Justice Committee

Inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service

Written submission from PCS Scotland

The Public and Commercial Services Union is the largest union in the Crown Office and Procurator Fiscal Service representing 630 members of staff. PCS is the voice in the workplace for all non-legal grades in the Department ranging from support grades to management.

PCS welcomes this inquiry by the Justice Committee into the service. We hope that it will lead to recommendations, which will result in improvements in the quality of service to the public and improvements for our members working in the Department.

Although the inquiry may be focused on legal staff prosecuting in Scotland the day-to-day pressures experienced by those working in the service and getting the job of prosecution done are not restricted to one group of staff.

Our members are the front facing first contact of COPFS and are crucial in all aspects of administration in the processing of reported crime. They are also dealing directly with victims of crime, enquiries from the public, interviewing witnesses, managing staff and the organisation, all of whom are subject to the same pressures and strain as the rest of the service. PCS members are vital to the running of the Service performing a difficult job under difficult circumstances. Staff represent good value in return and for available funding which is used to enormous return to the community under difficult circumstances in this financial climate we are now in.

A higher monetary investment in the service would be used to gain more of a return and could be used to retain staff at present that are temporary and to further support the public need i.e. Vulnerable Witnesses/Child Sex Crimes and Domestic Abuse etc.

We therefore offer this submission for consideration by the committee, which we hope will be useful and a positive contribution to the investigation now taking place.

My submission is as a TU Rep and not a staff member.

1. Finance

Finance for COPFS in 2009/2010 was £118,000,000.

In 2015-2016 the amount has decreased to £112,000,000.

Again with the budget available COPFS has delivered relative to the finance and the level of service to support it, and will continue to do so.
PCS understands that even with a flat line budget the amount of £112,000,000 still leaves COPFS without annual costs a 1% pay rise start with a £700,000 short fall plus rises in inflation and pensions and national insurance.

Surely COPFS as a public service have an obligation to the public to provide a first class service which PCS believe cannot happen with a reduced budget although they will do as they have always done with available finance.

Over 300,000 witnesses were cited to attend court in the last financial period, were they all needed or are we just looking at getting through cases with little detail as indicated in headline figures. These witness expenses are a large financial burden to COPFS.

No discussion on finance would be complete without the issue of pay. Moral within the service is also at an all-time low as seen by PCS for various reasons including pay. The trade Union side and the service recently concluded pay negotiations. PCS have not accepted the offer by COPFS and the 1% settlement is in fact been imposed. Many of our members within COPFS have suffered a decline in living standards over the last years of a continuing cap on pay. Our members are unable to move through a pay system which makes them feel valued and can be seen as a fair days pay for a fair days work due to present restrictions.

2. Resources

The department does its best with the resources that it has and in a first class way with the staffing it has. Legal staff are more or less replaced as and when required, a recent recruitment has provided the public with extra prosecutors. All of which are needed to carry out our core role but it also has a knock on effect on the non-legal staff who will have difficulty with added case pressures from those new staff being in place.

Its PCS’s view that there has been a lengthy period of uncertainty with legal and administrative staff which would include full time and temporary staff.

We have at least 185 fixed term staff with little or no certainty some of whom are approaching two years in post with no permanent prospects of employment. Short term nature of contracts makes it difficult to provide stability for those temp staff and therefore turnover can be high and retention of the committed staff is low.

This does nothing for the staff already under pressure, some of whom are continually training staff to do a part of a job to support them. There is no confidence in those training or being trained as it’s a constant three month on extensions at the last minute. There is a heavy reliance on these short term fixed term contracts.

As indicated COPFS staff does the best it can on available funding but at what cost to the public perception and are our Criminal Justice partners also suffering due to backlogs and bottlenecks created by staff shortage or lack of expertise.

COPFS also have an abundance of temporary promoted ranks 154 in total we believe, which again gives uncertainty as some have been in a temp post for two
years or more to support current business delivery. If we have all as indicated then there is a reason that there are temp posts and that it is to shore up a requirement, we do not pay salaries because we do not need them. PCS believe we need to rationalise the fixed term compliment of the business so fixed term is at a minimum so we have stability to minimise problems in the business. We in COPFS deliver to budget, current staffing profile looks sufficient according to the headline figures.

Although Scottish Government has assured us for the next year that there will be no compulsory redundancies it’s uncertain that this will last leaving many members of PCS unclear about their future.

**Specialised Units**

- Setting up of specialist unit’s has meant additional support in management and admin support which leaves other areas short but with same pressures. PCS believe from feedback that such units are also de-skilling those involved in these units, although their expertise is making a difference to delivering on target.

**Sickness Absence**

- Headline figures of sickness absence of 10.2 days per person is the figures within COPFS, the national average is 7.2. COPFS headline figures may show a sufficiency of staff but attendance does not due to worrying stats. Ongoing attendance management issues show short to mid-term pressures in delivery of business.

PCS believe that we have a high percentage of reworked cases because of problems with staffing also causing stress related illness and figures as attached.

**Civil Service People Survey Results**

Survey says that 13% of staff completing want to leave COPFS ASAP?

15% say being bullied at work.

22% say they do not have the tools to do the job

PCS believe that the above contained figures of the survey are directly linked to the pressures staff find themselves under within COPFS due to the constraints that are being financially imposed resulting in staffing abnormalities.

Many PCS members are sceptical that there will be any real changes in the present survey now underway within COPFS for 2016.

**3. Technology**

COPFS have invested in digital technology and mainstream processes have been upgraded and others introduced to meet demands of new offences and legislative
reform. COPFS have also invested in tablet technology which is at the cutting edge to assist prosecutors in court but it all comes at a cost "Spend to Save".

2015/2016 saw £748,310 spent on contractors fees which allowed application developments to the service. These contractors do in fact provide specialist technical skills not available in COPFS. PCS understand though that there is no contractual obligation on the contractors to share the transfer of skills other than by mentoring those who may be available. We appear not to have the skills level in house for various reasons (attractive salaries) which do not assist future proofing of COPFS.

PCS would ask that COPFS personnel in IT be developed within to do the work we give to contractors rather than continually bring outside skills; extra funding would allow this to take place and would in fact better prepare COPFS for future business needs. It would also attract the specialist to our ranks if we were able to pay the salaries that are on offer elsewhere in the IT industry.

4. Workload Pressures

The amount of reports from the Police and other agencies has in fact fluctuated over the years between 2011-2016. You will also be aware that an ever increasing amount of cases are also proceeding to trial which has an impact on all the areas of the reporting systems and the courts. This also has a severe knock on effect in preparation time for prosecutors and administrative staff going into court which has been raised on several occasions in the past.

2015-2016 COPFS received 235,000 cases, however statistics are one dimensional and do not tell the level of complexity involved in relation to:
- Number of accused
- Nature of crime
- Specialised input
- Time taken to review and analyse
- Resources required

Crime is in general becoming more complex not only in the manner committed but in how it’s investigated and prosecuted.

Pre- Petition case marking either to Sherriff Court or to High Court has risen significantly in the last 5 years from 500-850 cases. These are very time consuming cases and can have historical allegations which extend the time required to investigate and to proceed to court.

COPFS have always delivered to target and funding but are we delivering quantity or quality by financial constraint.

COPFS has undertaken a massive undertaking to review not only prosecution policy, but also taking on board the views of staff in a survey (1800 submissions) in an effort to cope with the ever increasing concerns of PCS members and staff in the austere times we are in and facing.
Conclusion

PCS and its members work closely and inclusively with COPFS and its management structure in an open and transparent manner. We are eager to work with the service to enable members and staff alike to overcome and accomplish all that may befall the service now and in the future financial climate.

John Kyle
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Crown Office and Procurator Fiscal Service
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