled the prisons to run with those additional hours so that one was not in a position where one had to rely on overtime to cover the shortfalls.

Deputy Eoghan Murphy: If I were to look at the books, would I see that this figure of €66 million in overtime in 2005-----

Mr. Brian Purcell: The Deputy would see a reduction of €30 million.

Deputy Eoghan Murphy: Would I see any corresponding increase on the allowance payments side?

Mr. Brian Purcell: Yes, the Deputy will because there was an operational allowance that is there and that was roughly 8% of basic pay, and then the additional hours, which I cannot remember the total-----

Deputy Eoghan Murphy: Some €33.5 million is the cost of the additional hours.

Mr. Brian Purcell: Some €33 million is the current cost of the additional hours and the operational allowance is roughly €10 million, maybe.

Deputy Eoghan Murphy: The cost of overtime would have decreased by €30 million.

Mr. Brian Purcell: Yes.

Deputy Eoghan Murphy: Were there any increases in terms of allowances paid?

Mr. Brian Purcell: The net gain with all of this was the €30 million gain.

Deputy Eoghan Murphy: It was not a simple-----

Mr. Brian Purcell: No, because if one thinks about it, it was not €30 million - €65 million was gone.

Deputy Eoghan Murphy: Yes, okay. So the overtime bill-----

Mr. Brian Purcell: The net gain was about €30 million and that has been delivered. That has continued on an ongoing basis since then. In fact, the actual amount may be higher because overtime would have continued to cost us more depending on what the basic rates were.

Deputy Eoghan Murphy: Overtime effectively does not exist any more.

Mr. Brian Purcell: Overtime is gone.

Deputy Eoghan Murphy: When there is such a large figure for overtime, it points to two possibilities. One is the structure in place is not effective in terms of delivering the best value for money with the people available and so an arrangement is made to introduce the additional hours allowance for the additional hours staff would need to work. Did the Department consider bringing in new staff?

Mr. Brian Purcell: Is that additional staff?

Deputy Eoghan Murphy: Given that such an enormous amount of money is being spent on overtime, which is paid at a higher rate than normal time, would the Department not consider hiring more people?

Mr. Brian Purcell: To some extent hiring more people does not necessarily deal with the overtime problem. I know the point the Deputy is making and on a very basic level if one has X number of staff and Y budget, X plus 100 staff reduces the overall costs if one gets them in that way. What one has in these circumstances is that one ends up with additional staff. To be honest, given the nature of the work within the prison system and the fact that it is 24-7, there are advantages in having facilities to cover particular peaks and valleys. One has a more flexible system. if one goes down the route of getting in additional staff, one loses some of the flexibilities that are required. The reality is in the circumstances we find ourselves in, one certainly would not be looking at recruiting extra staff.

Deputy Eoghan Murphy: In 2005, someone must have come to the table requesting additional staff because we were spending far too much of the budget on overtime to fill these gaps. It would have been argued that it would have been cheaper to hire staff than continuing to pay more than 10% of the salary budget just to cover the additional hours. Somebody must have suggested it would have been cheaper to get more people into the system.

Mr. Brian Purcell: Again, if one was able to unilaterally impose a system, one might well have something like that, but if it is-----

Deputy Eoghan Murphy: Might it mean that the people working in the prison system did not want any more staff coming in? When Mr. Purcell talks about unilaterally imposing-----

Mr. Brian Purcell: Not necessarily. I cannot remember the exact nature of the discussions. A lot of the original consideration of this would have dated back. They first started examining this particular issue in the mid-1990s and an awful lot of consideration and negotiation actually went in. I think the actual period of negotiation probably lasted about three or four years.

Deputy Eoghan Murphy: Was there resistance from those working in the prison system to bringing in new staff because it would have meant a reduction in overtime pay for them?

Mr. Brian Purcell: When the negotiations took place, it was with the specific intention not just of reducing overtime, but eliminating it. However, we had to replace it with a system that would deliver the service required to run our prisons. Again, this was done through negotiation and agreement. If one simply makes an unilateral announcement that certain changes are being made, there might well be a fallout in terms of industrial action, including, in this case, strikes within prisons. In order to move in the direction in which we wanted to go, we could only proceed by agreement.

Deputy Eoghan Murphy: What types of issues were discussed in these negotiations? Was the question of hiring additional staff discussed?

Mr. Brian Purcell: There were substantial issues in regard to changes in rosters and so on. As I said, additional hours and those types of arrangements are very effective over time in terms of dealing with the peaks and troughs of demand in particular areas. Simply appointing additional staff will not necessarily provide the flexibility necessary to respond to an institution's particular needs. In a 24-7 operation, one will never get to a point where service delivery is covered simply by having staff employed on a basic level of provision.

Deputy Eoghan Murphy: I take the point that there must be flexibility whereby staff can be requested to work an additional shift or whatever. However, when the cost of overtime is such a large figure and such a large percentage of the basic pay bill, one would assume that bringing in additional staff would be a significant component of reform which would significantly reduce the demand for additional hours on the service. In addition to flexibility in assigning some level of additional hours to existing staff, appointing additional personnel would surely see a reduction in the number of additional hours being paid.

Mr. Brian Purcell: The task review identified the exact number of staff required to deliver each task within each of the 14 prisons. It was undertaken by an internal review team, with some external consultancy assistance. Essentially, however, it was an internal staffing review, the findings of which formed the basis for the negotiations that underpinned the eventual agreement.

Deputy Eoghan Murphy: Will Mr. Purcell comment on the annualised hours agreement and what it has actually delivered?

Mr. Brian Purcell: It has delivered the prison system as currently operated.

Deputy Eoghan Murphy: Where is the flexibility?

Mr. Brian Purcell: The flexibility is in the arrangement, as I outlined, whereby officers and other ranks can choose one of four bands, each with an allocated additional hours limit. For example, staff who do not wish to work any additional hours can opt into the band which permits zero additional hours, and so on through a range up to the maximum permitted number of additional hours. That system provides the flexibility that is required. An allocation of €33 mil-

lion is available to cover the additional hours necessary to deploy staff to meet service demands.

Deputy Eoghan Murphy: The job of prison office is 24-7 because it has to be. How is that accommodated in practice? Do staff do rotating eight hour shifts, for example, or is there another system?

Mr. Brian Purcell: There is a mixture of seven day and five day liability arrangements, with some shifts running from 8 a.m. to 8 p.m., some from 8 a.m. to 5 p.m. and others designed to cover peak demands at relevant times of the day. Night duties are separate to that. Fewer duty staff are required at night and fewer staff are required at certain times of the day relative to other times of the day.

Deputy Eoghan Murphy: Has the 2005 agreement allowed staff to be rostered as they are needed?

Mr. Brian Purcell: Yes, and the provisions regarding additional hours surplus to core hours give us the flexibility to cover the gaps that previously were covered by overtime.

Deputy Eoghan Murphy: Do some staff work one week on and one week off? I am trying to get an idea of exactly how personnel are deployed. Nobody becomes a prison officer with the expectation that he or she will be working 9 to 5. It is not that type of job.

Mr. Brian Purcell: In fact, some staff are rostered from 8 a.m. to 5 p.m where that is in line with their particular tasks within the prison. This would be the case, for instance, for the officer in charge of the school, which is open five days per week in the same manner as regular schools. We want to align rosters with role requirements so that, for example, an officer whose tasks are most beneficially performed from Monday to Thursday, inclusive, say, is rostered accordingly. In the case of other tasks, such as the more basic disciplinary tasks, there is not the same specific rostering requirement. For officers working on the landings, at the gates or performing escort duties, for instance, the normal shift pattern which applies to the bulk of staff is suitable.

Deputy Eoghan Murphy: Does the flexibility that was introduced after 2005 as a consequence of the new annualised hours arrangements and the additional hours payment mean that staff can be deployed as needed without any additional payments?

Mr. Brian Purcell: That is correct. Additional payments over and above the amount allocated for the additional hours have been completely eliminated. That is where the annual saving of €30 million comes from. As I said earlier, a 50% reduction in a payment of that type is a fairly good outcome in terms of any reorganisation.

Deputy Eoghan Murphy: I assume additional staff were also hired into the service.

Mr. Brian Purcell: We could not have delivered the eradication of overtime simply by hiring more people.

Deputy Eoghan Murphy: I accept that.

Mr. Brian Purcell: We possibly could have worked out a different balance in terms of additional staff and fewer additional hours.

Deputy Eoghan Murphy: According to a note I have here, the midpoint of the pay scale for prison officers is some €35,500. However, when one takes into account the universal allowances for annualised hours and the other changes introduced in 2005, the average pay for a

prison officer is more in the region of €62,000.

Mr. Brian Purcell: That figure would cover everyone from a basic grade prison officer right up to the most senior prison governor.

Deputy Eoghan Murphy: The average pay of a prison officer on the midpoint of the pay scale, taking into account the various allowances that are additional to core pay, is €62,000.

Mr. Brian Purcell: I apologise. I misunderstood the Deputy. Yes, the average pay, including allowances, for a basic grade officer comes to around the €60,000 mark.

Deputy Eoghan Murphy: Does Mr. Purcell have any view as to whether this represents a fair level of remuneration in comparison with counterparts in other countries? Is the figure in line with international averages, is it excessive, or is it too low?

Mr. Brian Purcell: We covered some of this ground earlier. The average pay in this State is higher than in some jurisdictions and perhaps not as high as in others. By and large, however, prison officers in Ireland are well paid. This is a reflection of the nature of the job they do. It is not a job that everybody would want to do or could do.

Deputy Eoghan Murphy: Yes. It is a very important job and this must be reflected in the pay and conditions of employment. We would agree that it is a stressful role with huge demands which people may well find hard to leave behind at the end of the day. I have no wish to refute any of that. I am merely interested in any available pay comparisons with other countries in the OECD or the European Union. There are comparisons in the type of work performed. There might be differences in the hours worked or other things but one can still work out whether that is acceptable average pay for a prison officer. That is work we really need to do, even if it is just to defend the integrity of the pay system so that it stands up. We want to be able to say it is fair because we have checked it out with these 12 other countries that are in some way comparable. We have taken in the differences that might apply to the different systems, averaged that out and found that it does stand up.

Mr. Brian Purcell: As was said earlier, it is difficult to make direct comparisons because there are different structures, rostering systems and levels of duty in different systems.

Deputy Eoghan Murphy: Surely if one looks at the UK system-----

Mr. Brian Purcell: One can make a broad sweep in terms of identifying what the average pay is here compared with Northern Ireland, the UK, Sweden or Norway.

Deputy Eoghan Murphy: We do that work. We need to make sure pay is fair not just here but in every area of the public sector so that one does not find media or public commentary that people are getting paid too much or too little, and we will actually know and be confident in the figures we are paying out. A salary of €62,000 is a good one and is more than a pilot makes. Pilots must work incredibly irregular hours and the job is stressful with a huge amount of responsibility. The lives of people on every flight one takes are at stake and one needs a huge amount of very expensive training that takes a number of years. When I compare those two salaries it seems excessive, but we have nothing against which to benchmark it properly. It is important we do that job rigorously and thoroughly across the public sector in order that we can stand over these payments. Does the figure stand up when one takes into account allowances that clearly should be core pay, as was identified here, taking them on top of core pay and calculating what that actually gives one? That work should be done, but I will leave it on that note.

Deputy Mary Lou McDonald: I welcome the witnesses. In respect of comparisons across the public sector, we earn €92,000 as Deputies, so if one takes it on that simple calculation, €62,000 is a good wage. It would not strike me as excessive and I do not know if I am alone in remembering the saga around the introduction of annualised hours. I remember there was huge and legitimate concern about endemic overtime and the kinds of practice it encouraged within the service. I acknowledge that all of the stakeholders stepped up to the plate and signed off on an agreement which unquestionably returned big savings for the State and, hopefully, a return in respect of quality of working life for individual officers within the service.

I calculated that a 24-7 operation works out as almost 9,000 hours per annum. If one calculates that across each place of detention, one is looking at a huge number of woman or man hours dedicated within the system. Looking at the list of allowances, I can see that the Department has managed to consolidate the payments system to deal with the issue of overtime and to introduce the flexibility required by the system. However, running in parallel with it is this oddity which extends even to the naming of different allowances. I understand how that does not sit all that comfortably in the minds of the public. The public could ask why these additional payments are being made to officers and so on. The challenge is to consolidate it even more and recognise those elements that are core pay as such. It is as much a presentational point as one concerning pounds, shillings and pence.

I note from looking at the list that the service does not have some of the more exotic allowances that some other sectors have, although I am curious to learn who the laundress is. There is one recipient of the laundress allowance, which is €8.

Mr. Michael Donnellan: The Deputy will be happy to hear that that allowance is gone.

Deputy Mary Lou McDonald: The keyholder allowance is a particularly pertinent one for prison officers. How many people in the Irish Prison Service or the Department earn in excess of €100,000?

Mr. Brian Purcell: Is the Deputy referring to staff right across the Department?

Deputy Mary Lou McDonald: Yes, including the Irish Prison Service.

Mr. Brian Purcell: I do not have the figure for the Irish Prison Service. The figure is 55 for Department and agency staff.

Deputy Mary Lou McDonald: Can Mr. Donnellan help us?

Mr. Michael Donnellan: I do not have that figure but some of the governor grades go above the €100,000 threshold.

Deputy Mary Lou McDonald: Is that a limited number of people?

Mr. Michael Donnellan: The figure includes directors and is relatively small in comparison to the overall staff.

Deputy Mary Lou McDonald: I know Mr. Donnellan is not giving us an exact answer today but it would be useful for us to have that information. I reiterate that a point of concern for me is the importance of considering who the beneficiaries of an allowance are, in addition to the allowance itself and its costs. If one looks at the grades listed, such as trades officers, clerks and even chief officers, one can see nobody whose salary level jumps out until one gets to governor and prison campus governor level. Then one starts to see what would be considered very

generous salaries. We can investigate whether those are merited but, going across those middle and final entries, nothing jumps out at me. How many prison campus governors are there?

Mr. Michael Donnellan: Three.

Deputy Mary Lou McDonald: Where are they located?

Mr. Michael Donnellan: They are the new grade that manages eight prisons that have come together into three campuses. The Mountjoy campus comprises four prisons, the west Dublin campus comprises Cloverhill and Wheatfield Prisons, and the Portlaoise campus comprises Portlaoise Prison and the Midlands Prison.

Deputy Mary Lou McDonald: When was that campus structure introduced?

Mr. Michael Donnellan: In July of this year.

Mr. Brian Purcell: Those arrangements are part of the ongoing reform agenda under the Croke Park agreement. The campus arrangements and the reform of the senior management grades have delivered savings of 17%. That is part and parcel of the ongoing reform agenda under Croke Park.

Deputy Mary Lou McDonald: How are those savings of 17% being achieved?

Mr. Michael Donnellan: We looked at the governor grades and eliminated the governor 1 grade from every operational prison. We are also looking at the deputy governor grade, which will be eliminated over time. I think we have eight left but we will eliminate this grade over time. We just reduced the management structures in each of the main campuses because we now have cross-management in the campus structure. An example is the Mountjoy campus. Before July 2012, we had individual governors in the four prisons. We now have one management structure across the whole campus so we were able to achieve efficiencies of about 17% there.

Deputy Mary Lou McDonald: What does that amount to in hard cash?

Mr. Michael Donnellan: The savings on the management structures were quite significant. I can get the figures-----

Deputy Mary Lou McDonald: If you would.

Mr. Michael Donnellan: It was €3.5 million overall in the management grades.

Deputy Mary Lou McDonald: Has the Minister for Public Expenditure and Reform, Deputy Howlin, indicated anything on opening up discussions not only on the allowances, on which a review is under way, but also on a new payment system for the public sector? He indicated several times in debate in this committee and in the Dáil that he will cast his eye over this. Have any initial discussions been opened on this?

Mr. Brian Purcell: Is that on a new payment structure?

Deputy Mary Lou McDonald: Yes.

Mr. Brian Purcell: I am not aware of any such negotiations. We are examining how allowances will be rationalised, but I do not think that is what the Deputy is asking.

Deputy Mary Lou McDonald: The reason we are here is because the focus has been on individual allowances and the business cases for their sustainability. It is a cost containment exercise on the part of the State. The Minister has indicated he recognises that many of the allowances form part of what is called core pay. He has conceded the system is ragged at the edges and not terribly coherent. On several occasions he stated the longer-term view is towards a new system of payment in the public sector. I am not trying to trip Mr. Purcell up, I am just trying to get a sense of whether the issue has been raised.

Mr. Brian Purcell: It has been raised in a general sense in the context of examining the allowances which will go and those which will remain for new beneficiaries. Existing allowances will remain for current beneficiaries but they will be examined in the review. As I stated, initial discussions have commenced on this. The Department of Public Expenditure and Reform is examining modifying elements of certain allowances which it has been decided will remain but will be reviewed. We are engaging on this basis and if this is the question Deputy is asking, then the initial steps have been taken on this.

Deputy Mary Lou McDonald: Mr Purcell is speaking about the allowances themselves.

Mr. Brian Purcell: Yes.

Deputy Mary Lou McDonald: I was asking a broader question so I take it the answer is that such a discussion has not taken place.

Mr. Brian Purcell: Not on core pay structures as they stand.

Deputy Mary Lou McDonald: My next question is for Mr. Clinton and it is on the allowances which will be disallowed for new recruits. When the new pension arrangements were introduced for the public service, new entrants were put on a different footing to those in service. We now see a similar gap opening up between serving officers and new entrants with regard to allowances. What is Mr. Clinton's view on this? In a practical day-to-day sense, especially in a workplace with annualised hours and a particular methodology in place, what effect is this likely to have on the operation of the service?

Mr. John Clinton: If people are on completely different pay scales, which is what will happen if some of the allowances we have will not be given to new entrants, it will create a morale problem from the start. We are very concerned about the new pension scheme mentioned by Deputy McDonald because it appears to us that the fast accrual grades will take a much bigger hit. At present the multiplier used means the new pension scheme will cause someone working in the prison service for 40 years to get less than someone in a general Civil Service grade because the person in the prison service pays in 1% more. This is a huge anomaly.

With regard to the wider question the Deputy asked the Secretary General, we have not been asked by ICTU's public services committee to discuss these issues with the employer. We see this as something being done centrally through the public services committee. Allowances that are not unique to us, such as the rent and attendance allowances, would have to be discussed with other public service unions and, in turn, with the Department of Public Expenditure and Reform.

Deputy Mary Lou McDonald: How does Mr. Donnellan view continuing allowances for incumbents and disallowing them for new entrants? Does he see it as problematic?

Mr. Michael Donnellan: It is challenging that new entrants will be on less pay. Some of

our new recruits who started in recent years have had a 10% pay cut and it is something they speak about. It is the reality of where the country is and we simply must deal with it. To meet our pay bill costs, there will have to be reductions. We must cope with it and deal with it. We must be brave and face it. The salary scales which exist cannot be sustained.

Deputy Mary Lou McDonald: Does Mr. Donnellan see these differentials causing a problem at any stage for the annualised hours system?

Mr. Michael Donnellan: Through negotiations with the Irish Prison Officers Association, the Irish Prison Service introduced a new administrative and support officer grade, which is a clerical officer on half the €62,000 pay of a standard prison officer. This is to relieve prison officers from administrative duties in order that they can be on the front line. We have been very innovative in trying to introduce this grade, which will allow some scope by creating a clear differential for front-line workers. Our front-line workers are those who are on the landings every day. They are the people we need to protect and who should draw the majority of the allowances. Over time, the more one moves away from prisoners, the more one can attract allowances, which does not seem right. We have been innovative in introducing other grades at almost half the pay of a standard prison officer to release that prison officer for front-line duties.

Deputy Mary Lou McDonald: I note a number of the allowances which will not apply to new entrants and I wish to ask about several of them. I ask Mr. Donnellan to talk me through them. These include clerk to the suicide review forum and clerk to the security committee in Portlaoise, and I think I saw on the screen an allowance for clerk to the prison visiting committees. The savings involved are extremely modest and amount to hundreds of euro.

Mr. Michael Donnellan: This goes back to my previous point, which is that we have introduced a new grade in the Irish Prison Service of administrative and support officer. Previously we had prison officer clerk grades who serviced the committees. In future these committees will be serviced by the new administrative grade which will not receive any allowances. We are trying to develop a system whereby the committees will administer themselves. Therefore, all of these allowances will be gone when the administrative grade is fully introduced.

Deputy Mary Lou McDonald: Is Mr. Donnellan satisfied that getting rid of these allowances will not result in an inferior service and that it is not a downgrading of the committees?

Mr. Michael Donnellan: No; we are arranging it in a different way with a different type of staff member who is in an administrative grade.

Deputy Mary Lou McDonald: My final question is for Mr. Purcell and relates to the Department. Is No. 8 at Vote 44, delegates' allowances, gone?

Mr. Brian Purcell: Yes.

Deputy Mary Lou McDonald: They are not under review. Rather, they have been knocked on the head, as it were. We went through the common Civil Service allowances with the Department recently. In Mr. Purcell's letter to the clerk of the committee, Mr. McEnery, Mr. Purcell noted that Vote 24's allowances in respect of staff at children's detention schools had not been included in the attached lists and so on because the functions had been transferred to the new Department of Children and Youth Affairs.

Mr. Brian Purcell: Yes.

Deputy Mary Lou McDonald: I presume we will get the information from the Department. Mr. Purcell discussed reform within the system, annualised hours and so forth. In the Department of Justice and Equality, the Irish Prison Service and so on, much of the discussion of allowances is on cost containment, not reform. We need a useful discussion on reform of the delivery of services, among other things.

Mr. Brian Purcell: That is being done. Under the terms of the Croke Park agreement, Mr. Donnellan, his team, Mr. Clinton and the people from the Prison Officers Association, POA, are examining ways to deliver new regimes within the Irish Prison Service that will facilitate a better delivery of services to prisoners in a more effective and efficient way from the perspective of the taxpayer and management. Mr. Donnellan described the introduction of campus arrangements and the ensuing efficiencies, for example, the civilianisation of office administration. A task review has been carried out. The work done under the proposal on organisational change set a template on how to proceed. Tasks are being examined in the context of providing better regimes to prisoners. A core element of this is an incentivised regime system that will facilitate the better delivery of services by staff across the 14 prisons and increased efficiencies in terms of staffing arrangements. It will also provide a better working environment for the staff and a better living environment for the prisoners.

The work being done by Mr. Donnellan and his team in consultation and negotiation with the POA is delivering real change. It is not just a question of money, although that is a significant element. We are delivering significant savings, but we are also in the process of delivering a much reformed system.

Deputy Mary Lou McDonald: The figure Mr. Purcell gave for the increase in committals since 2008 is staggering. The task is considerable. The expectation is that the anomalies within the pay system will be ironed out so that the public understands what is being paid for and the service staff are not undermined by the perception that they are getting money for old rope. Although this is important, the broader reform tag is a world away from anything as banal as the payment of allowances. One wants a result for the taxpayer at many levels, including value for money, rehabilitation of serial offenders, and so forth. The people running the service know this better than anyone else.

Mr. Brian Purcell: That is what we are trying to do. We are trying for a balance between achieving significant cash savings and efficiencies and delivering a better service. As the Deputy rightly stated, this work must be placed in the context of an ever-increasing number of committals into custody. There are two sets of figures. Since 2008, the number has increased by 28%. In the same period, the number actually in custody has increased by 25% and the number in the system has increased by 30%, by which I mean people who are in custody or on temporary or reviewable release.

If the three elements - efficiencies, delivery of savings and improved and reformed services - were occurring on a level playing field, they would comprise a significant achievement. However, undertaking this process at a time when committal and custody numbers are going through the roof puts it in a different context.

Deputy Sean Fleming: I welcome the witnesses. Mr. Donnellan mentioned a new administration and support officer grade. What is the new grade's maximum salary?

Mr. Michael Donnellan: An officer starts on €26,011. The top of the 14 point scale is €41,908.

Deputy Sean Fleming: I was concerned, as I had the impression that it was half the salary of a prison officer, which is approximately €62,000 at most. How many assaults have there been on prison officers in the past year? A ballpark figure will do.

Mr. Michael Donnellan: We do not have that figure. In the past week, there was a serious assault. Assaults occur in the prison environment.

Deputy Sean Fleming: Is the number in the dozens or hundreds per annum?

Mr. Michael Donnellan: There are different types of assault.

Deputy Sean Fleming: Add them all up. I just want the ballpark figure.

Mr. Brian Purcell: The figure for assaults, including prisoner on prisoner, is-----

Deputy Sean Fleming: What about assaults on prison officers? Do they number in the dozens or hundreds?

Mr. Brian Purcell: No. I am trying to remember. The number of prisoner on prisoner assaults is approximately 700 per annum, averaging at two per day. The number of assaults by prisoners on staff is probably no more than 100 in the course of one year. We can confirm these figures for the Deputy.

Deputy Sean Fleming: I do not need the exact figure. Reference was made to a prison officer's pay versus that of a pilot. I do not know from where the figures for the latter came. That a prison officer can be assaulted any day should be taken into account. As public servants, prison staff must statutorily pay superannuation and the pension levy whereas the same is not necessarily true of the pilot. I wanted to provide a counterbalance to what was a glib remark.

The pension scheme for new entrants and fast accrual people - the witnesses, prison officers, gardaí, departmental staff, Army staff and so on - will reduce pensions in the long term. As to the reduction in pay rates for new entrants, have there been many new recruits in this calendar year?

Mr. Brian Purcell: Does the Deputy mean prison officers?

Deputy Sean Fleming: Yes.

Mr. Brian Purcell: There have been no new recruits this year.

Deputy Sean Fleming: The new rates have not affected people yet.

Mr. Brian Purcell: No.

Deputy Sean Fleming: Will there be a knock-on effect? New recruits will enter on much reduced salaries. I assume the additional hours are factored into their hourly rates, in which case there will be a commensurate reduction in their additional hours payment. Is that correct?

Mr. Brian Purcell: That is correct.

Mr. Michael Donnellan: It should be. The last recruits to the Irish Prison Service arrived in January 2011.

Deputy Sean Fleming: The new recruits we are discussing are on a reduced rate in terms of the annual hours premium rate.

Mr. Brian Purcell: The additional hours payment is based on the core hourly rate. Therefore, there would be a corresponding reduction.

Deputy Sean Fleming: That is exactly what I am asking about. We are talking about allowances. This is a clear case in which a reduction in pay rates will translate into a reduction in what some call an allowance, although I would describe it as core pay.

Mr. Brian Purcell: A reduction in pay rates would result in a corresponding or proportionate reduction in the additional hours payment.

Deputy Sean Fleming: The Irish Prison Service is unusual in that allowances are specifically related to the hourly rate. Most other allowances we have discussed are fixed amounts and do not reduce if the hourly rate reduces. There will be a natural reduction in the allowances payable when the service starts to recruits again. I have a figure for the starting point as €22,124. Is that correct?

Mr. Brian Purcell: The mid-point-----

Deputy Sean Fleming: What figure does a person start at? When we asked the question about the Army, there was shock at how low pay rates were for those entering the Army. I estimate that if the €22,124 figure for the recruit prison officer grade is correct, the starting point is €425 per week which is a fraction above social welfare rates and the minimum wage. I want to disabuse some people of the notion that prison officers are highly paid, as that is a very low starting rate.

Mr. Brian Purcell: Yes, that is the figure for the recruit prison officer grade.

Deputy Sean Fleming: The figure for the prison officer grade starts at €31,329, which is €600 per week, although I know there are allowances on top of this. The basic rate is not as high as some may think. People are confused about annualised and additional hours. Are they the same?

Mr. Brian Purcell: Yes.

Deputy Sean Fleming: Some talk about annualised hours.

Mr. Brian Purcell: The system provides for annualised hours, but the payments made are for additional hours.

Deputy Sean Fleming: That system was introduced in 2005. As I represent Portlaoise, I am familiar with the negotiations held. Mr. Clinton mentioned the issue of social partnership which was included in the agreement which did not allow for salary increases. What was the title of the agreement?

Mr. John Clinton: It was the national social partnership agreement, Sustaining Progress.

Deputy Sean Fleming: The Croke Park deal is between the Government as an employer and the public sector trade unions as employees. It is not about social partnership but a bilateral pay agreement for public servants. With regard to the social partnership agreement, who signed up to it? It would have included the Government, the Irish Congress of Trade Unions for public sector workers, as well as the unions in the private sector. I am sure IBEC and the IFA signed up to it.

Mr. John Clinton: That is correct.

Deputy Sean Fleming: Were the social pillar organisations involved at that stage? This deal was done because everybody signed up to an arrangement whereby there would be no pay increases. Pay increases in the Irish Prison Service could only be given by calling them allowances.

Mr. John Clinton: That is correct. We had to go before the Civil Service Arbitration Board acting in an *ad hoc* capacity and were precluded from putting in a pay claim. We had to do this by way of including an allowance in the nature of pay. Otherwise, everybody would have said we had received an increase and there would have been a knock-on effect. We got this purely because we could show significant savings.

Deputy Sean Fleming: Who initiated it? Was it the then Minister? Did the officers volunteer to have the annualised system? Did it come about as a result of the reviews carried out?

Mr. John Clinton: The first proposal-----

Deputy Sean Fleming: From the Department.

Mr. John Clinton: -----was made in late 2003. It was made by the Department. We turned it down and put a second one to a ballot. When it was turned down, we entered into negotiations through the Labour Relations Commission. It was clearly decided that working arrangements would first be negotiated and that the parties would then go before the arbitration board to see what the package was worth. It granted the 8% operational allowance.

Deputy Sean Fleming: What grades in the public service would have been similar?

Mr. John Clinton: Our original comparator was the psychiatric nurse.

Deputy Sean Fleming: The social partnership deal was signed up to by almost everybody in the country in both the public and private sectors. Everybody was involved, including farmers, IBEC and the social pillars. A deal on pay was specifically not allowed at the time. Therefore, one way of ensuring there would be no knock-on effect was to call it an allowance. The country signed up to the process of calling them allowances.

Mr. John Clinton: That is correct. There was a similar exercise in the Dublin mail depot where the Communication Workers Union had an annualised hours arrangement. It obtained an operational allowance.

Deputy Sean Fleming: Mr. Purcell might be surprised at me asking this question as everybody thinks the sole purpose of the committee is to cut costs. We are here to ensure value for money and fair play. The additional hours payments are a fundamental part of core pay. Having examined the chart detailing additional hours, it seems it is almost the only category that is not pensionable. Why is this? Everybody has indicated that, essentially, all of these allowances are part of core pay, but because of the social partnership agreement they had to be negotiated outside it. They had to be called allowances because there could be no pay increases. Why are they not pensionable?

Mr. Brian Purcell: There were three essential components to the new deal. The first was the 8% operational allowance, which is pensionable.

Deputy Sean Fleming: That accounts for a figure of approximately €10 million.

Mr. Brian Purcell: The second component is the additional hours payment, which accounts for a figure of €33 million. The third component was a lump sum. The additional hours element is not pensionable.

Deputy Sean Fleming: I cannot see much of a distinction between the two.

Mr. Brian Purcell: The simple explanation is that the additional hours payment would have been the replacement for overtime payments which were not pensionable.

Deputy Sean Fleming: It is now built into the basic structure and a new recruit will follow that process.

Mr. Brian Purcell: Yes.

Deputy Sean Fleming: I am sure Mr. Clinton is disappointed. When a prison officer retires, a large chunk of what is core pay but paid by allowances is not allowable for pension purposes.

Mr. Brian Purcell: The additional hours element is not pensionable, in the same way as overtime payments were not pensionable.

Deputy Sean Fleming: The witnesses mentioned an increase in the prisoner population or the number of committals. In what way are prison days counted per annum? Prison sentences are also lengthening.

Mr. Brian Purcell: There are approximately 4,400 people in custody this week. The easiest way to calculate prisoner nights is to multiply that figure or the average figure by 365. There used to be approximately 700 assaults per year, or two per day. This can be seen in the context of there being 1.4 million prisoner days. It puts it in context if one considers it in the context of the figure, 1.4 million prisoner days. If there are 4,400 prisoners, considering the prison population and the reasons people are in prison-----

Deputy Sean Fleming: Is it a good achievement given the significant increase in prisoner numbers, with overtime gone and bearing in mind that staff numbers have not increased?

Mr. Brian Purcell: Not only have staff numbers not increased, they have reduced by about 300. It is a 10% reduction. The cost of what we were paying in overtime has been cut by €30 million. The numbers in custody have increased and the number of staff members has decreased.

Deputy Sean Fleming: Regarding the additional allowances, does it ever happen that someone is asked to work beyond the 360 hours in the band?

Mr. Brian Purcell: Occasionally, staff may work some of the pooled hours in particular circumstances.

Deputy Sean Fleming: How is it balanced for any one individual?

Mr. Brian Purcell: It is done on a voluntary basis. What does the Deputy mean by balanced?

Deputy Sean Fleming: If 360 hours per year amounts to 90 hours per quarter, let us say someone ends up working 112 rather than 90 hours per quarter.

Mr. Brian Purcell: Pooled hours can only be deployed in particular circumstances. If one

gets to a point in a prison where it becomes apparent that the use of annualised hours meant one could not remain within the quota of additional hours for the quarter, the pooled hours can be used. It occurs only in limited circumstances. There is no additional cost to the system.

Deputy Sean Fleming: I refer to the court escort figure, which 58 members of staff receive. It amounts to approximately €2,000 gross per annum, which is not a lot of money. Why are so few staff involved in court escorts? I had assumed more were involved.

Mr. Brian Purcell: Mr. Donnellan will provide the response.

Mr. Michael Donnellan: We have now developed a completely separate escort corps within the Prison Service, which does the majority of escorting.

Deputy Sean Fleming: Perhaps Mr. Donnellan can explain that point, which not everyone understands.

Mr. Michael Donnellan: A separate section of the Irish Prison Service comprises prison officers whose only duties are to escort prisoners to and from prisons and places of detention. It is a ring-fenced service. It is their core work, to which they are assigned on a daily basis.

Deputy Sean Fleming: How many members of staff are in that unit?

Mr. Michael Donnellan: It is 145. The sum Deputy Sean Fleming is referring to relates to the fact that, sometimes, additional staff must be drawn from the prisons to help with escorts.

Deputy Sean Fleming: Does it supplement the section?

Mr. Michael Donnellan: Yes, if there are problems or if there are a large number of escorts taking place on a particular day. Additional staff must be drawn from the main corps of the Irish Prison Service to supplement the service.

Deputy Sean Fleming: Do people receive an extra allowance if they are in Portlaoise and must head to Dublin for the day and do not know how long it will take?

Mr. Michael Donnellan: Yes, but the main work is done by the 145 officers in the section.

Mr. Brian Purcell: It was one of the measures introduced as part of the proposal for organisational change, which dealt with overtime and introduced additional hours. It was a structural change.

Deputy Sean Fleming: Are some of the 145 staff members based in each prison?

Mr. Michael Donnellan: Yes, in the main prisons. The base for the escort structure is in Cloverhill, which is adjacent to Cloverhill courthouse. The section is based around the country, with the Cork unit covering Limerick and the Midlands unit covering Castlerea.

Mr. Brian Purcell: There are three central bases, Cloverhill, the midlands and Cork. These units must draw on staff from individual prisons depending on the volume of escort activity that may take place on a given day or week.

Deputy Sean Fleming: Concluding on a lighter point, the service has a number of dogs for searching in prisons. Is there a special arrangement for dog handlers? Are the dogs brought home?

Mr. Michael Donnellan: A dog handler's allowance is paid.

Deputy Sean Fleming: I am sure only certain people would want to do that kind of work.

Mr. Michael Donnellan: Some 26 people received the dog handler's allowance. The modified allowance amounts to €1,566.

Deputy Sean Fleming: It seems modest enough. Who minds the dogs? Do they remain in the prison overnight?

Mr. Michael Donnellan: Yes, we have kennels in the prison.

Deputy Sean Fleming: How many dogs does the service have? I said I would finish on a lighter note. It is not the end of the world.

Mr. Michael Donnellan: We have approximately 40 dogs, passive and active. There are a number of categories of dog.

Deputy Sean Fleming: Are they for different types of searches and different types of substances?

Mr. Brian Purcell: We do not have all shapes and sizes but we have passive dogs, commonly known as sniffer dogs, who sit beside the handler when they smell drugs, and active sniffer dogs, which sniff bags at airports and jump up and down. We use them for searches. We also have patrol dogs, which, as the name indicates, go around barking if there is any trouble.

Deputy Sean Fleming: Showing their teeth.

Mr. Brian Purcell: Thankfully, they do not have to be deployed too often. The bulk of our dogs are active and passive sniffer dogs.

Deputy Sean Fleming: Yesterday, the committee met teachers and representatives of the Department of Education and Skills. Teachers receive an allowance for yard duty supervision but the allowance is pensionable. It is additional work, almost akin to overtime, and amounts to 33 hours per year. The additional hours for the Irish Prison Service staff are very close to core pay but it is not pensionable. It is akin to what the teachers had yesterday, which is pensionable.

Chairman: I thank the witnesses for their contribution and for the quality of the information provided before the meeting. It was most helpful as an explanation and for the committee to determine what these allowances are all about.

The committee adjourned at 2.45 p.m. until 2 p.m. on Wednesday, 31 October 2012.