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Cabinet Secretary for Justice and Home Affairs
St Andrew's House
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Dear Cabinet Secretary

Impact of failed GEOAmey contract in the Scottish Justice Sector

I refer to our meeting on 16th November where I set out for you the recurring problems and the incredibly troubling associated spiralling costs on the failed GEOAmey contract. In discussions with PCS reps, we have decided that we must write to you formally and as a matter of urgency regarding our grave concerns about the problems at GeoAmey. Despite meeting last month, we have received no constructive feedback.

Audit Scotland Report

We have now had a chance to look at this report which confirms our worst fears of seeing tens of millions of pounds wasted on this failing public sector contract. The money being thrown at this contract by employers in the justice sector is quite frankly obscene with no alternatives in place but to continue on this path until the contract expires.

Lack of custody staff in courts

Everyday there are ongoing issues about the lack of custody staff in courts and in some cases, there have been no custody staff in courts. Consequently, staff are fearful for their own safety but also the safety of the wider public and other court users. We are also aware that because of ongoing resource issues within Police Scotland that they have scaled back their presence which also leaves courts vulnerable and exposed. We want to make sure that you are fully aware of the huge risk this poses and the potentially dire consequences of such short staffing.

Impact on courts

We are aware of significant delays every day in the courts. Below is a very brief overview of some of the problems:

- vans redirected at the last minute whilst transporting accused resulting in cases calling late or other courts having to set up VC links
- Contractual numbers of GeoAmey officers being in the courts are not being assigned

- Lack of communication/accurate communication. If custody hasn't arrived in the building it is very difficult to find out where they are and an ETA
- With only 1 officer assigned to the custody courts this means waiting times are a lot longer – officer taking one person to court, taking them back, transferring the custody to their cell, preparing the next custody from their cell and bringing them through.
- Given the current shortage of GEO Amey staff it is not always possible to arrange a “split court” on days other than Mondays when there is a large volume of custodies to be dealt with. SCTS managers are having to offer suggestions and solutions to GEO Amey on to how they manage courts and their business.
- GEO Amey will unilaterally put courts down when they do not have enough staff to cover them. This is usually done without consultation and this has an impact on SCTS staff as they now have to rearrange court business to suit the situation at short notice.
- There is also a spread of places from which custodies can arrive. This is especially true in relation to extraditions where persons detained on extradition warrants can come from all over Scotland. If there is a lack of transportation to deliver these people, then there will be delays in appearing in court or courts having to sit late.
- There have been delays in Jury Trials caused by waiting for prisoners to be brought to court with the result that jurors are inconvenienced by having to wait all day. On other occasions jury trials have been delayed by a day as accused persons have not been brought from custody causing further inconvenience to jurors and expense to the Courts.
- Accused persons in Jury trials are also meant to be accompanied by two GEO Amey officers but, as I understand it, this seldom happens creating a substantial risk to the safety of jurors.

Logistics Problems

There seems to be no contingency plan when a van is not available, with the accused person left behind at a prison or police station and in some cases have had to endure an extra night in custody. Lack of resources means that custodies are not arriving in courts until the late afternoon. There is also the question of “special uplift” custodies which are dealt separately from other custodies and require more resources, for example those on suicide watch require to be monitored by 3 officers constantly.

On social media, the Scottish Bar Association has made very clear the impact of these logistical problems with no apparent end in sight.

Use of Virtual Courts as a solution?

The use of video links in First Diet Courts has been increasing but there is the knock-on effect of this causing more work for court staff in that bookings, setting up the links and co-ordinating with the prison these all have to be managed. Video links are also impractical where accused require an interpreter.

At present video links can only operate from prison or certain larger police stations. There seems to be no scope for video links from smaller police stations.

Wellbeing of staff

Staff are having to work exceptionally long hours and we are concerned that some may be contravening the working time regulations.

Part of the problem is that much of this overtime is unplanned and reactive based on GEOAmey staffing, i.e. this contract is not only costing millions in public money directly, but indirectly is damaging the wellbeing of staff and costing more in terms of staff wellbeing and overtime.

Many court staff do not live locally, and late finishes mean that they are returning home extremely late in the evening. If they rely on public transport, there is the risk that they might not get home at all depending on when their last bus or train.

The Audit Scotland report confirms the reality of the situation which is we are now in the outrageous position of a failing private sector company running the Scottish justice system.

It would therefore be helpful if you could help us understand how you intend to deal with this issue going forward.

Yours sincerely

Cat Boyd
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