JTU19-2023 22 May 2023

2023 Court Staff Member Survey Report

On 1 March 2023 Napo and UNISON invited all members who work in courts to complete a short survey on the future of enforcement.

The background to the survey was as follows:

* It was originally the intention of the former National Probation Service that court duty officers/court PSOs/enforcement officers should prosecute contested breach trials as part of the delivery of the E3 Programme. However, this was never successfully rolled out, and with a few exceptions, in most Regions the prosecution of contested trials continues to be outsourced to counsel.
* Now the Probation Service wants to resurrect the E3 proposal and ask court duty officers/court PSOs/enforcement officers once again to prosecute contested breach trials. A three-day training programme has been offered to staff to enable them to do this.
* This proposal raises questions over the adequacy of the training, the impact on workloads, whether there would be sufficient management support, and the implications for pay. These issues were covered in the survey.

Napo and UNISON also wanted to find out whether members would support an alternative staffing model. Instead of court duty officers/court PSOs/enforcement officers prosecuting contested breach trials (very likely for no additional pay) we are floating a proposal that this work should be carried out by a new Senior Enforcement Officer role at pay band 4 or above.

The Senior Enforcement Officer would:

* be a specialist role in each Region (number of roles in each Region to be dependent on volume of contested breaches)
* reduce the reliance on expensive counsel to prosecute trials
* be properly trained/qualified to prosecute contested breach trials
* provide a promotion/development opportunity for courts staff

Thank you to the 252 Napo and UNISON members who completed the survey. The results are very clear:

* Only 6% of respondents currently prosecute contested breach trials
* Only 10% of respondents had undertaken the three-day training course to equip them to prosecute contested breach trials
* 91% said that they would object to prosecuting contested breach trials without an increase in pay
* 90% did not believe that their court team had the staffing or resources to take on this work
* 51% said that their court team would be unable to cope with the associated increase in workload and pressure
* 49% were not at all confident, and 41% were not very confident, that they would get the necessary management support to take on this work
* 56% were not at all confident, and 36% were not very confident, that they would get the legal support to take on this work
* 53% were not at all confident, and 36% were not very confident, that they would be competent to carry out this work after undertaking the three-day training course
* 83% of respondents support the creation of a new Senior Enforcement Officer role at pay band 4 or above to take on this work in Regions.

**What Next?**

On the back of the survey results, the unions are writing again to the Probation Service to make clear that the proposals for court duty officers/ court PSOs/enforcement officers to prosecute contested breaches do not have the confidence of staff and must be stopped.

Instead, the Probation Service should set up the role of Senior Enforcement Officer to undertake this work with proper training, support and pay.

Survey Results

Below you will find the full survey results and the comments which respondents gave to the invitation in the survey to expand on their views about the Probation Service plans for Court Duty Officers/PSOs/EOs to prosecute contested breach trials.

1.What is your job title?

2.Have you undertaken the three day Contested Breach Trials training?

3.Do you currently prosecute contested breach trials as part of your regular court duties?

**4.How confident are you that, after completing the three day Contested Breach Trials training, Court Duty Officers/Court PSOs/EOs will be competent to prosecute contested breach trials?**

5.How confident are you that Court Duty Officers/Court PSOs/EOs would get the legal support they require from the Probation Service when prosecuting contested breach trials?

**6.How confident are you that Court Duty Officers/Court PSOs/EOs would get the management support they require from the Probation Service when prosecuting contested breach trials?**

7.Do you believe that your court team has sufficient staff and resources to prosecute contested breach trials?

**8.Please describe how prosecuting contested breach trials will affect your court team’s workload**

9.How would you feel about being asked to prosecute contested breach trials with no increase in pay?

10.Would you support the creation of a dedicated Senior Enforcement Officer role (Pay Band 4 or above) with appropriate legal skills and training to prosecute breach trials and to provide career progression for court staff instead of the current plans by the Probation Service to require Court Duty Officers/Court PSOs/EOs to do this work potentially for no additional pay?

Survey Respondents’ Comments

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| The team I work in are already working with reduced staffing i.e. 3 less PSOs so I think this would be unworkable. |
| This would increase stress and anxiety on staff not legally trained. Furthermore, workload would increase, and staff would need significant additional preparation time, should they need to prosecute, in addition to the trial time. Many PSOs in Court are new and inexperienced and have never worked in other areas of the busy to fully understand some of the issues that would arise in trial and how to challenge this. |
| With the complexities of court and the law a legal background/adequate training is essential. There are loopholes in the system that a 3-day training course will not cover. Court is stressful without the extra challenges. A specialist role with legal training is essential in my opinion. |
| The role of the court PSO has evolved over the last few years with responsibilities piled on. It feels as though our 'court craft' is no longer recognised & we are expected to take on more & more. It's unfair to expect PSOs to go against legally trained solicitors & expect a good outcome. Will successful trials be monitored by senior staff as part of CBF? It's not fair |
| CDOs do not have a law degree. To prosecute contested breaches, we will need to have that degree. There is a reason why CDOs aren't allowed to propose SSO's in a PSR and this is more the same as prosecuting contested breaches. This is another cost cutting exercise by the PS, but this is not a corner that should be cut. |
| This would need to be pay band 5 - and far better support than is currently in place - its currently useless |
| Since this was brought to the attention of staff, I am aware some began talking to barristers, defense counsel. They were astounded that training would be 3 days. They have had training for years on this and have proportionate salary to reflect. Team is already on its knees and directing staff to complete this would surely bring further stress/anxiety. How can Specialist PSO come up against barristers with years of adequate training and legal knowledge. In a court room filled with other legal staff. I have seen first-hand how their delivery and mitigation could certainly be beyond what probation staff on a 3-day course could achieve as prosecutors. If management looked at the amount of absences caused by current workload, then perhaps that would certainly alter their view on the implementation of this role. Admittedly a very small minority would welcome this, but I suggest it's those who feel they are capable and have been in the role for a very long period of years who are completely confident and competent rather than a mandatory role for all to do. There is a lot of new staff due to recruitment, and they are still in their infancy in terms of 'learning the ropes' and there is a lot of reliance on staff to continue to assist them in their training in addition in completing day to day tasks in addition. Resources are stretched. |
| Bring back the Band 4 EO role to prosecute contested Breaches. |
| I do not believe 3 days training is enough to expect staff to prosecute on breach trials. The court I work in is extremely short staffed, as I'm sure many others are, and I feel as though Probation expect more and more from staff, yet persecute staff when things go wrong such as SFO's |
| Provide LEGAL QUALIFICATIONS FIRST. NOT MERE TRAINING. |
| Trying to provide more for less without any understanding of the roles or responsibilities |
| The whole idea that an 'unqualified' Probation worker (sometimes employed in a Court role with no experience of our Service, never mind the legal system) is bizarre. Trying to 'hold your own', having the confidence and arguing against qualified legal people, without any qualification and on a PSO's grade/salary is a step too far. |
| I don’t think 1 EO will be enough unless we can influence the court lists so cases are not listed all over the GM courts if we can excellent idea. |
| As someone who is fairly new to the role and has just witnessed a contested breach, I would not feel confident prosecuting. |
| Another fanciful idea with no consideration for the staff who have to implement it |
| Probation with no legal qualifications going up again qualified solicitors etc is just ridiculous and I'll thought out. Cost saving exercise that is not going to save money. Recruit a band four EO who has the job to do this throughout the region and probation will see better outcomes and speedier justice for all. |
| Our Region used to employ legal qualified staff (solicitors) who prosecuted contested breaches, legal advice for interpretation of policy, law, wording of letters and complaints etc. presume some of this function now centralised but worked fine. |
| I would love to do this at Pay Band 4 |
| I'm a group facilitator, and don't attend court. I believe that a Breach is a Breach, but like any 'crime or offence' the offender has a right to defend him/herself. |
| We are now legally trained. We have a big enough workload. It's different in Mags as not before Judges |
| The senior enforcement role sounds like a very good idea it offers progression to already experienced and competent enforcement officers. |
| While uncontested breaches can be quite straightforward, the issue becomes more complicated when they are contested. The training is important, but it takes time to build confidence and understand legislation and legal authority. In the Magistrates Court a Judge will be experienced, however I fear that Magistrates may lack an understanding of the complexities (if they are allocated such hearings). |
| This proposal to fundamentally increase the responsibility of our court-based colleagues needs to be underpinned by in-depth training; a commitment to full support by management, which within that includes legal support, as I fear that, otherwise, the individual will be left to 'carry the can' an endemic issue within the probation service as it is. I also consider that the extra responsibility should be reflected in the pay band. |
| We do not have legal background and even if training is provided. I do not think it is fair for us to prosecute breach trials |
| I previously attended similar training a number of years ago, but it was put on hold due to the amount of legal queries / questions. As long as the training is sufficient then I fully support this new role and would be interested in undertaking it. |
| We simply don't have enough staff to complete the work we have now. Overworked with staff completing work in the evenings and weekends. We don't get time for any training for the court roles and the training given is poor/ online. This is wholly inappropriate. Training should be face to face and allow time for professional discussions and also checks that staff understand and can implement what they have learnt. |
| It is quite frankly outrageous, that the employer is of the belief that a 3-half day training event is sufficient to equip staff with the necessary skills to prosecute a trial in a court of law. The training is wholly inadequate and was conducted on Teams with no mock trial practice that law students get! |
| This service is in such a mess, and I am so worn out after years of obsessive performance management, failed privatisation and crippling stress, that I am leaving in 36 days’ time. What a waste of 24 years. |
| Not sure this would work. |
| I've struggled with the PS expecting all PO/PSOs to be more generic/flexible regarding roles. Whilst all roles have specialist elements, in Court we are face legal 'experts' who tend to be more cooperative when assessments are viewed favourably. Whilst I would welcome the opportunity for some legal training to give greater confidence in contested situations, I think I am probably more comfortable maintaining the 'specialist' role of 'Probation' within the Court setting. This may be based on the fundamental issue that we have insufficient resources to provide the Court with the services they want. That said, my managers are very supportive within the limited resources. Contrarily, it would be interesting to have some specific legal training to give greater confidence in breach situations. However, once training is provided, service delivery is expected...which isn't matched by personnel. |
| I have worked in courts for more years than I care to remember. The current level of training for POs and PSOs is way below the standard I received and not fit for purpose, especially in court setting. I have no reason to think this training will be any better or backfill the already existing gaps. No use training without underpinning principles. |
| This role should be carried out by a legally qualified person, such as the unions are suggesting. This is undoubtedly a cost cutting exercise by the probation service to expect already overstretched and unqualified CDO/PSO's to carry this additional role with no extra remuneration is grossly unfair and will meet with much resistance. The proposal of three days training to perform what qualified solicitors do, having had years of training is utterly ridiculous and unacceptable. Should this happen, I predict solicitors will be rubbing their hands together as they will know they have the full knowledge of the law and unquestionably the upper hand. This should be resisted on all fronts. If the Service wants to go down this route then employ someone directly to do it. |
| Expecting court staff with potentially absolutely no legal training whatsoever to go up against qualified solicitors and/or barristers with many years legal knowledge and qualifications is ridiculous. The likelihood of Probation winning cases in these circumstances would be vastly reduced than the case where Probation instruct counsel currently. This would soon become known amongst PoPs and breaches would be denied and contested far more often as a result. |
| I am terrified that this is even being discussed. The idea that someone with 3 days training and no support can run a trial against a qualified solicitor is just wrong and makes a mockery of the justice system. Yet again lower paid unqualified staff are being asked to work outside their remit/training qualifications without reward recognition or status. |
| It is not realistic for current Ct teams to take on additional work to prosecute. If the training is good then any experienced PSO would be able to do it - it seems to me to largely be an administrative task with need to be confident in a Ct setting. They carry no risk assessments/responsibility for a case or referrals to agencies etc unlike Field POs and Ct POs so that is why my objection is for it to be Band 4 - it should be Band 3 because at any event Breach Offices have always done Trials for Breach cases and it is far less responsibility than other work PO's do. |
| I extremely doubt that the Probation Service has the ability to provide comprehensive and proper training to prosecute Breaches. Case law is fast moving and I have no confidence at all that Probation would enable essential continuing professional development in this role |
| I have concerns around when we would be allocated time to prepare to prosecute a contested breach. How are we supposed to ask for support from management and colleagues, when nobody is legally trained in this area? All colleagues will be in the same position, with no legal training. It would put us in a hugely stressful position. |
| I do not want to do it, unless I get paid for the extra work |
| Staff are not legally trained. This would in my view be stressful. I think it would lead to an increase contested breaches as solicitors (legally qualified) would see a opportunity. |
| When I joined the service we had a dedicated prosecutor role band 4. Over time this was down graded to band 3. Our officer of the time was the font of all knowledge but we still used counsel for contested crown court breaches as we have no rights of audience. I'm sorry I cannot see how this can be altered, we are not members of the bar counsel. It took years for our colleague to gain knowledge on breaches. This is not a slippery slope it is un due pressure and dangerous for all concerned. Defense solicitors will have a field day. |
| Lack of motivation to do this role, we have dedicated enforcement team BUT none of them want to do court breaches and there is no push from management, and they are relying on court PSO's to do the job of the enforcement team |
| I am a court PSO and I think this proposal is a disgrace to the criminal justice system. Instructing non legally trained, band 3 staff to prosecute people and go toe to toe with legally trained professionals is embarrassing, and putting further strain on overworked staff . I would leave the service if this was implemented. |
| There are few contested breach hearings at my crown court. As usual the services in seeking to cut costs by increasing the tasks of its staff with minimal training and no financial reward despite the increased responsibility. |
| We are already being "bullied" into completing DV PSRs WITHOUT TRAINING - we have such a small team and work really long days to keep afloat - I remember when we used to employ a Solicitor and that's what we should be doing |
| There is already experience and skill haemorrhaging out of court to PQIP. To create another role would add to this. No matter how long the training is, it will never substitute legal profession training and the confidence to challenge and defend against solicitor trained defense. It will increase trials and defense chancing themselves against a briefly trained Probation Officer. Probation should focus on their skill in risk assessments and advise to court and leave legal advocacy to the right professionals who do that for a living. It is like asking a baker to tile my bathroom! |
| In our county we are currently struggling to complete PSR's due to the lack of staff due to long term sickness and due to the employment of agency staff who work remotely. I have grave concerns that there will be a conflict of interest if I write a PSR on a PoP and then have to prosecute them latterly at a Breach trial. I also believe that the time spent preparing and attending trials will be detrimental to the rest of the team and will potentially result in further SFO's. |
| The current situation is absolutely ridiculous and prosecution enforcement officers should be legally trained as they were previously. Otherwise staff are being asked to do tasks which they are not properly trained to do. |
| I disagree. This is not a job for probation, but for legally trained advocates. Probation should focus on training staff to be better trained risk assessors and doing the current role better |
| It is bad enough that we have to do a whole day of breach court on a regular basis. There is no support for that at all. I joined 10 months ago and I had a 3 day training which was not sufficient. As a court officer I am regularly thrown into the deep end without any support so this will just be another thing added to the list. I already feel like looking for another job |
| Not probation role. Should stay with advocates and solicitors who are legally trained |
| Prosecuting in Court is the role of a solicitor/barrister, who go to university and law school to progress to that role. I think it's wrong to put other people in that role. |
| I understand the three day training is only half days and was delivered by someone who had never actually prosecuted a breach. I do not believe three half days 3 days is not enough to learn rules of evidence, evidence in chief and cross examination. We do not have any support from legally trained person at present so I doubt this would change. In my experience management have little knowledge of breaches and often come to experienced staff in relation to them so I doubt they could offer support. Prosecuting breach trials is going to require more training and knowledge, with shadowing etc and I believe this responsibility would require an increase in pay. I would not be prepared to prosecute breaches against experienced solicitors without sufficient training, easy access to legal support and increased pay. |
| The training I received equates to one day, it was extremely poor and I feel less than confident if I should have to prosecute a contested breach. There has been no shadowing offered. |
| I cannot even believe that this is being considered as an option. We already sometimes struggle to get through an uncontested breach without sufficient legal knowledge and I don't consider a three day training course would provide the skills and knowledge to do a job that should be done by somebody with formal legal training and a degree to prove it. It's madness. |
| We are short staffed anyway, probation do not fill vacancies quickly. Prosecuting contested breaches takes a lot of time and preparation which would impact us. Crown Court staff do not prosecute breaches, why should magistrates staff? I feel it should be a PO role or a dedicated person/team. It is a money saving exercise. PSOs in court have had an extra amount of work put upon them with oasys, epf, etc lately which is reflected in the reduced stand downs and increase in stress. Staff should have a legal qualification to prosecute contested breaches and be paid more. |
| I had the advantage of taking part in the trial contested breach training (2018 or 2019 I think) which I suspect led to the cancellation of the then intended roll out of this training. I have no doubt that the usual PS training schemes will not be adequate to train PS staff to conduct contested breach hearings. A three day training conducted by those who are not solicitors or otherwise legally trained is wholly unacceptable. |
| This would be unfair without a pay to reflect this. In addition, I believe CDOs should be given the choice as to whether they would be willing to do this. |
| The role of the PSO in courts is hugely different depending on where you are based. The crown court pays legal services to do its breaches which is a complete waste of money as we are more than capable of doing it. |
| It has to be a duty separate to normal PSO court duty. It also needs to be paid at the suggested Band 4 rate. If not then no PSO will want to undertake the role. |
| More for less yet again |
| We already have a breach prosecutor, so all they need to do is recruit more, most of the prosecutors do the contested breaches via video link, or create a new PSO role who specifically deal with breaches. Having court duty staff to do breaches will put too much pressure on staff and we don't have enough staff anyway |
| There is an integrity and reputational risk if prosecution of our trials are undertaken by staff whom are not legally trained/qualified. 'Word' will get out amongst defense community and our PoP community that if the breach is contested the Probation Service have inexperienced and insufficiently trained staff prosecuting the trial and the trial will likely be lost by Probation. It will undermine the supervision process and I predict compliance rates will fall further. Probation court staff have expressed concerns about the responsibility and accountability of the additional tasks as per E3 and that PSO/band 3 is an inappropriate grade to be doing the work. 3 day's training is insufficient. Former LPOs undertook 3 week’s residential training with legal experts before they were deemed 'trained' to prosecute trials when Probation were Trusts, if not before. That said, our Region is experiencing significant issues in obtaining counsel due to unavailability and is further concerned that relationship issues between the Probation Service and Counsel communities are affecting counsel willingness to accept our breach trial and Crown Court work. This would need support to be addressed if counsel continue to be used, and consideration should be given for the use of contracts to secure counsel. |
| Sadly, those who are at the higher levels of the Probation Service have no idea about court duties. Presenting an uncontested breach can be hard enough. Running a contested breach trial is a complete new level. Keep the barristers coming. They complete this type of work every day. I've been in court for 7 years and we've only ever had 4 denied breaches as we work with defense to get a result on the day. We don’t have the ongoing workload for anyone ever to get experience. |
| The three day training provided is insufficient. I have completed the training myself and it in no way prepares me to prosecute a contested breach going against a solicitor who has had years of legal training Currently in our courts, court PSO/duty officers are expected to do PSRs, court update reports, SFO notifications, uncontested breaches, duty officer, court officer (sat in court), breach reader role - there is no capacity as it stands to have court PSO's do contested breaches on top of this. There is already no job satisfaction in this career as it is, increasing the workload AGAIN will undoubtedly lead to employees leaving the service altogether |
| Concerns about coming up against legally qualified members, we are not trained in law of evidence. We are not legally qualified and no amount of training will match a law degree putting us at a disadvantage. |
| It's another bad idea amongst a lot of bad ideas! |
| This is a legal role that staff are simply not trained or equipped to deal with a brief period of training may not be sufficient to deal with all possible situations. |
| I think that it is ridiculous with all the additional tasks and pressures on Court teams at the moment. I speak as a Court SPO. The service puts individuals who are not able to be in other functions in Court teams and it is seen as a dumping ground, however it should not be seen in this way. I am concerned that those who do perform well will be the ones out under additional pressure as they over-compensate for poor performance of their colleagues. This role would be time consuming also and will leave massive staffing gaps. |
| In our Region senior probation prosecutors already exist but do not handle cases themselves except in exceptional circumstances; contested breaches are handled by enforcement officer who are managed by the SPPs - CDOs and other court officers can handle uncontested breaches appearing on warrants, but it is disruptive and there are huge resource implications. Also this proposal is silent on the subject of CC breaches where some staff hold a bar waiver, but there is not enough of them to handle all our breaches even if they were prepared. You also need to understand that in order to reduce listing pressure in CCs there is quite a move to release CC breaches to lower court for enforcement - so quite serious cases could be coming down to MCs |
| It would be fundamentally unfair to expect Court PSOs to be prosecuting contested breach trails after a '3 day training event'. This sort of skill only comes from years and years of experience, and it is simply not right to expect CDO's to prosecute contested breaches with only 3 days of training under their belt. The pressure of prosecuting contested breaches alongside solicitors and barristers with a multitude of experience and years of legal training, is simply setting up CDOs for failure, embarrassment and immense pressures. Additionally, the notion of not paying CDO's any additional salary for prosecuting in such circumstances, is utterly appalling given the money colleagues in the CPS and Criminal Defense firms will get. The idea of having a dedicated Senior Enforcement Officer makes much more sense, and would hopefully relieve some of the pressures faced by new CDOs who have little knowledge of the breach process in its entirety. Being paid Band 4 or above would be an attractive role for many, and a great route for career progression for probation colleagues in court. This may potentially prevent colleagues leaving the service who do not wish to undergo the PQUIP to advance their career, but whom wish to remain in the court environment. Sufficient training for this role would need to be provided ... more than 3 days. |
| Courts in London are woefully understaffed and PSO's are already over worked , under valued and underpaid. This government's austerity policy has brought many probation areas to its knees |
| I worked for years in various courts and in 2014 worked in courts as a CDO. I prosecuted cases. When one is dealing with contested trials each case differs and I have trained my admin team and supported EOs. I suspect I understand a lot of the work and just support Barristers to present matters. I am able to tackle queries. I believe the PS should pay us band 4 as a minimum and historically it was a SPO job. I learnt from an experienced SPO and was one of the first PSOs in my area to undertake the work. Presenting should be band 3 but contested trials needs to be above band 3 with legal training. |
| We are not trained in the law like solicitors. Cross examining a colleague would not be professional. |
| I am a long term experienced court PSO and would be concerned at being able to receive sufficient ongoing training to develop the ability to be challenged by defense barristers. This kind of role would require trial preparation time which would be difficult to incorporate into usual court PSO work. An additional role at a higher pay grade would be a better option however this was done previously with breach officers who were downgraded to court PSOs |
| 3 day training would not enable us to effectively prosecute breach trials given solicitors have years of legal training and experience. Additionally, the existing workload is already causing a lot of pressure and this would further negatively affect staff's well-being. |
| I would not feel confident, competent or comfortable prosecuting contested breach trials. Besides this, it feels like somewhat of a conflict, the prospect of cross examining Probation colleagues during trials. |
| Would this new job proposal need to go through a job evaluation? |
| The court is the initial face of probation, the current standard is low, in addition not every area has a court team and at times untrained and new staff are expected to cover courts. There need to be dedicated court teams in each area. |
| Unsure at present. |
| I would not have any confidence in the PS proving adequate training to existing court staff or a bespoke role. The training on offer for existing frontline staff is inadequate which leaves staff feeling overwhelmed and more likely to leave the service. |
| It seems like an unacceptable suggestion that current Court staff should prosecute contested breaches. We barely have the staff to do what is already current. I completely object to this suggestion. |
| I believe it would be difficult as CDOs despite the contested breach training as I do not have the long standing legally trained background that lawyers have. The contested breach training cannot instill answers to any anomalies or legal queries that may arise. There will always be curve balls. And knowing what counsel are paid, it's a kick in the teeth if existing staff are expected to take on this role for no additional pay |
| As always court PSOs are having more work pushed onto them, this new work is expecting us to make legal arguments in court against solicitors and barristers who are properly trained and paid for their role. What if we make a mistake and the PoP goes on to commit an SFO, will senior management stand by us? |
| I have not been able to complete the 3 day contested breach training in full as yet - cancelled x3. But from the initial few days I have done, I don't think it's sufficient. I believe it should be more in depth and smaller groups to allow for discussion rather than role play |
| I feel that Probation should employ a dedicated Senior Enforcement Officer. |
| I was previously an EO Band 4 PSO successfully prosecuting trials in Mags for over 20 years & Licensed to instruct Council for Crown Court. E3 resulted in my having to move to Enforcement Hub & loss of Band4. I was highly respected by Judges/Mags & Barristers due to my knowledge & relationships I had developed and feel a specific role is vital to ensure professional prosecutions. |
| Would like views of staff with experience of the work. |
| It seems to me now that offender management has been broken and destroyed, they now want to do it to Court Work |
| Colleagues who have completed the three day training report that it was not helpful and taught them little they were not aware of. |
| I think that the biggest workload issue is the prepping of the contested breach and not necessarily the trial itself. |
| It is usually a Barrister who does these Prosecutions, in view of this, I disagree with the proposal for Probation staff to be expected to deliver this role. The Court Probation staff role is currently stretched to over capacity and staff across the board are currently working longer hours and in their own time evenings and at the weekends. This expectation will lead to staff burn out. |
| This is the first that I have heard about any of this. |
| Not just this, more and more tasks added on and not enough time or staff to complete |
| My PSO colleagues tell me they are struggling already with the simultaneous demands of being on Court Duty and completing a full PSR everyday at the same time. There is no way additions to this already impossible situation could be managed. The PSR allocation-rota is and has always been utterly unrealistic and completely impossible to work to in contracted hours. Management knows, but denies this and won't engage with the issue. |
| As a previous CDO/PSO the concept of prosecuting contested breach trials was daunting. The work involved in prepping for such trials is extensive and this takes away from the court team resources. We are already short staffed. I would not do this without an increase in pay. |
| Have previously completed contested breaches previously which was stressful & without training! I think that in order to advance/ progress thus increasing the Public's confidence in the management of sentences enforcement should be an integrated part of our roles |
| The court work for court officers has increased exponentially over recent years. I therefore cannot see that any court officer will have the capacity to prepare for breach trials. Also, there are no career development opportunities for court staff who do not wish to become probation officers. A grade 4 position for breach officers across all regions would be an important and attractive development for court officers. |
| Prosecuting a trial against a solicitor with 15/20 years’ experience was stressful although I never lost a trial. When the Enforcement Unit came into being I was relieved not to have this stress anymore. Do they really think that a 3-day course will enable unqualified staff to be able to argue legal points with a solicitor/barrister?! And to think they are expecting people to do this with no extra pay????!!! They talk about expensive counsel, but this is not true, we pay them a pittance and often use pupils who come cheap. If it became a separate job, then I really hope that they will be properly trained. Will this be a mobile position as I don't think a few trials a year would be worth the cost. |
| Should never have changed from how it used to work. Also, would this apply to crown court? |
| The Probation Service used to prosecute contested breaches 'in house' years ago and employed a qualified solicitor full time to cover our area. This worked well and was successful; he had the authority and knowledge to question both colleagues and defendant and call out other legal professionals on points a law - a 'generic court PSO' has nowhere near the experience or knowledge to do this to create positive outcomes |
| We already have excessive workloads, made worse by the poor breaches we receive. Several people have been off sick with stress. We have a huge excess of trials and can't retain staff. A 3 day course is insufficient to present trials and all on my team do not agree with us presenting them. |
| We are already significantly understaffed with high caseloads. Imposing this on the team would have a detrimental effect. |
| My team is already significantly understaffed and under pressure. We are already being asked to carry out tasks with woefully inadequate training. Management are unsupportive when asked for help with training and workload issues leading to staff leaving or going off sick with stress. I do not see how we could be expected to implement this on our team EVER!! |
| Enforcement Officers are already under a lot of work pressure and are struggling with their workload as it currently is. Making this compulsory will cause a lot of work dissatisfaction and unhappiness which was previously enjoyed role. I think it should be a choice as this is not what our current work contract stipulates and Court Officers should be given the choice to sign a new work contracts if they so wish to include doing contested cases. I can see a lot of Court Officers seeking employment elsewhere if this becomes compulsory. |
| I have been employed for over 40 years with the Probation Service and for 26 years as an Enforcement Officer/Probation Prosecutor. For a number of years I have conducted trials in relation to contested breach matters. These are not straightforward and require various skills, not least, an understanding of the rules of evidence. I am not someone who believes that a legal qualification is necessarily required to undertake the task but it does require a specialist knowledge. Feedback from colleagues was that the current training provided is wholly inadequate. |
| Enforcement is specialist role and should be done by dedicated highly trained individuals. CDOs which can include POs, SPOs and PSOs are limited as to assist the court with the many legal issues which may arise. Breach matters are normally adjourned to be dealt with by Prosecutors / EOs. Proper legal training is also required for this role. Band 4 would EO's would be an ideal progression for existing staff on Band 3 who wish to progress outside of the normal Probation route. |
| No-one should be expected to prosecute contested breach trials UNLESS they are fully qualified as a legal representative. Three days 'training' does not mean we would then have the ability to go up against an experienced, qualified solicitor. Concerns are raised as to how inadequate we would present and there is also the legal question as to our 'rights of address'. Again, it appears corners are being cut and cost put before employees’ abilities and mental health. |
| Three days is insufficient to give anyone the legal knowledge to compete with a fully trained Solicitor in Court, much less a Barrister. Frequently, our contested Breaches are defended by Barristers and our Legal Advisor, who is fully trained, finds it sometimes hard to deal with the cases. |
| Prosecuting contested breaches requires specific skills, knowledge and experience, which is totally misunderstood and underestimated by PS/MoJ - many staff are not able to deal with a straightforward uncontested breach matter (which is no criticism of court officers) - staff at this grade (PSO 3) are already underpaid, overworked and undervalued - this is totally outrageous |
| I think a specialist role is needed to be competent and develop the networks/links to get the information to hand quickly and prepare adequately. |
| I do not believe it is fair to ask Court duty officers/Court staff to prosecute trials when we have no legal background. Additionally, it is unlikely that we will get additional pay that matched such great responsibility (i.e. prosecuting trials). I strongly object to this. |
| PSO staff in CC are not legally trained and feel this work should be left to Barristers to undertake given their many years of training in legal matters |
| Probation staff are not legally qualified. Currently it is barristers that prosecute breaches, and it is not acceptable for the pressure to be placed upon court staff. The pressure of uncontested breaches is enough pressure. |
| Probation officers are not solicitors or barristers. How can a 3-day training course equip anyone to be in a trial against a solicitor with many years training and experience, it can't! Also, these plans undermine Probation in court, we are crossing into areas we are not qualified for, also barristers have to represent us in Crown court breaches and may be unwilling to assist us if we take work off them at the mags. |
| The senior enforcement officers carrying out contested cases are/ will be conducting Trials against qualified Solicitors who have far more knowledge and experience and legally trained over a number of years pitted against C.D.O/P.S.Os who are not |
| Have they considered rights of audience for trials at the Crown Court? Covering a large geographical area - increase in travel time (overnight accomodation for am hearings) Increase in denials (at least at first) when defense realise the new process. Not all Court staff are legally trained / have sufficient knowledge of law to think on their feet. |
| This would significantly increase workload without a reflection within pay band, in addition to lack of knowledge and legal support with regard to contested breaches. |
| We have no legal training which when up against a barrister will be embarrassing, feelings of incompetence, less likely to be successful. Not paid enough. Management would be little support as they do not have necessary legal skills either. |
| This is the Service all over again trying to get things done on the cheap. This is such a serious area of work and I believe we will lose our credibility in Court. There is no PSO who would want to be challenged legally by a trained legal professional, and in my opinion I could see these breaches being withdrawn. |
| If this goes ahead, the Probation Service will lose good staff and extra workload would be put on other staff, this will create staff sickness etc |
| I regularly feel the deadlines are not realistic and that outside agencies also cause unnecessary problems. (I refer particularly to police intelligence reports as a particular concern). |
| Feel uncomfortable how appropriate it is for us to be cross examining witnesses who could be our friends, not just colleagues. A barrister would not cross examine a friend as a witness - they would declare it and likely say conflict of interests or whatever. Could lead to accusations of partiality by PoPs defense team. |
| Training for breaches is already insufficient. Overworked, understaffed and underpaid. No incentive for staff to stay if the duties and responsibilities keep growing without a pay rise and proper support. Also will have to train admin staff to support and result the contested breaches who are struggling with similar issues to the operational staff |
| Court Duty Officers/ Court PSOs are too busy each day in Court with cases requiring Probation Reports either on the day or for the future sentencing hearing including for Crown Court also. Court Duty is very busy at present given we are understaffed and have been for quite some time. |
| I attended the 3 day training event. It was made clear that this was only the starting point of being able to prosecute contested breach trials. It was suggested that we then 'up skill'. Finding the time, support and resources to do this is not achievable and I feel will possibly damage the Service’s reputation and potentially increase risk, if we are not competent to effectively prosecute trials. |
| It is always good and helpful to have a dedicated breach officer, that deals only with breaches. |
| I have enough to do court wise and I suffer mental health issues. Doing breaches contested or otherwise fills me with dread and I will not be doing them |
| Training is insufficient. No managerial or legal support. The enforcement hub is not legally trained as it is to get advice. It's more pressure, workload, legally unsafe, for no pay to reflect that. I've spoken to barristers about this and they are disgusted. We will be putting our jobs and reputation severely at risk |
| Prosecuting contested breach trials is not part of a Court Duty Officer's job description. There is already pressure for CDO's to provide a direct service to the Court and provide a Pre-Sentence Report and to add contested breach trials would add further pressure when there is a shortage of resources. |