

PCS briefing for Justice Select Committee – 2 April 2020

COVID-19 crisis response in the Ministry of Justice

The Public and Commercial Services union (PCS) is the largest trade union in the civil service, representing 180,000 members. We represent workers throughout the civil service and government agencies.

PCS welcome the committee's on-going inquiry into how the COVID-19 crisis is being managed across the justice system. We would welcome the opportunity to supplement this written briefing with oral evidence.

Our concerns with how the crisis has been managed so far mainly centre on the lack of clarity over from the employer about what constitutes critical business in courts, redeployment of staff, inconsistent messaging around self-isolating and lack of social-distancing in workplaces.

There is an urgent need to impose greater central management and control over the management of both courts and prisons for the duration of this crisis.

HM Courts and Tribunal Service

PCS has escalated concerns about the HMCTS's COVID-19 contingency directly with the Permanent Secretary, most recently in a letter of 30 March. There are a number of concerns that remain unresolved and we have asked for the Permanent Secretary to intervene to ensure that the health, safety and wellbeing of staff remains top priority. It has been disappointing to note that despite an agreement to ensure trade unions are involved in contingency planning there have been no detailed plans shared with us. Communications are being issued directly to members with the trade union having to play catch up.

We are concerned that our repeated representations that only urgent court business and other business critical roles and functions should continue and all other non-critical business including the reform programme should be suspended have not yet been acted upon. We appreciate that there is a revised approach with the temporary implementation of spinal courts (buildings that will remain open) as an attempt to deal with some of the emerging issues. However, there has still been no clear guidance or directive on what constitutes urgent court business work and business critical functions, what the key roles are, at which location these roles need to be undertaken or any clarity on resource requirements.

Our members are reporting that to us that they feel scared and are exhausted from having to work with significantly reduced staffing levels. Staffing levels are at a critical point and if urgent action is not taken to effectively manage this, maintaining even urgent court business may become unsustainable as those left working start to struggle and fall sick with stress related conditions. In courts that remain open social distancing is still not being imposed. We have asked for this to be investigated and an action plan introduced as a matter of urgency. PCS believes it makes sense to stand down all staff in roles that are not business critical to allow those that maintain the key critical functions a safe space to do so.

We believe that the commencement of redeployment to other workplaces without clarity on business critical work and resource requirements must be stopped. In some instances, where offices have closed, there is an expectation that all staff will travel for redeployment and with no consideration of reasonableness Our members are raising concerns that travelling to other workplaces may increase the risk of exposure to Coronavirus through travelling further on public transport and by reducing the ability to maintain social distancing at more crowded workplaces.

Whilst supplies of hand sanitiser and surface wipes are now being distributed more widely there is still a need to ensure there are sufficient supplies at receiving workplaces to ensure staff can maintain hand washing and clean workstations, especially at shared workstations, if mobility increases the occupancy of workplaces.

Much of the work that our members deem as key could be done at home. For work that needs to be done on site, we are proposing that this is done on a rota basis with staff rostered on a week on week off basis, Monday to Friday with a shorter working day on Friday to allow a deep clean. Normal out of hours, Saturday, Bank Holiday and urgent court business provisions would apply but this too must be rostered fairly to ensure that employees get sufficient rest breaks in between working patterns.

We believe a joint plan based around resource planning and management is urgently required. Staff require clarity and a plan that they understand which sets out a sustainable and safe approach to the coming period where a peak in infection and illness is anticipated.

We also have concerns for guards and cleaners, who since 1 April 2020 have been employed by OCS and Engie respectively. They only get statutory sick pay if they are ill or self-isolating and nil pay for parental leave. Guards are still required to wand (electronic hand held metal detectors) public coming in which makes social distancing virtually impossible. They also have insufficient PPE and no clear guidance from their employers.

Prisons

PCS represent non-operational staff who work for HMPPS. This includes administrative staff and instructional officers. There is an urgent need for HMPPS to impose greater central management and control over the management of prisons for the duration of the crisis and to urgently pursue measures to reduce the current overcrowding of prisons to address the growing pressure on the remaining staff. We welcome moves made so far to improve safety in prison estates such as cancelling prison visits and only running key workshops such as laundry, waste management and DHL retail (prisoners' canteen). We also welcome moves for early release of prisoners, although this needs to go further than what has so far been announced. We do welcome the early release of pregnant prisoners, although these numbers are likely to be quite low.

HMPPS needs to be doing more to ensure all establishments are following the same guidance. We are seeing a lack of social distancing in over populated offices. Staff self-isolating for underlying medical conditions have had little support to stay at home for 12 weeks and not enough is done for remote working or reasonable adjustments at work to ensure social distancing. Empty visits rooms or external training centres could be put to better use to segregate staff. We have been dealing with several examples of members over 70 refused to self-isolate and being forced to work or take time off unpaid.

Prisons are still carrying out 'hands on' rub down searching (without even the use of a wand) on prisoners attending key work areas and no PPE is available to shield staff. We are still seeing a big influx of staff at the start and end of shifts. This creates a bottleneck of staff going through the gates and into airlocks which means social distancing is not in place. A solution would be to stagger start/finish times and also reducing non-operational staff hours.

PCS is asking for more home working and for social distancing to be adhered to. We are also concerned that pressure will be put on certain non-operational grades to volunteer for operational work. We believe that the non-operational staff that we represent could be used to support operational staff in non-prisoner facing duties, subject to risk assessment and what staff are comfortable in volunteering to do. However, governors would need to ensure that the volunteers are trained to undertake the duties in order to minimise the risk.