

Annex A

Pro forma for the Notification of Proposed Change to Recognised Trade Union(s).

Section 1

Name: Richard Shawl, JD Developer, Enforcement Officer (Trials)

Date forwarded to the trade union side: 15 December 2022

28 day expiry date: 22/02/23 extension date

Details of Proposed Change:

As a result of a commitment to re-review the Enforcement Officer (Trials) Job Description, a new Job Evaluation Scheme (JES) process was commenced in early 2022. Four focus groups were held with Enforcement Officers, with support from Enforcement Managers, and Union Representatives to update the Job Description Questionnaire (JDQ) prepared during the equivalent E3 process. Although the process was lengthy, all involved approached the work positively and constructively. The JDQ and JD were shared with Enforcement Officers and the final versions are reflective of feedback received from staff.

We recognise that there is currently mixed practice across the country in the prosecution of contested breaches. This revised Job Description captures our ambition for wider implementation of an existing national strategy to pursue the in-house delivery of contested breach Trials in all Magistrates Courts, with the exception of those cases deemed to be 'highly complex and contentious'. The definition of complex cases is being developed by the National Enforcement Group and will be subject to staff and union consultation in January and February 2023.

The in-house prosecution of the majority of cases will realise some cost savings as it will reduce the requirement to commission external counsel. The strategy will also support a better quality of prosecution, which will be delivered by practitioners with expertise in the enforcement of community disposals and sound understanding of the of the nuances of sentence delivery.

This will result in a better quality service to the judiciary in all breach cases, building our reputation with our in-Court stakeholders. In practice, we should see breach proceedings resolved more quickly on average (and in line with the desired disposal), avoiding unnecessary adjournments for Trial. In-house responsibility for Trial prosecution will create natural accountability in the overall enforcement process, promoting appropriate negotiation with the Defence to arrive at an acceptable plea and thus avoiding unnecessary Trials. Where the specific facts of a case make a Trial unavoidable, staff will have the knowledge and experience of contested breach work to inform case management discussions with the Defence and the Court to reduce the number of live Witnesses, saving time on disclosure and Witness attendance at Court, allowing the Trial to be heard as soon as possible after the denial.

To support this strategy, in March 2022, the first contested breach training sessions were delivered following work to create the package by the Design Faculty, Learning Services and the National Enforcement Group in 2021. Target learners for this package are PSOs and those staff subject to the Enforcement Officer (Trials) JD. This strategy relies on individual regions being responsible for ensuring appropriate roll out of this learning to their staff. Work is ongoing to ensure this product delivers the best value and impact for learners.

We would welcome comments from Trade Union partners before we submit the job description to a JES panel. We are keen to avoid pre-judging any panel result, **as such we invite comments at**

this point on the job description specifically rather than discussion of the implementation of any resulting band. We do however recognise the complexity any change in banding would cause given the mix of job descriptions being used for colleagues carrying out an enforcement role (PSO and EO Trials both at PB3). We would like to offer assurance therefore that we would work closely with you on any implementation should a change in banding be indicated, including any required modification to our strategy to in-house delivery of contested breach Trials.

Section 2

Name: Helen Banner/ Duljit Gill

Trade Union: Napo

Date response submitted: 21/02/23

Response to Proposed Change:

[Within the detail of proposed change is an outline and expectation that there will be less Trials due to the change in PSO leading the prosecution of contested breaches – however no outline on how this is to be achieved, other than to state good negotiation. It was clear in the meeting held on 15/02/23, that any re-banding of grade from this would result in a review of the practicality of delivery of contested breaches through EO. This clearly does not consider the prefixed position of those currently employed with the EO job description. It also does not consider those currently employed (vast majority) under the remit of the PSO job description. We requested in the meeting of the 15/02/23 that these figures would be provided , this was actioned to of happened by COP 20/02/23. No information has been facilitated in this regard to date – therefore the ethos of consultation and agreed actions has not met the minimum threshold for appropriate engagement and consultation cannot be fully achieved as this information has to date not been forthcoming.

We have outlined throughout any form of engagement that our interaction with members thus far has resulted in an overwhelming outcome that the training is insufficient, especially as the face to face sessions are facilitated virtually and does not give any real form of experiential learning.

The job description suggested clearly outlines that the EO will not undertake the necessary training/ learning and experience of the PSO training route/ or as previously employed EO, had previous legal training for their roles – this is considered to be a situation , whereby there is a potential that staff with little experience/ understanding of the Legal frameworks, of the PS will be in Court, alone without the adequate knowledge in what could be quite challenging situations without adequate training/ experience or knowledge of the PS – this could result in reputational damage and undermining of the personnel involved in these scenarios, especially without what the members feel is adequate training and experiences .

We are aware that where the 'trials' have been undertaken in some regions, this was on an optional basis for staff and the staff who were not confident in the training facilitated do not undertake contested breaches. We are concerned that there are valuable members of staff with many years of experience within the Court Officer role, who will become further disenfranchised by the expectation to deliver contested breaches and have outlined within our discussions that

they are likely to leave, rather than be put in an embarrassing situation in the Court, where they have previously felt respected and valued by the Courts.

In light of the more recent HMIP SFOs (2023) and the information facilitated at Court – we are of the understanding that the EO will be expected to address any new information within the contested breach and effectively risk manage the situation within the court at that time on the day – this includes Bail applications, we question whose responsibility is it to undertake the safeguarding and Domestic abuse checks at that time and make active decisions about suitability of any bail application. This would effectively mean that this is risk managing and prosecuting at the same time – this is a conflict of interest. Due to the recent HMIP SFOs – this is an imperative responsibility which would be expected to ensure that risk is effectively managed at every juncture.

We have added post it notes to the JD , with questions still left outstanding. Please could they be responded to. It is disappointing that the employer through a narrowed viewpoint cost savings exercise is further jeopardising retention figures, especially with Band 3 workers – who are the largest exiting cohort of staff, this is alongside the potential reputational damage that could result due to what staff describe as inadequate and inappropriately delivered training, that does not imbue confidence in delivering this work in the Court arena.]