Learning and Development Thematic

October 2010

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APPENDICES

1. EXECUTIVE SUMMARY

1. The corporate structure of Crown Office and Procurator Fiscal Service (COPFS) allows consideration of training and learning and development at the highest level. Corporate leadership for the training and development functions of Crown Office and Procurator Fiscal Service sits with the Director of Human Resources (HR) who sits on the Management Board, the Area Fiscals' Group, the Area Business Managers' Group and the Corporate Issues Sub Group. In such a position the Director of HR is well placed to obtain a strategic view of the training and development needs of the staff in the Service. This is cascaded to the Head of Learning and Development who further cascades the training and development requirements of the service to two managers (one managing the team of legal trainers and the other managing the team of non legal trainers designed as 'learning and development consultants') within Learning and Development Division.

2. There is a clear corporate commitment to learning and development of its staff in the Crown Office and Procurator Fiscal Service Strategic Plan, in the Crown Office and Procurator Fiscal Service People Strategy and in the Learning and Development Strategy. We found that staff felt that this commitment was being put into practice to a great extent. However there were some reports of a lack of management support for staff in terms of abstraction for training, time to participate in pre-course learning or e-learning and in some cases, lack of encouragement to put learning to use in the workplace after the delivery of training.

3. We acknowledge the reality of competing priorities in the workplace and the difficulty in giving the time and support to training that it requires. Much depends on local managers. However, it is encouraging to note the provision of additional resources for managers by way of the new managers' toolkit available online as well as the ongoing development of training and other learning opportunities such as coaching and mentoring for managers and leaders in the organisation. By ensuring that managers are well trained and supported, particularly in relation to people management, the corporate commitment to the training and development of staff is more likely to be realised.

4. A Learning and Development Strategy was published in 2009 and this acknowledges the importance of alignment of learning and development activities with the organisational aims.

5. In seeking to ensure that Learning and Development Division is and remains aligned with the business needs and strategic aims of the organisation it relies on its links with stakeholders. There are various ways in which stakeholder input is sought, for example through course sponsors, through the Learning and Development Steering Group and

through Area liaison. Although these various methods exist we found that each requires some strengthening to ensure effectiveness. The designation of senior figures such as portfolio owners as sponsors of training for their topic or area of work and the resulting partnership between them and trainers should ensure that training remains aligned to the business needs of the organisation. We encourage the extension of this scheme to all aspects of training in Learning and Development Division.

6. In seeking to determine the training requirements and learning and development needs of the organisation, Learning and Development rely on input from a variety of sources. Aside from the matters identified at senior level such as the training implications of new legislation or a new IT system, the means devised by which learning needs are identified include individual personal development plans. These are at present under-used with few Areas submitting these to Learning and Development. Indeed even where these are submitted Learning and Development presently do not use them to inform future planning. We also considered that more effective evaluation of training events (of which more later) and results from self assessment audits carried out by Areas might provide additional sources of information to identify training needs.

7. In all 11 geographical Areas training needs of staff are considered and addressed in a variety of ways by teams or groups charged with such activity in these areas. There is some liaison with Areas by representatives of Learning and Development but arrangements are still fairly new and need time to bed in to become more effective in relation to identifying learning needs.

8. We have no evidence to suggest that courses delivered at the Scottish Prosecution College are other than of a high standard. However processes in relation to the design, quality assurance checking and evaluation of courses appear to differ between the trainers. Essential steps in the process such as carrying out an equality impact assessment could not be evidenced. A more consistent approach is recommended with the revision and use of the existing Standards Manual.

9. The range of courses and e-learning packages now available from Learning and Development is greater than at any time in the past and the prospectus continues to expand to provide a greater choice of training courses and other learning options for staff. Systematic review is recommended to ensure currency of guidance and relevance. We hope that a clearer view of training options will be available for all staff in light of the work presently being carried out in relation to mapping of roles to training.

10. Induction has been strengthened in line with the 2002 Management Review recommendations with a corporate DVD and local induction arrangements as well as a mandatory diversity course for all staff within two months, although monitoring of uptake of this course reveals some slippage with that timeframe. For legal staff the current induction process involves a combination of training course attendance alongside operational practice which culminates in certification.

11. In relation to the mandatory course elements of induction, whether for legal or other staff we recommend a change to arrangements so that courses are allocated by Learning and Development rather than by application by the new member of staff. This should ensure that uptake is timely.

12. Although there are courses on the prospectus providing staff with training in relation to dealing with victims, next of kin and domestic abuse cases in line with the commitment in the Strategic Plan, such courses are not mandatory and rely on application from staff. In addition in relation to the courses on deaths we found that despite a recommendation from the Policy lead on deaths at the time that the courses be mandatory for those involved in this work they remain voluntarily rather than mandatory. We recommend that consideration of these matters be included in the current mapping work.

13. Our inspection concluded as Sheriff Principal Bowen's Independent Review of Sheriff and Jury Procedure was published. Although there was praise for the training course observed (Advocacy 2) suggestions were made about how the learning could be consolidated by observation of Advocates Depute or senior colleagues in court and a mentoring system. We support such suggestions and observe also that gaps identified in one Area regarding procedural aspects of Sheriff and Jury court work might also be considered in any review of the course materials.

14. Administrative processes appeared to be adequate if in need of improved efficiency, a subject likely to be addressed by procurement of additional IT functionality. There are issues surrounding withdrawals and cancellations which are being monitored and we believe that this can be aided by formally reviewing the training prospectus on a more regular basis.

15. In accordance with the recommendation in the 2002 Management Review there has been an increased investment into the learning and development function with the opening of the Scottish Prosecution College in 2007. There is good control over budget processes and monitoring of expenditure. Staff are aware of the need to obtain value for money particularly in the current financial climate.

16. The facilities at the College are considered to be very good; however, space in the office area was an issue for everyone with whom we consulted. The doors at the entrance of the building may be difficult to open for people with mobility problems and we recommend that these issues are discussed with Estates Division. We noted that regular testing and checks are carried out in relation to health and safety, business continuity and security.

17. We acknowledge that the location of the College can present problems for some given the geographical spread of the Crown Office and Procurator Fiscal Service and that Learning and Development Division are taking steps to address this such as increased e-learning, facilitating courses in local offices, etc.

18. Among those we consulted in Learning and Development we found agreement the Division provided a good working experience. We found a professional approach to training from all the staff in Learning and Development and, on the whole, a well motivated workforce. The legal trainers' and learning and development consultants' teams appeared to work quite separately and in some ways this is understandable. We thought that there was scope for better collaboration and communication to improve mutual understanding.

19. Recruitment of legal trainers latterly had proved more difficult and the legal team were short staffed during our inspection. Differences in approach to training legal and non legal staff were evident although moves were being put in place to provide greater uniformity. The trainers themselves were clear that it was of paramount importance that they should be viewed as professional in approach and have credibility with their peers. To this end, suggestions that legal trainers continue to contribute in some small way to operational work to maintain that credibility had some merit in our view.

20. Partnership working with internal stakeholders and external partners are essential to any Learning and Development function. In line with current Learning and Development professional thinking there has been a shift away from the view of the Learning and Development function as service provider to one where Learning and Development works in partnership with stakeholders to facilitate learning through a variety of approaches (including the traditional training courses). Inherent in that approach is that Learning and Development brings training and learning opportunities out to the workforce. Where previously all training by Learning and Development was delivered at the centrally based Scottish Prosecution College (Glasgow) there are increasing moves to have trainers go out to Areas (and Crown Office Divisions) to bring the training to the workplace. This seems to be welcomed by Area Managers,

particularly in areas geographically distant from Glasgow where abstraction can be expensive in terms of time and travel costs.

21. Area liaison responsibilities are allocated to trainers with each Area being served by both a legal trainer and a Learning and Development consultant, with varied uptake reported. We have suggested some minor adjustments to these arrangements for practical purposes but otherwise see it as a positive move which may still need some time to bed in.

22. We noted different approaches to local training initiatives in Areas and thought that there was some scope for better arrangements to share training materials and resources used locally with the wider Crown Office and Procurator Fiscal Service community. Such local training events often highlighted gaps in central training provision or the need for refresher training on some of the topics already covered centrally by Learning and Development Division.

23. External partnerships, particularly with Scottish Government and criminal justice partners appears to benefit the organisation and raise the profile of the Service and positive feedback is reported from those attending Crown Office and Procurator Fiscal Service training events. Partnership with the police is also apparent, no more so than with the secondment of a senior Depute to the police training college at Tulliallan.

24. The responses to our own questionnaire sets have been, for the most part, extremely positive and a similar response was recorded in relation to the Civil Service Staff survey in relation to learning and development opportunities providing some evidence of positive 'people' results. For Crown Office and Procurator Fiscal Service as an organisation it is more difficult to be certain about the effectiveness of training and learning and development activities.

25. Evaluation of courses is measured in terms of instant reaction and understanding only. Whilst of interest to trainers it provides little meaningful feedback to managers on the effectiveness of the training and whether learning has occurred. For evidence of learning in the wake of training it is necessary to obtain data and feedback from a variety of sources after a period of time when ideally learning from training has been consolidated by practice at the workplace.

26. Much has been written by scholars about how best to evaluate training and it is widely accepted that evaluation can be notoriously difficult to carry out. Further it is acknowledged that it can be time and resource intensive and for this reason is not always carried out at a higher level. However in these pressing financial times Learning and Development Division will be pressed increasingly to provide some evidence of its value to the Service. Results of evaluation or return on investment are

likely to be sought. At present Learning and Development Division is not in a position to provide such evidence and despite a new evaluation strategy acknowledging the importance of such evaluation the current basic 'reaction' sheet remains the main tool employed.

Conclusions

27.	Overall, the provision of training in the Crown Office and Procurator Fiscal Service has benefited from increased investment in recent years. The existence of a modern and well equipped Scottish Prosecution College has provided a wider and more accessible range of courses and other learning options than ever. It is not surprising, therefore, that we found members of staff in the Service are generally positive about the additional value and opportunities provided by Learning and Development Division.

28.	There is firm leadership and strategic vision although it is less clear that training provision is fully aligned with business needs and strategic commitments to training. Although training is generally well received and understood by delegates at the time of delivery there is an absence of follow up to confirm its effectiveness at the workplace.

29.	The following recommendations are supportive of and are intended to build on existing strengths.

SUMMARY OF RECOMMENDATIONS

<u>LEADERSHIP</u>
1. That managers are encouraged to support staff to attend courses, carry out e-learning and pre-course reading by allocating time for this to be done within the working day while giving consideration to business needs. (paragraph 50)

<u>STRATEGY</u>
2. That Learning and Development engages with internal stakeholders to ensure that each course has a designated and agreed course sponsor with whom any review should be conducted. (paragraph 67)

3. That in terms of stated strategic commitments to training staff, particularly in relation to the treatment of victims and witnesses, the bereaved, and domestic abuse cases that all relevant staff are identified, offered the appropriate training and that monitoring processes are put in place to ensure that the commitment is fulfilled. (paragraph 75)

<u>IDENTIFYING LEARNING NEEDS</u>
4. That the completion of Personal Development Plans is monitored for compliance and a clear delivery route for such plans is devised so that on completion the information contained in these documents is shared locally and nationally to inform managers and Learning and Development Division of the needs and aspirations of the workforce in a timely way. (paragraph 110)

5. That Learning and Development engage with portfolio owners (or by liaison at forum level where a forum has been set up to look at the portfolio work processes) to obtain meaningful contributions to review current training course materials and to identify gaps where a new course might be appropriate. Where it is not clear, Learning and Development should clarify the identity of the course sponsor for each course on the prospectus. (paragraph 115)

6. That membership, remit, aims and objectives of the Learning and Development Division steering group are reviewed for effectiveness. (paragraph 120)

7. That results of evaluation of courses are used to inform learning needs analysis for future courses or review of existing materials and that such evaluation is carried out with reference to views from both delegates and line managers during follow up after the course rather than the instant reaction information currently used. (paragraph 122, see also Recommendation 27)

8. That a system should be put in place to ensure where the new summary case audit process highlights training implications this is communicated to portfolio owners and Learning and Development as required. (paragraph 123)

9. That the Learning and Development Standards Manual is revised and updated for use by all staff in Learning and Development Division, that its use is encouraged and monitored, and that it remains updated to provide a full and comprehensive guide to all staff in Learning and Development Division. Where National Occupational Standards are followed for course accreditation it should be for the Head of Learning and Development to determine if these are sufficient to meet the standards specified in the manual. (paragraph 147)

10. That record keeping of design and quality assurance steps are maintained for audit/inspection purposes, particularly to show that an Equality Impact Assessment has been carried out for the package. (paragraph 165)

11. That version control records are completed and maintained for all course materials. (paragraph 191)

12. That consideration is given to the reintroduction of 'Lessons Learned' logs and the use of these to assist in discussions between trainers at their regular meetings. (paragraph 193)

13. That consideration is given to introducing a mandatory review of each course at specified regular intervals. The minimum period between reviews should be fixed in consultation with the course sponsor at the design stage. (paragraph 199)

PROSPECTUS

14. That course places are allocated by Learning and Development Division for diversity and legal induction modules so that timely attendance at the necessary course is assured and may be monitored. (paragraph 218)

15. That consideration is given to including procedural aspects of solemn court work in legal induction. (Given the findings of the Independent Review of Sheriff and Jury Procedure) (paragraph 224)

16. That in relation to all courses involving precognition work a holistic review is undertaken in consultation with identified course sponsor(s) and that the question of induction into the role of precognoser be taken into account in this review. (paragraph 231)

17. That consideration is given to an induction timetable to include new roles such as managers, precognition officers, Victim Information and Advice staff and those working in Deaths and that monitoring arrangements are put in place to ensure that the proscribed timetable is followed. The Staff Handbook should be updated to this effect. (paragraph 241)

ADMINISTRATIVE PROCESSES

18. That all trainers are consulted in the creation of the Learning and Development Calendar. (paragraph 248)

19. That Learning and Development Division formally review their training prospectus/calendar biannually to take account of immediate learning needs which can be informed through personal development plans and any new courses that have been developed. (paragraph 252)

20. That Learning and Development advise the line manager of each delegate's acceptance on a course. (paragraph 257)

21. That, for ease of access, responsibilities showing Learning and Development contacts for each Crown Office and Procurator Fiscal Service Area and lead trainers for each course are added to IDEAL. Similarly responsibilities of managers and individuals concerning learning and development (as described in the Staff Handbook) could be placed here. (paragraph 289)

FINANCE

22. That to address the objective of 'providing …. information for the return on investment calculations' Learning and Development Division consider introducing a method of measuring costs against benefits especially for courses that can be specifically linked to changes in performance. (paragraph 323)

23. That all procurement exercises within Learning and Development Division are carried out in accordance with the Crown Office and Procurator Fiscal Service Finance Manual and Scottish Government Procurement guidance particularly in the current financial climate. (paragraph 328)

FACILITIES

24. That Learning and Development Division liaise with Crown Office Estates Division to identify a way to address cramped conditions in which staff are currently working as well as issues about storage, temperature and noise. (paragraph 342)

25. That Learning and Development Division liaise with Crown Office Estates Division with a view to determining whether the owners of the building can improve on the main access to the building. (paragraph 360)

STAFFING

26. That minutes of team briefings are kept and shared on the shared Learning and Development Division folder. (paragraph 404)

PARTNERSHIPS
27. That Area, specialist and local training presentations are lodged with a central repository and we suggest that the Knowledge Bank is ideally placed for this. Responsibility for accuracy should rest with those who create the materials although additional quality assurance and review mechanisms are advisable. (paragraph 433)

RESULTS
28. That Learning and Development Division introduce a system to carry evaluation of training at level 3 (Kirkpatrick model) and in conjunction with strategic leaders that evaluation of training at level 4 is also considered. (paragraph 469)

BACKGROUND AND INTRODUCTION

The Inspectorate of Prosecution in Scotland

1. The Inspectorate of Prosecution in Scotland was created in December 2003 and was given statutory authority in April 2007 by the Criminal Proceedings etc (Reform) (Scotland) Act 2007. It serves as the independent inspectorate for the Crown Office and Procurator Fiscal Service (COPFS), the sole prosecuting authority in Scotland which is also responsible for investigating sudden deaths and complaints of a criminal nature against the police. The principal functions of the Inspectorate are to inspect the operation of Crown Office and Procurator Fiscal Service and make recommendations for improvement. The Lord Advocate may call upon the Inspectorate to undertake a particular piece of work. The Inspectorate of Prosecution in Scotland also examines the outcomes and results achieved by Crown Office and Procurator Fiscal Service and promotes good practice. By doing so the Inspectorate makes Crown Office and Procurator Fiscal Service more accountable and helps to raise public confidence in its service delivery. All reports are submitted to the Lord Advocate and are published on the Inspectorate's website at www.scotland.gov.uk/Topics/Justice/ipis.

History of Training and Learning and Development in Crown Office and Procurator Fiscal Service

2. The Crown Office and Procurator Fiscal Service has always had a commitment to training its staff. Formerly this function was carried out by Training Division, which provided a training and development function. In a Training Policy Statement in November 2001, the Service undertook to "ensure that staff are equipped with appropriate skills and supporting information technology, and provide them with high quality, timely and relevant training".

3. At that time, the responsibility for approving resources for training and development and for monitoring and evaluating the impact of training and development on strategic goals and objectives lay with the Senior Management Team.

4. The statement highlighted that the prime responsibility for learning rested with individuals in partnership with their managers. Alongside the personal responsibility to gain the knowledge and skills required to perform effectively, the Service acknowledged the right of individuals to receive necessary training.

5. Procurators Fiscal and line managers had a key responsibility to discuss performance with their staff and identify training and development needs and ensure action to meet those needs. In addition, managers at every level were expected to establish the effectiveness of training

undertaken by monitoring performance and ensuring regular feedback to staff.

6. At Departmental and Area level also, there were training groups designed to provide direction and assist in identifying training needs and in the strategic management of training and development.

7. A combination of factors in 2001 led to extreme pressures on the Procurator Fiscal Service. These pressures became public following the unsuccessful prosecution in the case of the murder of Surjit Singh Chhokar. The reports by Sir Anthony Campbell, QC and Dr Raj Jandoo[1] provided evidence of a service near breaking point. The then Lord Advocate and the Crown Agent considered it was likely that significant changes in the way that the service carried out major areas of work would be required in the wake of all of these reports. It was in this context that the Management Review was commissioned.

8. In February 2002 a report by Jonathan Pryce and Catherine Dyer (now Crown Agent) entitled a Review of Planning, Allocation and Management of Resources was published (Management Review).

9. The following issues were highlighted in the Management Review of 2002:

   ➢ The low level of investment in training in Crown Office and Procurator Fiscal Service. Using the then Scottish Executive as a comparator, it was noted that 0.75% of the Crown Office and Procurator Fiscal Service budget was dedicated to training, compared with 2.7% in the Scottish Executive. Crown Office and Procurator Fiscal Service staff could expect to receive two days of training in comparison to five days enjoyed by Scottish Executive staff.
   ➢ It was found that there was no cohesive approach to training, despite the regional and departmental training committees. Much local training was delivered on a cascade basis without the use of professional trainers.
   ➢ Those providing such training had no support in maintaining their operational workload whilst delivering such training and those attending training had similar difficulties. Late cancellations occurred because staff could not obtain operational cover for critical work to attend training.
   ➢ The timing of training provided was an issue, particularly induction training, which, when provided was too late to be of practical use. In particular, training on the precognition process was highlighted as an area needing good and timely training intervention to be effective.

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[1] The creation of the Inspectorate of Prosecution in Scotland arose in the light of these reports

> Management training opportunities were sparse and a need for constant refresher training for managers was identified.
> It was suggested by many staff surveyed at that time that a training college in which full time dedicated trainers ran a suite of courses on a regular basis would alleviate some of the problems described.

10. The report recommended the following in relation to training:

> The training unit should be strengthened to support a significant improvement in the level and coverage of training across the organisation and represented appropriately on the management board by the Human Resources Director.
> A development and training framework for Precognition Officers should be developed.
> Priority given to training in the organisation should be increased significantly and backed by the allocation of sufficient resources.
> Induction training should be revisited and strengthened.
> Particular priority should be given to management and communication training with this seen as a continuing objective rather than a one off.
> More use should be made of full time, professional trainers.
> The Service should establish a "training college" demonstrating its commitment to ongoing professional and developmental training. This might be a virtual college with a menu of options delivered by a range of training providers. There should be a strategic training function within a Directorate of Human Resources with all staff having allocated developmental advisors.

The Current Picture – Learning and Development Division

11. A great deal has been accomplished in recent years in relation to learning and development. The recommendations of the 2002 Management Review have been implemented to a great extent and in line with more recent thinking in professional training and learning and development circles a formal learning and development strategy has been devised by Crown Office and Procurator Fiscal Service to focus its aims and objectives.

12. In recent years in the world of Human Resources and Personnel there has been a shift in emphasis from training to learning and development. According to a report[2] published by the personnel sector's professional body – The Chartered Institute of Personnel and Development (CIPD) – whilst there is still room for the traditional face

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[2] Sloman – The Change Agenda – "Training to Learn" - April 2005

to face training course (training is defined as "an instructor-led content-based intervention leading to desired changes in behaviour") in modern organisations, there is a recognition that these are only partially effective in their aims. A culture of individual and team based learning at the workplace is thought to be an essential component in the process of ensuring that learning takes place. Learning is defined as "a self directed work-based process leading to increased adaptive capacity". Such a shift in emphasis was evident during this inspection.

13. In 2007 Training Division moved from its base in Edinburgh to the brand new Scottish Prosecution College in Glasgow and in 2008, signalling this change in emphasis, the name of the Division was changed to Learning and Development. Whilst Learning and Development Division is responsible for delivery of training courses and the development of other learning and development opportunities relevant to the whole organisation, there remain at local level groups, committees or individuals who are responsible for training and other learning and development opportunities in that Area, Division or specialist unit.

14. There has been an increased investment in Learning and Development Division since the 2002 Management Review and now just over 1% of the Crown Office and Procurator Fiscal Service budget is allocated to Learning and Development Division.

15. In light of recent developments it was considered timely to inspect the provision of training and/or learning and development to take stock of changes and improvements.

Remit

16. The remit of this inspection was to examine the arrangements in place within the Crown Office and Procurator Fiscal Service for the learning and development of staff. The inspection mainly focussed on the contribution of the Learning and Development Division however in order to put into context the role of Learning and Development Division we also gave a brief overview of the other divisions and bodies within Crown Office and Procurator Fiscal Service with responsibilities in relation to training and/or learning and development.

Methodology

17. Our methodology included the following elements:

   ➢ Consultation - we held scoping meetings with key leaders;
   ➢ interviews - we conducted interviews with managers and operational staff in the Learning and Development Division and also within Crown Office and Procurator Fiscal Service;

- ➢ Questionnaires – were issued to 160 staff (approximately 10%) of staff across the country and across all grades to generate wider evidence on specific topics to emerge and supplement information gained at interviews; we received responses from 59 members of staff, representing a 36% response rate. We asked those replying who had line management responsibilities to answer a separate question set and obtained 25 replies in this connection. The question sets are reproduced at Appendix 1.
- ➢ Fieldwork - further in-depth interviews were held with operational staff;
- ➢ Observations – we examined processes within the Learning and Development Division. Although in the course of our inspection we viewed online the aims and objectives of courses as well as the materials and content for some courses and packages we did not observe delivery of the courses. We made a selection of courses to examine for compliance with standards of process as well as taking an overview of other courses in terms of meeting stated strategic objectives. It was not possible to examine every course.
- ➢ Benchmarking – we visited the Crown Prosecution Service and the Scottish Police College at Tulliallan, compared strategies and processes and identified different approaches and practice.

18. Our report broadly follows the European Foundation of Quality Management (EFQM) fundamental concepts of excellence and examines the picture of Learning and Development under the following headings:-

- ➢ Leadership – Chapter 1
- ➢ Policy/Strategy – Chapter 2
- ➢ Processes - Chapter 3 covers learning needs analysis and the content of the prospectus, Chapter 4 looks at other processes and standards and how they are followed in the design and delivery of sample courses examined, Chapter 5 is an overview of the current prospectus looking particularly at induction, precognition and management courses, and Chapter 6 examines administrative processes.
- ➢ Resources – Finance is covered in Chapter 7 and the facilities in the new Scottish Prosecution College at Chapter 8
- ➢ People – Staffing of the Learning and Development Division is in Chapter 9
- ➢ Partnerships – Chapter 10
- ➢ Results – Chapter 11

Acknowledgements

19. We are grateful for the time and attention that staff across the Crown Office and Procurator Fiscal Service afforded this inspection particularly those who took the time to complete our questionnaires and those working in Learning and Development Division who gave freely of their time.

20. We are also grateful to the Scottish Police College at Tulliallan and the Leadership and Learning Division of the Crown Prosecution Service in York who facilitated our benchmarking activities.

CHAPTER 1

LEADERSHIP

The Structures at Corporate Level

21. Corporate leadership with regard to training and learning and development sits with the Director of Human Resources (HR). Learning and Development Division sits within HR and the Head of Learning and Development Division reports directly to the Director of HR. The Director of HR sits on a range of strategic groups in the Crown Office and Procurator Fiscal Service namely on the Management Board, on the Corporate Issues Sub Group (CISG), on the Area Fiscals Group (AFG) and also on the Area Business Managers Group (ABMG). The Head of Learning and Development Division also attends the Corporate Issues Sub Group meetings.

22. The specific objective in the remit of CISG in relation to learning and development is:

    ➢ To ensure that its training and development plans meet the business needs of the Service, by providing strategic oversight to the Training Steering Group.

23. The remit of the Area Fiscals Group is to review operational performance, delivery and practice. The Area Fiscals have a shared responsibility to lead the service and deliver business goals and strategic priorities. Area Fiscals and some members of the Management Board are also portfolio owners of specific core operational areas of work.

24. The remit of the Area Business Managers Group is to review operational performance and review development and progress of corporate initiatives and responsibilities.

25. The Director of HR, with a place at each of the group meetings, is in a position to obtain a strategic view of the needs of the Service in relation to learning and development. This is then disseminated to the Head of Learning and Development for action and delivery.

26. Corporate structure map:
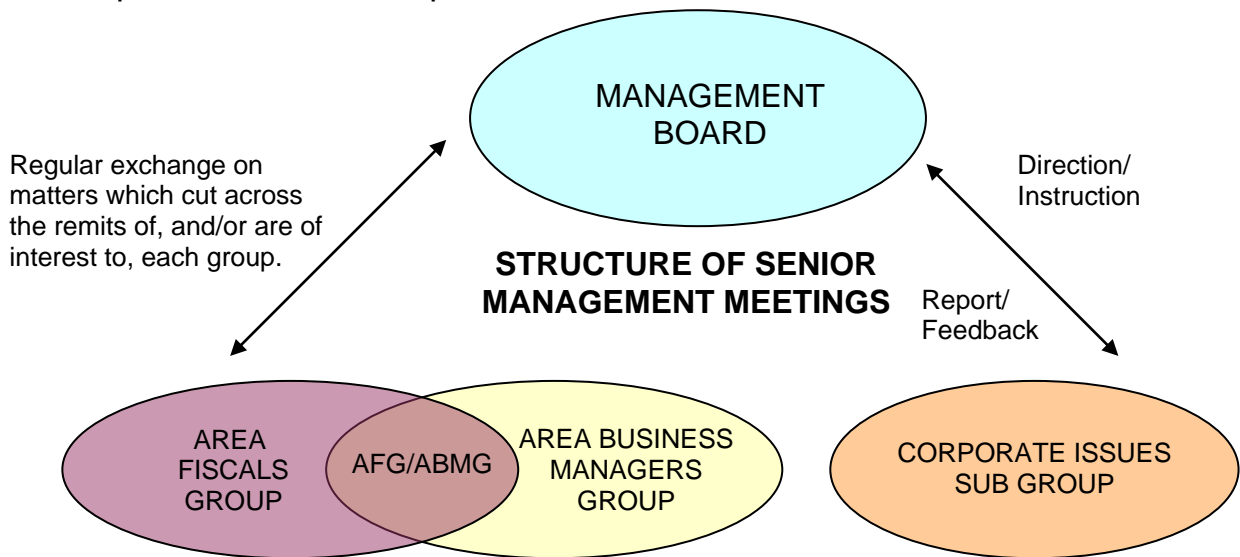
27. The creation of Portfolio Owners or champions of particular topics/areas of work was introduced in 2009 as a way of ensuring focus on these topics at strategic level. The portfolio owners have lead responsibility and work in close consultation with those in Crown Office (such as the Head of Policy or Deputy Crown Agent) who have overall responsibility for the corporate outcome. They act as champions for their portfolio areas and ensure that there is liaison with other portfolios when common interests arise. Responsibility for specifying and approving the content of any training rests with the portfolio owner whilst Learning and Development Division is expected to design and deliver such training.

28. The Crown Office and Procurator Fiscal Service corporate commitment to learning and development of staff can be shown through a number of statements in published documents.

29. The Crown Office and Procurator Fiscal Service Strategic Plan 2009-2012 has five main objectives. These, in brief, are:

    1. Delivering swift, effective justice, giving priority to cases involving serious crime, including sexual offences, serious violence, organised crime and drug trafficking.
    2. Working with police, communities and others to tackle persistent offending, crime and disorder.
    3. Ensuring the proper investigation of deaths.
    4. Providing services to meet the needs of victims, witnesses and next of kin.
    5. Promoting diversity and tolerance.

30. And five key values – Independence, Integrity, Sensitivity, Respect and Professionalism.

31. In this context the Strategic Plan states a clear corporate commitment by Crown Office and Procurator Fiscal Service to learning and development of staff with regard to certain key strategic objectives, namely -

   ➢ In relation to victims – *"we ensure that all our staff know what standards are expected of them in meeting the needs of victims, witnesses and bereaved relatives through detailed guidance and training".*
   ➢ In relation to the investigation and prosecution of rape and sexual offences there is a commitment "*ensuring the prosecutors are thoroughly trained and equipped for the investigation of rape and sexual offence cases and excellent presentation of these cases in court*" and *"only trained and accredited prosecutors will be involved in the investigation and prosecution of these cases".*
   ➢ Diversity – *"all our staff are required to attend our Diversity Awareness Programme".*
   ➢ Domestic Abuse – *"all our prosecutors will be trained to deal with the specialist nature of these cases effectively".*

32. The Crown Office and Procurator Fiscal Service People Strategy 2008-2010 published in 2008 refers to developing and learning in that the organisation:

   ➢ *"is committed to providing a positive learning environment that is accessible to all....."* and
   ➢ *"will provide the opportunity for all staff to develop skills and competence to reach their full potential aligned with business needs"*

33. The newly published Crown Office and Procurator Fiscal Service Managers' Charter details a series of statements setting out responsibilities of managers at every grade and level within the Service. The statement directly related to learning and development is:

   ➢ *"I will develop the people in my team and myself by – promoting continuous learning and development, making full use of the range of learning and development solutions,…"*

34. The above documents provide statements of commitment by senior management in the Crown Office and Procurator Fiscal Service to learning and development of staff. The findings of this report confirm that in the main this commitment is being put into practice in the way that Learning and Development carries out its function, although some

barriers exist in places in relation to the reported attitude of some managers in relation to learning and development and the practical difficulties in balancing operational priorities against training needs

Investors in People

35. 'Investors in People' is a standard of accreditation of an organisation. The award can be made at three levels; bronze, silver or gold. The Crown Office and Procurator Fiscal Service was re-accredited at silver level in 2009.

36. In order to achieve this award, the Crown Office and Procurator Fiscal Service had to produce evidence of its strategies and policies to external assessors who then interviewed or issued questionnaires to a range of staff. The results of this assessment were compiled in a report which was issued in confidence to the management board.

37. The report is extremely positive and reflects the development and implementation of the Learning and Development Strategy bringing about a culture of continuous learning through a "range of innovative and flexible ways".

38. The report cites examples of good leadership practice in relation to learning and development referring to the fact that some senior managers carry out a role in introducing some of the course on offer, demonstrating leaders' commitment to learning and development. We too found evidence of this during our inspection in relation to the format of some courses which are introduced by senior Fiscals.

Inspectorate of Prosecution Survey

39. There was broad agreement with the proposition that leaders and managers in the Crown Office and Procurator Fiscal Service were committed to learning and development of staff. There were 56 positive responses to question 1, one negative response and two equivocal answers.

- *"A commitment is clear from Crown Office and Procurator Fiscal Service to ongoing training and development of staff." (Q33, 13)*

40. The responses indicated that staff experienced varying levels of commitment depending on individual managers.

41. We asked if staff believed that Crown Office and Procurator Fiscal Service leaders and managers are committed to learning and development of staff.

- *"I do think certain managers will actively encourage colleagues to attend courses."* (Q1, 35)

- *"My present managers are so committed but this has not been my experience in other posts."* (Q1, 47)

- *"On any occasion that I have felt that I required training it has been provided."* (Q1, 9)

42. Barriers cited included operational workloads –

- *"Our personal workload is too heavy to fully concentrate on this vital role."* (Q1, 45)

43. Whilst most staff told us that they felt that leaders in Crown Office and Procurator Fiscal Service showed commitment to training and learning and development that did not always filter to local managers.

- *"I feel that departmentally we are but improvements are needed locally."* (Q1, 24)

44. Despite the generally positive response to our question about leaders' commitment, there were some less positive responses as to the actions of managers in demonstrating that commitment. One respondent commented that following their course their manager -

- *"Showed complete lack of interest despite attempts to discuss/seek opportunities to use."* (Q31, 32)

45. We sought to establish if any discussion took place between delegate and line manager before attendance at training. We asked if any analysis of skills/knowledge/attitudes was carried out before attendance at the course.

- *"Had a brief discussion with my line manager prior to and after attending the course to ascertain knowledge/skills in the area."* (Q25, 36)

46. There was a similarly positive response to question 3 where we asked if the line manager encouraged attendance at courses where there was an identified need with 54 out of 59 answering in the affirmative. Of those who responded in the negative the following is typical of the attitude displayed -

- *"I feel that the job holder is the one that has to push to be allocated to attend training courses."* (Q3, 24)

47. Fewer positive responses were given to question 4 about encouragement and time to carry out e-learning. 40 (68%) out of 59 gave positive responses. However among those who gave a positive response there was a difference between being encouraged to do the e-learning and being given the time to do it in their working day. We understand the reality of working in busy offices and units but maintain that a balance must be found.

48. One respondent summed up the problem –

- *"E-Learning is definitely the way forward, however, in the real world, no one has time (nor is given time) to do these packages. These need to be rota'd (sic) in. The centre is fond of e-learning as it reduced abstractions but then offices have to fill the gaps whilst staff do the e-learning. We haven't achieved the right balance here yet. E-learning is lost sight of." (Q4, 55)*

49. Some courses specify pre-course reading requirements. Our staff survey found that 32 (or 54%) out of 59 were advised of pre-course materials for their last course. Three people admitted they did not have time to read these. Others indicated that they read the materials in their own time. Examples of responses are as follows:

- *"I …. was able to use the train trip down and the evening at the hotel prior to the course to thoroughly familiarise myself with the materials. I would not, however, have been able to do so during working hours given the pressure of business." (Q23, 7)*

- *" …..workload" (Q23, 13)*

- *"Did so in own time at home." (Q23, 16)*

- *"The course with which I had the biggest problem was the sexual offences course where the e-learning required was very time consuming ………. There really was no way I could take a day of concentrated e-learning out of the time I work in a busy unit, particularly since it is heavy going and needs to be considered with a minimum of disruption." (Q23, 31)*

- *"No time at work but looked at them at home." (Q23, 54)*

50. If e-learning and pre-course reading is deemed necessary then it ought to be given time in the working day alongside operational requirements where possible.

51. We conclude that overall a very positive message comes from leaders in Crown Office and Procurator Fiscal Service about the importance of continuous learning and development. This is let down to a certain extent by some evidence of a lack of management 'buy in' to training among some managers in Crown Office and Procurator Fiscal Service. A number of line managers who responded to our survey indicated a willingness to participate to a greater extent by providing feedback after a delegate's attendance on a course if asked.

- *"I have never been asked to provide feedback to Learning and Development." (LM6)*

- *"I would provide feedback in necessary. If (sic) fact I think it would be beneficial to all concerned if this was mandatory." (LM12)*

- *"I would definitely take part if asked." (LM19)*

- *"Have not been asked. Would have no problem doing it." (LM1)*

52. Most managers surveyed confirmed that they considered staff training needs to meet business objectives as well as development needs and aspirations of their staff and that this takes place not only during appraisal process but at other times also. Just over half of the line managers who responded thought that the range of learning opportunities and courses on offer from Learning and Development Division met those needs.

53. This confirms the findings of the Civil Service People Survey 2009[3]. Just over half of those who responded to that survey thought that learning and development activities in the last year had helped to improve their performance. Fewer than half thought that learning and development activities completed were helping to develop their career.

54. These findings indicate that there may be a gap between needs and opportunities for learning and development in the Crown Office and Procurator Fiscal Service. The challenge for leaders in the Crown Office and Procurator Fiscal Service, particularly involved directly with learning and development is to find ways of engaging with staff to determine where those gaps are and how to address them.

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[3] See Chapter 11 for further details

55. We discuss in more detail in Chapter 3 how this is being approached at present and improvements might be achieved.

56. The Management Review of 2002 highlighted the sparse training and development opportunities for managers. We found that the situation is now much improved with a range of courses available for managers.

Conclusions

57. With the Director of HR and the Head of Learning and Development Division positioned within the corporate structure of the Crown Office and Procurator Fiscal Service as described above, leadership in relation to learning and development is visible. These leaders are involved in strategic planning as we go on to discuss in Chapter 2.

58. Whilst it is accepted that individuals have a responsibility to improve or maintain their performance, leaders in the Crown Office and Procurator Fiscal Service have important roles not only in making a commitment to staff to train and develop them but in following this through with action which makes a difference. This entails not only identifying with individuals where knowledge and skills gaps exist, but also contributing to the success of any training with support before and afterwards to ensure that the training input has an effective learning outcome.

59. Line managers play a crucial role in this by discussing and agreeing the learning needs of individuals as well as ensuring that their staff can be freed from their operational work to attend courses and to carry out e-learning and pre-course reading. It is essential that line managers are fully aware of arrangements to deliver training for their staff so that they can ensure that they can plan to release them for the same and we touch on the practical arrangements in this regard in Chapter 6.

60. For the most part we conclude that this is happening in terms of encouragement but is sometimes not followed through; for example when time away from operational duties to attend courses or complete e-learning is not permitted. We found evidence of withdrawals from courses due to work commitments (see Chapter 6 – Administration of Learning and Development) and a number of people commented on the difficulty in carrying out e-learning in busy, noisy open plan offices.

61. Leaders must also play their part in contributing their suggestions about the range of learning opportunities on offer and identifying gaps in training provision. We discuss in more detail how leaders such as portfolio owners and others in senior positions in the Crown Office and Procurator Fiscal Service can contribute to learning needs analysis in Chapter 3.

62. In order for the corporate commitment to learning and development to become a reality for everyone working in the Crown Office and Procurator Fiscal Service the skills of leaders must be promoted and enhanced so that they can ensure that this corporate vision is achieved. Leadership training and management training has received more emphasis in the Crown Office and Procurator Fiscal Service in recent years. Part of this training involves the role of leaders and managers in the development of staff. We acknowledge the increased provision of training and support for managers and expect this work to be maintained and further developed.

CHAPTER 2

POLICY AND STRATEGY

63. In this chapter we examine the content of the Learning and Development Strategy, whether it is clearly communicated and, by reference to this and later chapters in this report, the extent to which it has been implemented thus far.

64. Learning and Development Strategy was developed by the Director of HR and the Head of Learning and Development Division and approved by the Corporate Issues Sub Group in February 2009. The strategy was published in the spring of 2009 and advertised on the Crown Office and Procurator Fiscal Service intranet, in Update[4] and in the May 2009 edition of the Bulletin[5]. During our inspection we found that of those surveyed there was an overall awareness of it or where to access it throughout the service. It can also be found on the Learning and Development home page on the Crown Office and Procurator Fiscal Service intranet – called IDEAL.

65. According to the introduction it *"sets out the vision for learning and the framework for ensuring delivery of high quality service to the public by developing new skills and competences and improving performance and job satisfaction".* Its stated aim is to continue to meet the business needs to ensure that *"..learning interventions are developed, costed and evaluated to a consistently higher standard..."*

    Here we examine some of the main points of the strategy.

Sponsors

66. The stated aspiration in the strategy is to continue to provide quality learning to meet business needs – by engaging with sponsors of change at the outset. It states that by having a course sponsor this should encourage appropriate professional support as well as robust identification of skills gaps.

67. Our inspection found that some but by no means all of the legal courses on the curriculum had designated course sponsors. None of the admin courses had a course sponsor as far as the training consultants were aware. Of those legal courses which had a sponsor there was a difference in approach with some sponsors playing an active role with the legal trainer in the design, development and review of course materials whilst others were less involved. We found evidence of

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[4] Update is a quarterly newsletter of The Crown Office and Procurator Fiscal Service
[5] The Bulletin is a monthly summary of key management-led initiatives

engaging with sponsors of change in our sample course inspection in relation to the new course on the Sexual Offences Act 2009[6].

Recommendation - That Learning and Development engages with internal stakeholders to ensure that each course has a designated and agreed course sponsor with whom any review should be conducted.

Links with Corporate Strategy

68. Our examination of the curriculum of courses and e-learning packages available showed that there were courses available which cover topics under the five main objectives of the Crown Office and Procurator Fiscal Service Strategic Plan 2009-2012:

69. Objective 1 – Serious crime. This is covered by a range of courses including Effective Management of Serious and Complex Cases; Effective Management of Sheriff and Jury cases; Child Precognition; Precognition; Witness Interviewing, Disclosure, Sexual Offences and Advocacy.

70. Objective 2 – Community and police engagement to tackle persistent offending, crime and disorder. A range of course materials touch on aspects of this strategic priority. For example the basic legal module course on case marking covers tackling persistent offenders by rolling up a number of reports into one prosecution case. This is backed up by training on the IT system to achieve this result. In terms of training and learning and development opportunities, 'community engagement' might be best developed at local level by Areas inviting their local criminal justice partners and stakeholders to participate.

71. Objective 3 – Investigation of deaths. There are two courses available covering investigation of deaths. The first is a basic course covering receipt of death reports and instruction to make further enquiries. The second is a more advanced course covering further aspects of investigation and preparation for a Fatal Accident Inquiry as well as dealing with bereaved relatives[7].

72. Objective 4 – Providing a service to victims, witnesses and next of kin. This is covered in a number of courses such as deaths, diversity, vulnerable witnesses and domestic abuse courses. Ongoing work to examine how every course on the prospectus meets this objective has recently been instructed by the victims' portfolio owner.

73. Objective 5 – Respect and promote diversity. There is a mandatory two day diversity course which should be taken by staff within two months

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[6] Chapter 5
[7] See Chapter 4

of entry to the Service as part of their induction process. Additionally a refresher e-learning package has been developed and it is now recommended that staff undertake this learning on an annual basis.

74.   In the Crown Office and Procurator Fiscal Service Strategic Plan 2009-2012 a number of references are made to provision of training for staff.

75.   In particular -

> The introduction of specialist training for all staff involved in investigation of rape and sexual offence cases. Mandatory training for all those involved in cases involving sexual offences was introduced following the review of sexual offences in 2007. The accreditation requirement ensures compliance.

> A commitment to providing detailed guidance and training for all staff dealing with victims, witnesses and bereaved relatives. In 2002/03, the Crown Office and Procurator Fiscal Service introduced a dedicated Victim Information and Advice Division (VIA). VIA Officers are tasked with providing information and assistance to victims in certain categories of cases reported to the Crown Office and Procurator Fiscal Service. Whilst VIA staff are expected to attend courses on 'vulnerable witness' and 'sexual offences', attendance on deaths courses and the domestic abuse course is optional. VIA staff are not the only members of staff to have contact with victims and witnesses. Precognosers and legal staff regularly come into contact with victims at court or in an office setting.

> Similarly, whilst one of the deaths courses has a section dealing with bereaved relatives, many members of staff who are not dealing with deaths exclusively (for example in High Court units – lawyers and precognosers dealing with relatives of murder victims) may not consider accessing such training. There are gaps in what is offered and the groups at whom training is targeted and these should be considered and addressed.

> A commitment that all prosecutors will be trained to deal with the specialist nature of domestic abuse cases effectively. Whilst a Domestic Abuse course is available on the prospectus this is not mandatory for prosecutors dealing with these cases. It was suggested to us that in the ongoing work on mapping competences the completion of such training as domestic abuse training might encourage more uptake. However, if the department sets out a clear undertaking that all prosecutors will be trained in this topic then it would appear that the only way to ensure that this is the

case is to make it a mandatory course for relevant staff and to monitor attendance.

- ➢ <u>Diversity awareness programme</u> - In Chapter 5 we look at induction in Crown Office and Procurator Fiscal Service which now involves mandatory attendance at a two day diversity course.

- ➢ <u>Mention of trainees receiving 'unrivalled support and training'.</u> This is also discussed further in Chapter 5 in relation to legal induction.

- ➢ <u>Scottish Prosecution College providing more e-learning opportunities to staff given the geographical dispersion. This is further discussed in Chapter 5 and</u> the full range of e-learning courses available is listed in Appendix 3.

Recommendation - That in terms of stated strategic commitments to training staff, particularly in relation to the treatment of victims and witnesses, the bereaved, and domestic abuse cases that all relevant staff are identified, offered the appropriate training and that monitoring processes are put in place to ensure that the commitment is fulfilled.

Links with People Strategy

76.   Three aspects are mentioned:

1.   Leading and managing – courses are currently available at SVQ level 3. Courses in leadership at ILM level 5 are in development. We provide more detail of management courses in Chapter 5.
2.   Improving performance – course on competency framework. An e-learning package was designed to explain the new competency framework and this was made available to staff during the early part of 2010. However, the Director of HR requested that Learning and Development consultants visit each Area before the end of June 2010 to provide face to face training, in each Area, to supplement this e-learning.
3.   Managerial support – examples cited are resources such as the managers' charter and toolkit resource online. Additional resource is available from an online support resource, Academy 10 but this is not widely used and we believe is not widely known.

Links with Careering Ahead Report

77.   This report followed a project to look at roles and career paths of administrative staff and precognition officers. Many of the recommendations have made their way into practice, namely sponsorship for degree qualification and the new qualification

opportunities such as the ILM management courses and the new Certificate in Prosecution Practice.

78. Other recommendations In Careering Ahead such as minimum training days per year do not feature. During our benchmarking activity with both the Crown Prosecution Service and the police college we noted that minimum training levels per employee were considered by them but ruled out as unrealistic.

Engaging with Stakeholders

79. The strategy states that identification of the strategic direction of Learning and Development and identification of long term requirements for the Service should be discussed at corporate level at the Corporate Issues Sub Group, while at operational level the Learning and Development Steering Group was to play a part in this process. At local level the strategy promised engagement with Area Fiscals, Area Business Managers and local training committees. We discuss how Learning and Development Division engages with these various stakeholders in Chapter 3 (Learning Needs Analysis) and Chapter 10 (Partnerships).

Prioritisation and Corporate Governance

80. We were advised that previous methods of dealing with new initiatives that had training implications were lacking in governance arrangements. The process for prioritising projects has now altered. The Corporate Issues Sub Group and Strategy and Delivery Division provide a project management governance framework for new projects and this includes training projects, particularly training with service wide implications. It became apparent to us that although the new governance arrangements are in place for new training projects to be approved at corporate level at the Corporate Issues Sub Group, not all new training projects appear to undergo this process. One example cited to us was the new Mentoring project. We examine in more detail in Chapter 5 how we observed the governance arrangements in operation in relation to two new projects in Crown Office and Procurator Fiscal Service with training implications. (Sexual Offences legislation and PHOENIX)

Driving Improved Performance

81. The strategy committed to providing a clearer picture of what was expected of each employee's performance by mapping roles to competencies expected and then providing a 'menu of essential and desirable learning options including vocational training'. Whilst a competency framework has been published recently on the Learning and Development page of the intranet, the learning options tailored to meet competencies has not yet been developed. This will be an important

piece of work for the Service and should make clearer for staff what type of training they should seek to improve their performance in their current post as well as looking ahead to possible career progression.

Leadership Development

82. At the time of our inspection there was no In-house course on the prospectus dealing with leadership skills at a more senior level. We were advised that work was progressing towards providing such a course by July 2010. Leadership training offered by external partners was available and these opportunities, such as the BSc in Professional Enquiry at Tulliallan, were circulated to senior managers.

Induction

83. We discuss in further detail in Chapter 5, the corporate and Area induction arrangements as well as other aspects of induction, including legal induction, and induction or training specifically designed for those going into new roles.

Diversity

84. As well as a mandatory diversity course for all new entrants there is now a refresher e-learning product which is available and is suggested should be completed on an annual basis. Although available, there is no system for monitoring whether such learning is undertaken. This is one of a number of courses available that directly meet strategic aims of the Crown Office and Procurator Fiscal Service but without systems in place to monitor uptake it is difficult to see how as an organisation the Crown Office and Procurator Fiscal Service can be assured of meeting these aims.

CPD (Continuing Professional Development)

85. As mentioned above, all lawyers in the Crown Office and Procurator Fiscal Service are members of the Law Society of Scotland and as such are required to carry out a minimum of 20 hours CPD annually. According to the Law Society of Scotland these should be training on specific legal topics, management and organisation, communication and other areas designed to improve effectiveness in the work carried out by the solicitor. The curriculum provided by Learning and Development provides a range of courses particularly for those in the early years of their profession but some longer in the service found that there were fewer courses beyond basic level on offer from Learning and Development.

Paralegal Training

86.   There are a number of vocational courses on offer for those staff carrying out precognition work. These include the basic precognition course, witness interviewing course, child precognition and vulnerable witnesses. In addition there is an opportunity to apply to work towards the Certificate of Prosecution Studies. This course has been designed specifically by Glasgow Central College in consultation with the Crown Office and Procurator Fiscal Service and is delivered externally. The first cohort has completed the 80 hour course covering criminal law and criminal procedure with a graduation ceremony planned to take place shortly. The successful candidates will receive a certificate indicating achievement at level 8 of the Scottish credit and qualifications framework.

Power Hours

87.   This was under development at the time of our inspection. This initiative seeks to address specific points of learning by delivering a focussed 'power hour' of learning by way of an e-learning package. A questionnaire was designed by Learning and Development consultants and circulated around staff in the service seeking views as to topics which might be covered in these power hours. This questionnaire had a number of suggestions for administrative topics but did not cover legal topics which we thought was something of a missed opportunity. Power hours, as a method of delivering a short training package on a topic, would be as relevant and appropriate to legal topics as to administrative functions.

Secondments

88.   This is not an area of Learning and Development involvement and we therefore did not explore it during our inspection.

E-learning

89.   In line with the Strategic Plan commitment to provide more e-learning opportunities particularly in view of the geographical dispersion of the Service, a range of e-learning packages have been developed and a full list of these can be found in Appendix 3.

Visits, Conferences, Events

90.   Whilst Learning and Development Division facilitate hosting some conferences, we did not look at these as part of our inspection.

Qualifications

91.   A qualifications policy is published on the IDEAL web page. Funding is offered for up to two part-time law degrees and the Diploma in Legal Practice. In addition funding for any other qualification at degree level or above which can be shown to support a business need is also available. Three senior members of legal staff are currently studying for a post graduate degree at the police college at Tulliallan. Six places are offered for a diploma in forensic science course at Glasgow and Edinburgh Universities.

92.   Financial support is also offered for diplomas and other certificated courses to level 3 SQA. Further, vocational courses are also offered which are completely work-based. Funding for courses is on a year by year basis and for those successful in obtaining funding for a degree course over a number of years there is a risk of funding not being made available in future years.

Career Development Guidance

93.   Recent publication of the Competency framework and a programme of training to explain this in more detail to staff were in progress at the time of our inspection. The mapping of learning needs to roles and to competences was yet to be completed. Other than this work Learning and Development Division did not offer any formal career guidance service.

Conclusions

94.   The Learning and Development Strategy is an ambitious document setting out the goals for the Learning and Development Division. It has been implemented to a considerable extent in the course of the last year since its publication. A number of new initiatives have been introduced as a result of its aims.

95.   Some aspects have not yet been achieved such as higher level evaluation (which is discussed in Chapter 11 in more detail) and a number of new initiatives have been introduced like course sponsors, the area liaison system and the coaching and mentoring schemes which have yet to bed in.

96.   If, as we are told, the Learning and Development Strategy is to be reviewed shortly we believe that this is a time for consolidation of what has been set in place to ensure that the many new initiatives are achieving their aim and for checking that the current offerings at Learning and Development are truly aligned with the corporate aims and

objectives. In particular where a corporate commitment has been made to train staff this should be met with arrangements to ensure staff attendance on the necessary training course.

97.   It is to the credit of the entire team at Learning and Development that the recent changes and initiatives have been implemented to such an extent in such a short time frame. The success of achieving the strategic aims expressed in the Learning and Development Strategy are dependent on the not just the Learning and Development team but also on the full co-operation of everyone working in the Crown Office and Procurator Fiscal Service.

CHAPTER 3

IDENTIFYING LEARNING NEEDS

98.   It is considered standard practice in any business organisation that training or learning and development functions should feed into each other in a cyclical way so that learning needs are being continually considered, addressed and evaluated. The diagram below illustrates this proposition.

99.   The key elements are –

1.   Establishing the necessary skills, knowledge and attitudes of the workforce or parts of the workforce and how they might be addressed by training and other learning interventions.
2.   The design of the packages of training or learning events which will fulfil those requirements.
3.   Delivery of the training possibly by a variety of methods – 'blended learning' to meet a variety of individual learning styles.
4.   Evaluation to ensure that what was delivered meets the needs of the workforce in terms of timing, content, delivery method and any other relevant aspects.

100. In this chapter the first of these processes – learning needs analysis - is examined.

101. For core areas of operational work the first step in identifying learning needs is ascertaining current skills and knowledge against expected standards of operation or current policy/practice guidance. By their very nature these standards or policies are under constant review and training needs must constantly react to those changes. Vocational training courses should meet the needs identified in this way.

102. For development of staff, particularly in relation to management and leadership roles, identification of generic skills, attitudes, attributes of leaders and managers is required as well as identification of specific knowledge and skills required by managers and leaders in Crown Office and Procurator Fiscal Service. Even where staff show no ambition to progress up the career ladder it is recognised in personnel circles that investment in developing the full potential of staff can bring benefits to an organisation.

103. There are a number of ways in which learning needs could be identified in the Crown Office and Procurator Fiscal Service:

Individual

104. In respect of individual training and personal development requirements, staff within the Crown Office and Procurator Fiscal Service are expected to identify their needs in consultation with their managers during the Performance Appraisal interview.

105. These needs or requirements are recorded in a 'Personal Development Plan' (PDP) which, according to performance appraisal guidance, should be copied to Learning and Development Division.

106. It was evident from our staff questionnaire that not all staff completed a Personal Development Plan. 28 out of the 59 (47%) who responded advised that they had submitted a personal development plan to their line manager. Clearly some people were not aware of this document.

   - *"I had difficulty finding this on the intranet." (Q14, 59)*

   - *"I know what I am required to do and plan this out myself." (Q14, 48)*

   - *"Have never had one of these. Always discuss at appraisal." (Q14, 26)*

   - *"We do have informal chats about training needs." (Q14, 34)*

   - *"Just informal discussions as the moment." (Q14, 12)*

107. We were advised that there was no system in place to analyse or take action to address issues identified in those Personal Development Plan forms that were completed and forwarded to Learning and Development Division and these were simply filed.

108. The Head of Learning and Development would prefer that instead of individual learning plans being forwarded to Learning and Development

these should be combined into a matrix by each Area submitting them so as to provide a clearer view of the needs of the Service. A proposal to this effect was taken to the Corporate Issues Sub Group in April 2010 but has not received agreement at the time of our inspection.

109. The information contained in these forms may be of varying relevance to Learning and Development Division. On one hand if all Personal Development Plans were submitted at a time before budget and planning meetings for Learning and Development took place they could usefully inform Learning and Development of the anticipated needs of the service on a corporate level. The need for a new course/package of measures could also be identified in this way by reference to trends in requests in Personal Development Plans.

110. On the other hand much of the information contained in these Personal Development Plans might be better used by local managers who plan area wide, office wide or team/discipline based training. This information seems to bypass these managers at present in most Areas. Only two Area responses indicated that they referred to personal development plans completed during the annual appraisal process in identifying training needs for their Area. One District Fiscal with responsibility for legal training for his Area told us that he did not see Personal Development Plans for his staff but thought they would be a useful resource for focussed planning for local training events.

Recommendation - That the completion of Personal Development Plans is monitored for compliance and a clear delivery route for such plans is devised so that on completion the information contained in these documents is shared locally and nationally to inform managers and Learning and Development Division of the needs and aspirations of the workforce in a timely way.

New Projects

111. With a new piece of legislation or a new IT system the training needs will be informed by what is contained in the legislation or what features of the new IT system need to be understood.

112. With regard to new major projects/changes in the Crown Office and Procurator Fiscal Service, learning needs should be identified as part of the formal project management process. These learning needs are considered by Learning and Development Division where trainers apply their expertise in producing a learning needs analysis and thereafter designing a package to suit the needs identified.

113. We were told that whilst previously training was perhaps a secondary consideration we have seen in the course of this inspection that training and learning considerations are now being addressed in the very early

stages of new projects. The process by which this is carried out is by way of project management by Strategy and Delivery Division with Corporate Issues Sub Group deciding on priorities.

114. We followed the progress of the project for implementing the provisions of the Sexual Offences Act, examining the training needs analysis for this legislation and its translation into a package of training and learning interventions. We also looked at early planning for the Phoenix project. (Chapter 5)

115. Portfolio Owners play an important part in this process and for new projects have been involved as course sponsors. However some portfolio owners are sponsors of courses offered at Learning and Development Division but this is not the case for all training courses. Many of the core legal courses on offer in the Scottish Prosecution College come within the ambit of various portfolios and it would seem appropriate to use this structure as an additional tool in identifying not only new learning needs but also gaps in current provision.

Recommendation - That Learning and Development engage with portfolio owners (or by liaison at forum level where a forum has been set up to look at the portfolio work processes) to obtain meaningful contributions to review current training course materials and to identify gaps where a new course might be appropriate. Where it is not clear, Learning and Development should clarify the identity of the course sponsor for each course on the prospectus.

Engagement with Stakeholders

116. In each of the 11 geographical Areas of the Crown Office and Procurator Fiscal Service there is consideration on an Area basis of what the staff training requirements might be. The Learning and Development Division manager attends regular Area Business Manager meetings to obtain first hand information from Area Business Managers about training needs from areas. The Legal Training Manager (Principal Depute) does not attend Area Fiscal meetings but does confirm ongoing communication on regular basis with Area Fiscals. (Although we have previously stated that the Director of HR does attend Area Procurator Fiscal meetings and cascades relevant information to Learning and Development Division)

117. We sought to obtain an understanding of how each Area identified what training might be appropriate for their own Area to organise and to what extent they used the services of Learning and Development. Some Areas have dedicated area training committees while others prefer to organise themselves in terms of teams and identify training needs on the basis of the work of that team. The responses were very mixed and showed that approach and practices around the country differed considerably. There was a lack of consistency in the way Areas considered their training

needs and the extent to which they would address these at local level and the extent to which they looked to central Learning and Development Division to address them.

118. Apart from the geographical areas in the Crown Office and Procurator Fiscal Service we also canvassed from the heads of specialist units in both operational and corporate function spheres details of their own training events. It was clear from the responses we received that learning needs were specialised. Some related to specific Continuing Professional Development or professional body requirements, whilst others related to legislative changes which impacted only on their work, or were in response to recommendations in previous inspections. Whilst Learning and Development Division could offer general training in Crown Office and Procurator Fiscal Service practices and policies, learning needs were otherwise addressed by courses or events run by external providers or by internal events designed specifically to address those highly specialised needs.

119. In the context of working with stakeholders to identify learning needs, we looked at the role of the Learning and Development Steering Group. This group is chaired by the Head of Learning and Development and its membership comprises representatives of five of the 11 Areas, along with representatives from Crown Office Operations, Information Systems Division (ISD) and trade unions.

120. We attended one meeting as observers and were given access to the minutes of group meetings from its inception in March 2009. The minutes tend to show that while there was discussion about what was ongoing in Learning and Development there appeared to be little information brought to the group by Area representatives in terms of identifying learning needs. One member conceded that they did not fully understand their role in attending the meeting. One suggestion to us in the course of this inspection was that a representative from the Victim Information and Advice team on the Group might be appropriate and given the commitment to victims in the Strategic Plan this may have some merit.

Recommendation - That membership, remit, aims and objectives of the Learning and Development Division Steering Group are reviewed for effectiveness.

Evaluation

121. As illustrated in the diagram at the start of this chapter the results of evaluation ought to contribute to future identification of learning needs. We describe in greater detail later in this report how evaluation as a process is currently carried out and its shortcomings.

122. The current extent of evaluation of courses comprises a questionnaire to delegates at the end of the course. Such a questionnaire is designed to obtain an instant reaction to the learning experience from the delegate only. Some but not all courses do carry out some check of learning during the course by a range of methods, but there is no follow up to check that the course has resulted in changed behaviour or improved skill at the workplace. The involvement of feedback from both managers and delegates about how they were able to use the training and any matters they consider could usefully have been covered in the course are essential to ongoing review. In this way evaluation can and should be used to identify remaining or newly identified training gaps to be addressed with new courses or revised existing courses.

Recommendation - That results of evaluation of courses are used to inform learning needs analysis for future courses or review of existing materials and that such evaluation is carried out with reference to views from both delegates and line managers during follow up after the course rather than the instant reaction information currently used. (See also Results – Chapter 11.)

Summary Case Audit

123. A new formal process for auditing aspects of core summary legal work was introduced in 2009 although it has been suspended due to other work priorities for some of 2010. The audit covers a range of work by legal and administrative staff carrying out the preparation of summary cases. Although it is for each Area to carry out this monitoring exercise, Strategy and Delivery Division have an overview of this work and sample the findings. We suggest that in carrying out this type of audit training issues will be identified. Some may be local training issues but others may have national implications. Areas and Strategy and Delivery Division should ensure that issues identified as a result of this exercise are communicated to the appropriate portfolio owner who in turn should consider in conjunction with Learning and Development what training adjustments may be required.

Recommendation – That a system should be put in place to ensure where the new summary case audit process highlights training implications this is communicated to portfolio owners and Learning and Development as required.

Independent Inspectorate Reports

124. Since its inception the Inspectorate has published a number of thematic reports as well as District and Area Reports. Many of these contain recommendations concerning provision of training and we found evidence in some course sampling of some of these being implemented.

Views of Staff

125. While there is broad acknowledgement within the Crown Office and Procurator Fiscal Service that Learning and Development Division has increased and continues to increase provision of training on a wide range of topics there remain some gaps in provision. The responses that we obtained during our inspection from individuals and from Area teams indicate that there is some room for improvement.

126. In Chapter 5 we provide an overview of what is available on the prospectus of learning and Development Division. In our questionnaire to staff we asked if there were any topics that staff would like to see covered on the curriculum that do not currently feature. 16 (or 27%) responded in the affirmative. A range of topics were suggested. Some are already covered in courses currently on the prospectus suggesting a lack of awareness of what is offered -

- *"For new deputes/trainees – charge drafting." (Q8, 49)*

- *"Time management would be of help to some staff." (Q8, 30)*

- *"Dealing with difficult conversations, although, I understand they are looking to provide such a course." (Q8, 33)*

127. A number of people suggested topics such as basic health, safety and fire training and IT courses in Word, Excel, and Outlook. Whilst these do not regularly feature on the prospectus the IT courses could be offered by Learning and Development Division given sufficient numbers.

128. One legal manager thought it would be useful to have some short 'how to' sessions on topics like complaints against the police cases, and procedural matters such as -

- *"Schedule 8 docquets, mental health proofs, civil recovery, extending time bars." (Q8, 25)*

129. Another commented -

- *"There are many topics which could usefully be covered eg in complex areas of crime where specialist knowledge and training*

would be useful eg e-crime, surveillance/RIPSA, complex telephony evidence etc but it is appreciated that Learning and Development cannot cover everything and in my view their programme of training has effectively prioritised the most pressing of training needs." (Q8, 16)

130. When asked if the courses on offer met needs in fulfilling their current _job responsibilities_, 53 (or 90%) out of the 59 who replied thought that they did.

- *"This has improved greatly over the past year with the introduction of more courses aimed at new Precognition Officers." (Q9, 1)*

- *"There is a wide and varied list of training courses." (Q9, 30)*

131. Some of the comments indicating possible gaps:

- *"Generally courses are too low level and are not sufficiently geared towards stretching and developing experienced staff." (Q9, 47)*

- *"There is a lack of management type courses for more senior managers – this type of learning tends to come from the National School of Government or other external sources." (Q9, 55)*

132. Our questionnaire also asked if courses on offer met _development needs_ of staff. 50 (or 85%) out of the 59 agreed that they did.

Again some of the comments indicating possible gaps:

- *"Would be if there were appropriate courses. (High Court Unit)" (Q10, 41)*

- *"Personally yes, but think most stuff is tailored for legal, precognition or management – not very much for admin/PA/messenger staff." (Q10, 55)*

133. Specific topics raised by Area responses included:

- *"Problem solving courses for admin staff and more short courses for line managers on how to get the best out of their staff."*

- *"For admin staff, training around key roles such as productions and cashier."*

- *"Staff feel that a specific training package for 'on-call' Deputes would assist."*

- *"More e-learning packages could be provided to cover all aspects of admin work and the processing of a case."*

134. One reply from a specialist unit in Crown Office raised some suggestions for topics that would be of interest across the Service –

- *"Courses on the general aspects of the precognition process and on developments in practice in Sheriff and High Court cases, expert evidence, technical evidence and the use of technology in investigations and presentation of cases would all be relevant and helpful."*

135. We learned that when the Scottish Prosecution College first opened the trainers discussed what training gaps there were from the limited prospectus of the former Training Division and set about producing materials to fill these gaps. There is no doubt that the current courses are at least to some extent meeting the needs of the service but due to the lack of meaningful evaluation carried out we cannot be satisfied to what extent the current range of courses and the current content and delivery of course meets the needs of the Service.

136. Part of the aims of the current Learning and Development Strategy is to map learning and development to competency frameworks for defined roles in the Service. This will be dependent on the work being carried out at the moment to define more clearly the career paths for different roles. As a result of this body of work we would expect to see a prospectus with clearer options for those at each level and grade.

Conclusions

137. We have outlined the various means by which the Crown Office and Procurator Fiscal Service tries to identify training needs and develop the required training or other learning options to address these needs.

138. In particular the role of line managers is crucial in ensuring that training needs are properly identified and, if met, are delivered in a timely and effective way. This is especially so in relation to their role in identifying individual training needs and completing (and submitting) Personal Development Plans and in contributing to (higher level) evaluation. Individuals all have a responsibility in this connection also.

139. New corporate training projects have identified course sponsors and this ensures that learning needs are properly identified from an operational viewpoint. This arrangement would be of benefit to all courses and not just new courses in development and would thus ensure continuous operational input in terms of review.

140. The results of case audits and the additional value of external scrutiny by the Inspectorate of Prosecution in Scotland should not be underestimated in providing further contribution to the assessment of learning needs.

CHAPTER 4

KEY PROCESSES, STANDARDS AND SAMPLE COURSE INSPECTION

141. Assuming that learning needs have been identified we then looked at how this was taken to Learning and Development Division and translated into a suitable training package to meet those needs.

142. It was not possible to examine all of the courses on the prospectus. Nor did we consider it appropriate to observe and make comment on the delivery of training as such, although we are familiar with the methods of delivery having attended courses at the Prosecution College in the recent past. We were given access to the shared folder containing all course materials and this aided our inspection.

143. We selected a few different courses to examine whether standard processes (that is to say the processes outlined in the Standards Manual referred to below) had been followed. These were Sexual Offences Act, Disclosure, Deaths, and Cashiers' Best Practice (e-learning). Our examination involved discussion with the lead trainer involved and a review of the course materials.

144. Where trainers had moved on from Learning and Development Division there was no record available in the Division as to the history of the course in terms of its design. For the purposes of our inspection we relied on evidence from interviews with trainers where we were unable to view materials from the early stages of this process. This was particularly the case for training materials which had been taken on and adapted from the former training division.

Standards

145. A Standards Manual is available to staff in Learning and Development describing 'end to end' processes for producing Learning and Development products. It is stored on the shared drive for access by all staff in the Division. It was to be subject to a change control process but appears not to have been updated since July 2008.

146. The trainers we interviewed claimed to be aware of the existence of the Standards Manual but some said that it was not always followed. Others said it was not used at all. One trainer claimed that 'industry standards' were followed, referring to recognised standards promoted by the Chartered Institute of Personnel and Development. Another referred to following National Occupational Standards for accreditation purposes. That said, of the courses that we examined during the course of this inspection it was clear that some but not all steps in the process mapped out in the manual had been completed.

147. The manual makes it clear that not all courses would have to follow all of the steps in the process. It would depend on the size and scope of the training package concerned. The main steps in the process are listed as follows:-

   1. Learning Needs Analysis
   2. Course Design
   3. Quality Assurance – Sign off
   4. Evaluation
   5. Change Control/Version Control
   6. Lessons Learned Log

Recommendation - That the Learning and Development Standards Manual is revised and updated for use by all staff in Learning and Development Division, that its use is encouraged and monitored, and that it remains updated to provide a full and comprehensive guide to all staff in Learning and Development Division. Where National Occupational Standards are followed for course accreditation it should be for the Head of Learning and Development to determine if these are sufficient to meet the standards specified in the manual.

Learning Needs Analysis

148. The Standards Manual states that a document should be prepared which accurately reflects the information supplied by the course sponsor, expert or policy or practice 'lead' who has identified the learning need (as described in the previous chapter). Guidance is given as to how to supplement the basic information with further information gathering techniques such as workshops, questionnaires, telephone surveys and existing documents to obtain the fine detail required. There may be differences in approach to conducting a learning needs analysis depending on the topic.

149. Our research also suggests that a proper learning needs analysis may also identify the most appropriate time to deliver the training and the target audience. The analysis of training needs should not only consider essential content but also acknowledge that people have different learning styles and address that issue by offering a variety of learning media where possible.

150. From our course sample inspection we observed a full and detailed Learning Needs Analysis for the new Sexual Offences Act training which was prepared following direction from the project board. This document identified different target audiences and methods of learning for those groups. Face to face training was considered necessary only for legal and precognition staff working in Area Sexual Offences teams, National Sex

Crimes Unit, High Court as well as all Crown Counsel and the head of Victim Information and Advice.

151. Legal staff and Victim Information and Advice staff working outwith the specialised teams would receive e-learning and other guidance cascaded by circulars. Timing of courses to the target audience was planned over a seven month period up to December 2010, thereafter the material being incorporated into the existing two day Sexual Offences course.

152. The implication of the training plan for the new legislative provisions is that any member of legal or precognition staff who has already attended the sexual offences course and who is moved to their Area sexual offences team after December 2010 will not receive the face to face training on the new legislation but only the cascaded guidance.

153. This may be of some concern in the Service. One senior member of staff made this comment -

- *"….. some of the training on new developments is restricted to those staff actually working in that particular area at that time (Solemn Renewal springs to mind, and I understand plans for the new Sexual Offences Act are similar) leaving knowledge gaps among some staff and reducing the flexibility of the workforce as the wash up courses finish shortly after the main tranche of courses. This means that not all reforms are fully embedded." (Q7, 55)*

154. We highlight this concern as expressed to us and suggest that the matter be kept under review. Some staff who previously attended the two day core sexual offences course may find that they need to repeat the course to appreciate the complex changes to the law in this field. We therefore make no formal recommendation in this regard.

155. We learned that for disclosure training, the lead trainer was involved in the project at an early stage attending the disclosure reference group chaired by the course sponsor. In this way the consideration of the content and timing of training was an integral part of the project. The target audience was decided and priority given to those working in High Court units first as they would be subject to impact of the new procedure before it was rolled out to Sheriff and Jury teams. 'Wash-up' sessions for those who missed the training were also planned before the course then remained on the prospectus as a core vocational course.

156. We were not clear if there was a formal Learning Needs Analysis for this course as we were not shown any pre-course planning materials. Nevertheless the final course materials show clearly stated aims and objectives for the course and a range of learning 'interventions' including

power point presentations, handouts and case study examples for practical workshop exercises.

157. The Deaths courses were based on earlier course materials as was the Cashiers' Best Practice e-learning course so a less formal approach was taken.

Course Design

158. The manual describes steps to be taken in designing a course, referring to both a high level and low level design. High level design gives an overview of what the course covers in terms of content. Low level design is a much more detailed document specifying what is to be covered. From these documents the trainer should then be able to produce a document entitled "Aims & Objectives" and the course materials are developed following the specifications of the aims and objectives. The trainers bring to this exercise their expertise and knowledge about how people learn and apply different methods of learning to the package, such as PowerPoint presentations and class exercises. We found that all courses on the Learning and Development prospectus do have clearly stated aims and objectives and indeed these are accessible for all staff in the Service by accessing the IDEAL page on the intranet.

159. It is at the design stage in the process that the diversity proofing tool available on the Crown Office and Procurator Fiscal Service intranet is to be used. All courses should be subject to diversity proofing to ensure that:

- *"Everyone has the right to be comfortable in the training environment' and 'Learners should feel at ease when attending a training course and should be able to participate without fear of being being ridiculed."*

160. We were unable to verify whether any diversity proofing exercise was carried out in relation to any of the courses we looked at. The Head of Learning and Development confirmed that it was not possible to evidence that equality impact assessments had been carried out although we were assured that trainers displayed an awareness of equality and diversity issues in their work. For inspection purposes we consider that this type of process is essential to evidence and record.

Quality Assurance

161. The manual specifies that various levels of quality assurance should be built in to the process. The stages are named as QA3, QA4 and QA6. QA3 is an internal review by another member of staff, examining in particular

that appropriate standards have been applied, grammar and spelling are correct, the layout is appropriate and that the aims and objectives are met by the contents. QA4 – a group of both internal and external reviewers, previously agreed by the course sponsor check the materials for procedural and technical accuracy. QA6 – final sign off when any previous amendments have been carried out following earlier stages. A pilot may be run if thought to be appropriate in addition to the quality assurance steps outlined. After the product 'sign off' the materials were to be stored on the shared drive as the baseline product.

162. Without access to actual materials of the pre-course work carried out we cannot say if the specific and detailed steps outlined in the manual were carried out for the courses we looked at. This is with the exception of the new Sexual Offences Act training to which we did gain access (because it was in the process of being designed during our inspection) and which did incorporate all the process steps described in the manual. We are however assured by the trainers that some sort of quality assurance process was undertaken for each course although not perhaps to the degree specified in the Standards Manual. It would appear therefore that there is not a consistent approach and much depends on those involved.

163. The quality assurance procedure for the deaths courses involved a single 'check over' by the lead in Policy Division with no further revision of materials. The course sponsor or portfolio owner was not directly involved with this process.

164. For disclosure, we were advised that quality assurance steps were undertaken with both the policy lead and reference group involved in revising materials.

165. For the Cashiers' course a sample of staff and managers were asked to take part in a trial and evaluation. These reviewers contained a group of staff unfamiliar with cashiers' duties to determine if the product was easily understood. After final changes were agreed by the course sponsors the product was launched.

Recommendation – That record keeping of design and quality assurance steps are maintained for audit/inspection purposes, particularly to show that an Equality Impact Assessment has been carried out for the package.

Evaluation

166. The manual refers to a 2008 strategy for evaluation. This highlights the need for Learning and Development to provide positive, measurable evidence of the contribution of training to performance improvement and achieving specific business needs and objectives. Evaluation can be

carried out at different levels. The strategy referred to the five levels identified by Kirkpatrick[8]:-

> <u>Level 0</u> - Pre-training assessment of knowledge – a useful benchmark against which to measure knowledge, skills, behaviour, and attitude after training has taken place.
> <u>Level 1</u> – Reaction – an immediate response at the end of a course (sometimes referred to as "happy sheets").
> <u>Level 2</u> – Learning -this can be established during a course by a range of methods such as quizzes, practical tests, case study exercises.
> <u>Level 3</u> - Behaviour - this involves the line manager and/or delegate providing feedback as to the impact of the course.
> <u>Level 4</u> - Results – at corporate level, a measurement of the impact of a training course on the organisation or section of it.

167. The manual recommends that the trainer developing the product should incorporate a plan as to how the product will be evaluated, and this should be done in consultation with the course sponsor. High level evaluation – that is to say at level 3 or 4 was NOT mandatory. If the course sponsor requested this level of evaluation it was suggested that this could be done by either telephone follow up or by calling together a focus group of delegates who had attended in the previous 3-6 months to find out how effective the training had been for their work.

168. Lower level evaluation by way of reaction sheets is mandatory. It is not clear from the manual if level 2 evaluation was mandatory.

169. The results of all evaluations, at whatever level carried out, were to be collated into an event report providing a synopsis of the views expressed in the reaction sheets. A fuller report might be prepared following a focus group.

170. As we have already said, the manual has not been updated since July 2008. We are aware that a new evaluation strategy was developed in Learning and Development in 2009 and further work was being undertaken in this regard as we inspected. Despite a re-working of the evaluation strategy the actual practice of evaluation appeared not to have changed in the time we were inspecting.

171. Some trainers told us that their practice is to carry out a quick poll of knowledge/skill at the start of a course, which might satisfy Kirkpatrick's level 0. We specifically asked in our survey if there was any pre-course evaluation carried out in the last course staff had attended at the Scottish Prosecution College (either carried out before the delegate

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[8] DL Kirkpatrick first published his paper "Techniques for evaluating training programs" Journal of the American Society of Training and Development in 1959. The model referred to in this strategy is an updated version from 1979.

attended, or at the start of the course). Most respondents indicated that there was no analysis of their knowledge/attitude before the course. 25 respondents indicated that such an analysis was carried out at the start of courses such as Diversity, Certificate in First Line Management and Advocacy courses.

172. Managers were asked in their questionnaire if they had carried out a pre course skills/knowledge assessment for any of their staff. Two indicated that this had taken place, one for the Certificate in First Line Management course, the other did not give details of the course. 23 (or 92%) out of 25 managers said they had carried out no such exercise.

173. We were able to view all the course materials for courses on the prospectus including reaction sheets and the event reports summarising the feedback. It appeared that all courses were evaluated at this basic level. Trainers advised that they used the feedback from these sheets to make minor changes to the course. We were advised that the evaluation sheets and the event reports were seen by the Head of Learning and Development and then filed.

174. For the deaths courses, although there was no indication at the planning stage of how the deaths courses would be monitored and evaluated, standard 'reaction' sheets were used to evaluate the courses. The lead trainer indicated that the course was continually monitored in light of feedback from the reaction sheets and in light of any changes in policy/practice.

175. For the disclosure courses, evaluation was carried out by way of 'level 1' reaction sheets. Although there was not a 'pilot' as such, following some feedback contained in the reaction sheets after the first course was rolled out, the lead trainer made some changes to one of the case scenarios to better focus the learning point.

176. The cashiers' course had both pre and post learning evaluation sheets for completion. Although the course is an e-learning package it is supplemented by a booklet containing questions to check knowledge and to be retained as a reference. The delegate's line manager is involved in confirming that learning has occurred as they receive a booklet containing the answers to the questions. In this way evaluation is taken to the second level.

177. 'Level 2' evaluation is incorporated into a number of courses in terms of a knowledge check. Many course materials we viewed contained case study scenarios, quizzes, or involved some 'doing' to confirm the learning (such as the advocacy courses, mock trials).

178.	More formal evaluation by way of assessment is incorporated into some of the externally acquired courses such as the Institute of Leadership and Management courses at level 3 (Certificate in First Line Management). Here delegates must confirm their learning by completing and submitting work which is formally assessed by accredited assessors and this work goes towards the module to attain a formal qualification.

179.	Beyond this we found no evidence of any higher level evaluation. This means that 'level 3' follow up evaluation - after a period of time - say 3 or 6 months to ascertain if learning had been effective in the workplace is not presently carried out. This was confirmed by managers in Learning and Development and by the results of our survey.

180.	Of course the Standards Manual advises that such high level evaluation is not mandatory and should only be carried out if the course sponsor requires it to be done. It is accepted that carrying out any higher level evaluation is resource intensive.

181.	We were advised that some type of follow up evaluation was attempted previously. This involved sending an e-mail to the delegate and line manager. It was reportedly difficult to obtain a response and this may be one reason for its discontinuation. We discuss the merits of higher level evaluation in Chapter 11 – Results.

Change Control/Version Control

182.	The manual made provision for a formal request to make a change to a 'signed off' training product. This request was to be directed to head of training and relevant stakeholders. Any changes to a baseline course would be recorded by way of a version control document stored with the course materials. This system was not in use as far as we could determine.

183.	Indeed the trainers we interviewed told us that they made minor changes to format themselves, although significant changes to the materials would be checked with the course sponsor. No firm criteria could be supplied as to what might be referable to the course sponsor (assuming there was one). The 'change' forms suggested in the manual were not mentioned.

184.	After the initial Deaths 2 course was delivered the lead trainer contacted the course sponsor suggesting changes to the format of the course and broadening the remit. This was agreed by the sponsor. This proposed change was at the instance of the trainer rather than as a result of feedback from the delegates at the first course.

185. With regard to the disclosure course, following some feedback contained in the reaction sheets after the first course was rolled out, the lead trainer made some changes to one of the case scenarios to better focus the learning point.

186. Not all changes to materials were at the instance of the trainers. We were told that often changes are required due to a change in legislation, case law or other policy/practice guidance. This was particularly the case for disclosure where guidance was being continually updated.

187. Some trainers expressed frustration that not all changes in legal policy or HR policy or practice were brought to their attention. While we understand that frustration, ultimately the lead trainers are responsible for the accuracy of the product they deliver. We understand that Learning and Development Division try to be proactive in communicating with internal partners although some groups or forums are set up without the knowledge of the Division and some changes in policy or practice are not communicated.

188. Where changes are made for example in policy or practice guidance these are generally brought to the attention of all staff by way of news items advertised on the PF Eye (the Crown Office and Procurator Fiscal Service intranet home page). If trainers miss the 'What's New' information on PF Eye they can access archived news. We suggest that as a matter of routine that these items are checked by all trainers for matters relevant to the courses in which they are 'lead' trainers.

189. We heard anecdotal reports from both trainers and delegates about instances when training materials were out of date and this was raised during the course by delegates who were aware of new developments before the trainers were. These instances appear to be exceptional rather than commonplace. None of the respondents to our survey reported this experience.

190. We did find version control templates in some but not all course materials. Where such a template was with the course materials it was blank. Indeed looking over all the course materials stored the only course where the template showed a number of changes recorded and dated was the diversity course. Since we were told of changes to baseline products by trainers we assume that the version control template had not been used to record these amendments.

191. Examples of changes reported by trainers include:

   ➢ providing more information on assessment criteria for 'CFLM' (Certificate in First Line Management) course
   ➢ changing the format of some of the 'CFLM' modules

- ➢ redesign of part of 'Cashiers' Best Practice'
- ➢ more practical based sessions in the 'Deaths' course
- ➢ amendments to the final case exercise in 'Disclosure Schedules'
- ➢ introducing a practical exercise first day of 'Advocacy 1' rather than full day of presentations
- ➢ cut back on some presentations to avoid repetition in 'Vulnerable Witnesses' course

Recommendation - That version control records are completed and maintained for all course materials.

Lessons Learned Log

192. This is described in the manual as a mandatory step in process following 'Prince 2 project management methodology'. A 'lessons learned' log was to be used to record good and bad experiences to inform any improvements.

193. This does not seem to be in use at all. It is perhaps a formal process which does not sit well for some courses. If the purpose in logging lessons learned is to share them with fellow trainers and use for future planning what might work better is a living document relating to all courses, stored in the shared drive, to which additions could be made by any trainer at any time. Such a document might be used in joint trainers' meetings to be the basis of discussions on practical problems and good practice.

Recommendation - That consideration is given to the reintroduction of 'Lessons Learned' logs and the use of these to assist in discussions between trainers at their regular meetings.

Other Standards – National Occupational Standards

194. The Learning and Development Manager advised us that it was the aim of Learning and Development to map courses to National Occupational Standards (NOS) where appropriate.

195. NOS are statements of competent performance, agreed in the sector at a national level and often form the basis of qualifications such as NVQ (National Vocational Qualifications) and SVQ (Scottish Vocational Qualifications). Since Learning and Development now have a number of courses available on their prospectus that are linked to qualifications, mapping their courses to NOS in this way is essential for those courses.

196. There are many companies that provide advice to the public and private sector about how to standardise their procedures within an industry or sector. Learning and Development consult one such public sector

organisation – Skills for Justice in relation to their administrative and management courses. Skills for Justice is the sector skills council and standards setting body for the justice sector. Whilst mapping to national occupational standards might be suitable for some of the administrative and management courses delivered at the College it was not clear whether these would apply to legal courses. We were told that this had not yet been considered by the legal training team.

197. One matter not mentioned in the Standards Manual but which we encountered during our benchmarking activity was the question of set reviews of course materials. At the Scottish Police College at Tulliallan we were advised it is policy to carry out a full review of each course every two years, even if there have been minor amendments during that period. At the review the course is examined for continuing relevance and to ascertain if it is still fit for purpose.

198. Similarly at the Crown Prosecution Service leadership and learning division course materials are given to the operational 'lead' for the topic covered by the course so that materials are given an external check for accuracy on a regular basis.

199. This appears to be a sensible practice and we commend it for consideration by Learning and Development Division. Such review might touch on any new case law or legislation since the last review, any identified practice gaps following work monitoring (for example by reference to the latest examples of identified good and bad practice picked up at operational level) and brought to the attention of the portfolio owner and/or policy lead for the topic.

Recommendation - That consideration is given to introducing a mandatory review of each course at specified regular intervals. The minimum period between reviews should be fixed in consultation with the course sponsor at the design stage.

Conclusions

200. Whether using a bespoke Standards Manual or National Occupational Standards as a framework for the process involved in the design and maintenance of learning products we believe it is desirable that a consistency of approach is demonstrated and monitored by management in Learning and Development Division. Given that National Occupational Standards are not universally applicable a Standards Manual would provide such consistency. Such a manual could be a significant resource at times of staff turnover in the Division. Indeed it might form part of the induction process for new trainers in Learning and Development.

CHAPTER 5

PROSPECTUS

201. It is accepted that not all learning needs require formal training. For example it may be that reading latest case law or legislative changes may suffice. The Knowledge Bank is an excellent resource available to Crown Office and Procurator Fiscal Service staff in this regard. We also acknowledge that forum/discussion/networking groups sharing best practice, as well as secondments and other practical working opportunities such as job shadowing, all contribute to learning and development in a way that cannot be achieved in training courses. These were not the focus of this inspection however and we have, for the purposes of this inspection, concentrated on the opportunities provided by the Learning and Development Division.

202. The prospectus available at Learning and Development has a wide range of courses available for both legal and administrative staff. The courses are currently advertised on the Learning and Development page of the intranet (IDEAL) in one long list. This is copied to Appendix 2 of this report. There are plans to revise the layout of this list to separate legal courses from non legal courses. We agree that this will make it easier for intended delegates to navigate their way around the site and locate suitable courses for themselves.

203. The list includes courses which relate directly to knowledge and skills required to carry out specific roles within the Crown Office and Procurator Fiscal Service (vocational courses). In addition there are a range of developmental training events including courses for managers and leaders in the Crown Office and Procurator Fiscal Service.

204. In general terms feedback to the Inspectorate highlighted the good introductory courses on offer but a perceived lack of more advanced courses for lawyers working on cases involving serious crime available at Learning and Development. For example one respondent to our survey thought that recent advances in criminal investigation techniques and the associated issues involved in presentation of technical evidence in court would be worthy of coverage in training and of value to many prosecutors.

205. The prospectus also contains some courses on topics that could be described as of a specialist character such those relating to deaths or sexual offences. However it is generally the case at present that more specialist needs are not met in the courses offered at Learning and Development. Staff in posts in specialist units source much of their training externally but find generic courses such as those on management useful. Some courses of a specialist nature for example on

Proceeds of Crime and Covert Human Intelligence Sources (CHIS) have taken place at the Scottish Prosecution College but the role of Learning and Development has been purely as facilitator rather than in developing and delivering the materials.

206. E-Learning is now an accepted part of the curriculum. There are drawbacks of e-learning. Some cited to us were the need for access to computers in a quiet uninterrupted environment which was hard to achieve in some offices and the lack of opportunity to ask questions of the trainer. Indeed in the CIPD Annual Survey Report of 2009 e-learning was deemed to be one of the most effective learning and development practices by only 7% of respondents to their survey. There are however considerable benefits for both staff and managers in having an e-learning package available to access instantly covering the necessary learning points. In the same CIPD Annual Survey 42% or respondents said they had used e-learning more in their organisation. Appendix 3 shows the current list of e-learning packages available from Learning and Development Division.

207. In light of the recommendations of the 2002 Management Review we took an overview of three topics particularly singled out for recommendation there –

> ➢ Induction
> ➢ Precognition
> ➢ Management training

Induction

Corporate Induction

208. The first training or learning encountered in an organisation is the induction package. The 2002 Management Review recommended that induction training be *"revisited and strengthened"*. It does appear that there have been some changes to induction practice in recent years, although these changes are not reflected in the Staff Handbook which should be updated.

209. There is a corporate DVD introduction to the Crown Office and Procurator Fiscal Service which includes a personal message from the Crown Agent. In addition most (but not all) Areas have now completed their local induction package for new staff. The responsibility for ensuring that the new entrant receives the corporate and Area induction appears to rest with the Area in which the employee is based. HR does not monitor whether this aspect of induction takes place, nor does Learning and Development Division.

210. The only aspect of induction with which Learning and Development Division is directly involved is in relation to a two day mandatory diversity course for which a date is offered to the delegate by Learning and Development Division. The course should be undertaken within two months of starting work but some staff do not attend within this timescale. The Learning and Development Division Office Manager periodically runs a check on those who have not attended this mandatory course and further dates are offered although we learned of exceptional cases where two years had elapsed.

Legal Induction

211. All new legal staff and trainees in their second year of traineeship are required to complete four modules. These are as follows:-

    1. Court Preparation and Administration
    2. Court and Support Issues
    3. Case Marking
    4. Advocacy 1[9]

212. In addition to the 4 modules they must complete Advocacy 2[10]. The Legal Manager in Learning and Development Division is responsible for confirming that all necessary courses have been attended and that the certification application properly records that the Depute concerned has fulfilled the additional work based learning requirements.

213. The line manager's responsibility is to ensure that the Depute or trainee is provided with sufficient opportunity to reach the required standard for each competence by the second anniversary of the appointment and to ensure the release of that Depute for the mandatory legal induction modules. Deputes must make themselves available to attend mandatory training.

214. At present when a trainee starts their second year or a new Depute joins the Service they must apply for the mandatory courses leading to their certification as competent Deputes. Whilst there may be encouragement, some Deputes find that their certification process delayed because they have not attended mandatory training modules although we were told that this is sometimes because they have not applied in sufficient time for courses. In particular, Advocacy 1 (legal module 4) and Advocacy 2 have limited places (8 – 10 maximum).

215. During our inspection we learned that a review of the timing of provision of mandatory legal induction courses was being undertaken.

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[9] Deals with summary court work (the conduct of cases in the District or Sheriff Court at summary level) - only those who have completed six months as a second year trainee or as a Depute are eligible to apply
[10] Deals with solemn work (the conduct of Sheriff and Jury trials) - for qualified lawyers new to the Service and for second year trainees after at least 6 months in post

One suggestion was that there should be greater collaboration between HR and Learning and Development to identify, at the earliest opportunity, numbers of trainees and new Deputes being recruited. Further that rather than the present system in operation that places on these courses could be allocated by Learning and Development Division at the appropriate time.

216. Of the 16 courses cancelled in the year from March 2009 to February 2010[11], two were legal modules. We also received comments such as the one below:

- *"When I started it was several months before I attended the legal training modules." (Q15, 54)*

217. And this from a legal line manager –

- *"...one of my staff has been bounced on the Legal module 1 course twice and this is affecting his certification." (LM Q16, 31)*

218. We recommend that consideration is given to allocating mandatory legal modules on recruitment or at the end of first year traineeship so that such problems do not arise.

Recommendation – That course places are allocated by Learning and Development Division for diversity and legal induction modules so that timely attendance at the necessary course is assured and may be monitored.

219. As we neared the end of our inspection the Independent Review of Sheriff and Jury Procedure by Sheriff Principal Bowen was published. The review highlighted concerns expressed by Sheriffs about inexperienced Procurator Fiscal Deputes conducting solemn business and in particular the management of that business in the courts. We mention this as the current Depute certification process to complete induction requires attendance at the Advocacy 2 course.

220. Favourable comment was made about the standard and practicality of the programme of training, which was described as carefully devised and well structured, and of the "rigorous yet constructive" approach of the instructors.

221. Advocacy courses in the Scottish Prosecution College are delivered by a group of legal trainers, some of whom are based in the College and some of whom are operational in the Crown Office and Procurator Fiscal Service. All are NITA (National Institute of Trial Advocacy) trained. The courses are designed to allow the delegates to 'learn by doing' in that

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[11] Chapter 6 – course cancellations

they prepare and conduct mock cases, practising skills of examination in chief, cross examination and presenting closing arguments.

222. As Sheriff Principal Bowen pointed out however, attending such a course may not in itself provide sufficient grounding for the conduct of solemn work. The Independent Review advanced a number of suggestions as to how the Crown Office and Procurator Fiscal Service could improve the quality of presentation of Sheriff and Jury cases including observing and assisting Advocate Deputes in the High Court, watching and assisting more experienced senior colleagues in courts, and establishing a system of mentoring. Further it was suggested that regular informal feedback from Sheriffs to 'Fiscals with management responsibility' should be encouraged.

223. These suggestions confirm the view we expressed earlier in our introduction to this report that training is only the beginning of the learning process and in order to be effective must be followed up by the opportunity to put that training into practice in a supportive environment.

224. One Area Training Committee told us that they planned to deliver short training presentations to legal staff on the procedural aspects of the conduct of both summary and solemn courts because Deputes were reportedly requiring support in the court on a day to day basis on procedural matters. Given that the advocacy courses focus on the presentational aspects of conducting trials rather than procedural aspects, it may be appropriate to consider in the course of the review of these courses whether procedural aspects could be incorporated into the materials to address these issues.

Recommendation – That consideration is given to including procedural aspects of solemn court work in legal induction. (Given the findings of the Independent Review of Sheriff and Jury Procedure)

Precognition

225. Precognition is the process by which solemn cases are prepared for trial at both Sheriff and Jury and High Court level. Precognition work is carried out by legal staff, Precognition Officers and solemn caseworkers.

226. The prospectus at Learning and Development has a basic course entitled 'Precognition'. At present there is no identified course sponsor for this course. We understand that this course was first designed some years ago and was adopted onto the curriculum of Learning and Development Division when the Scottish Prosecution College opened. Therefore none of the original course specification documentation which we might have

expected to see was available. We cannot comment therefore as to whether essential design and quality assurance processes took place.

227. In light of significant changes to the way precognition is carried out and new report formats for both Sheriff and Jury and High Court precognitions the basic precognition course is presently under review at Learning and Development Division. Although the basic precognition course requires review it was recognised that this review might usefully incorporate a review of the child precognition course (for those legal and precognition staff who are to interview children), witness interviewing course (aimed at Deputes and Precognition Officers of up to three years experience and focussing on how to deal with expert witnesses) and effective management of Sheriff and Jury cases course (for legal managers allocating precognition work to legal and precognition staff). A holistic review of all precognition-related training is therefore underway at present.

228. Three portfolio owners potentially have overlapping responsibilities in relation to training in these various aspects of operational precognition work and we were aware of engagement by Learning and Development Division with these stakeholders about this course review. At the time of our inspection course sponsor(s) had yet to be confirmed.

229. The current version of the Staff Handbook indicates that as part of induction into the role of Precognition Officer that basic precognition training is undertaken within three months of commencement, with the more advanced Witness Interviewing course within six months. There is no mention of the more recently introduced lower grade solemn caseworker. There is no indication that such an induction timetable is adhered to given that no monitoring arrangements exist in Learning and Development Division and the course materials for both the precognition course and the witness interviewing course refer to the target audience as 'deputes and precognition officers having up to three years experience'.

230. Given the strategic priority to the preparation of solemn casework it is vital that this review of training courses for precognition-related work is completed without delay. Those staff that are not legally qualified and newly promoted to any form of precognition role will require timely training on their new role. The current review of precognition related training should therefore include consideration of an induction timetable and monitoring arrangements.

231. We envisage that this work will dovetail with the mapping of training in relation to the competency framework referred to in Chapter 2. In this

connection it may be appropriate to consider the standing of the newly offered Certificate in Prosecution Studies[12].

Recommendation – That in relation to all courses involving precognition work a holistic review is undertaken in consultation with identified course sponsor(s) and that the question of induction into the role of precognoser be taken into account in this review.

Management Training

232.   In light of the 2002 Management Review recommendation about priority to management and communication training and commitment to this in the Learning and Development Strategy we took an overview of what training courses were offered on the Learning and Development Division prospectus under this broad heading.

233.   There are two courses, designed 'in-house', relating exclusively to legal managers managing teams of precognosers in solemn cases. These are:

> ➤ Effective Management of Serious and Complex Cases
> ➤ Effective Management of Sheriff and Jury Cases

234.   The remaining courses are generic management courses, externally sourced but delivered 'in-house' by Learning and Development Division consultants who have fulfilled the requirements of the external providers to be accredited trainers. Some are tailored to meet the particular needs of the Crown Office and Procurator Fiscal Service. These briefly are:

> ➤ Just About Managing – This course has a module designed to highlight to managers their responsibilities in relation to developing their staff and refers to the Managers' Charter (a document setting out expectations of managers' conduct and attitudes). In addition, online resources are available in the form of the managers' toolkit. The toolkit is a generic resource and provides helpful tips including suggestions about a range of learning and development options that might be considered by a manager. They also include suggestions as to how to promote learning and development opportunities at team briefings, promoting a coaching style of leadership, how to conduct personal development interviews and how to diagnose skills and knowledge gaps.

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[12] A course delivered at Central College in Glasgow but designed, in conjunction with the Crown Office and Procurator Fiscal Service, to offer an externally accredited paralegal qualification at SVQ Level 3

➢ Certificate in First Line Management (CFLM). This course is designed by the Institute of Leadership & Management (ILM), modified by Learning and Development Division to suit the needs of Crown Office and Procurator Fiscal Service managers and condensed into eight modules. As an ILM accredited course there is ongoing assessment work, marked by accredited Learning and Development Division staff. Having successfully completed the modules and associated assessment work delegates receive a certificate at SVQ Level 3.

Following some last minute withdrawals by some managers from the last ILM modules Learning and Development Division now offer the modules without assessment as an alternative option for those who not interested in obtaining a certificate but nonetheless wishing to obtain the training.

➢ The more advanced ILM Level 5 Diploma in Management was being developed at the time of our inspection and was offered for the first time in July 2010.

➢ People, Change and Innovation. This course concerns managing change and how to identify and deal with potential obstacles to change. It uses an interactive IT technology and is designed for teams rather than individuals.

➢ ILM Coaching for Team Leaders and First Line Managers. Coaching, according to the course information, is defined as the "process of enabling individuals to acquire the knowledge, skills and techniques needed to perform effectively in their occupational role by motivating, inspiring, challenging, stimulating and guiding them." This was just being introduced as we carried out our inspection. We were advised of a disappointing number of people applying for this course as a result of which the second planned cohort had to be cancelled.

➢ Mentoring. Previously some informal mentoring arrangements were in place in the Crown Office and Procurator Fiscal Service but this is the first formal mentoring programme. This scheme was being set up during our inspection. We were advised that 60 mentees had applied but that there was a shortfall of volunteers in senior civil service ranks to be mentors. The aim of the programme was to improve communication and help both mentors and mentees to gain a better understanding of the issues faced by them in their work.

235. There are also a number of additional courses dealing with specific management issues such as:

> Managers Managing Stress
> Managing Difficult Conversations
> Project Management

236. As indicated above there is an evolving structure of managerial training now being offered in the Crown Office and Procurator Fiscal Service. Of those who responded to our survey 11 had attended some type of management course recently. Four had attended a Certificate in First Line Management module, three had attended Just About Managing and the others had attended Project Management, Managing Change, Managing Serious and Complex Cases and Managing Sheriff and Jury Cases respectively.

Induction to New Roles

237. Although Learning and Development Division monitors arrangements for corporate induction and legal induction there is no formal induction timetable for those appointed to new roles within the service. For newly appointed managers (either legal or non legal) there is no requirement to attend any of these management courses. We have already commented in this chapter about precognition induction.

238. Whilst we were advised by the head of Victim Information and Advice that certain courses were mandatory for all newly appointed VIA Officers there is no reference to this in the Induction section of the Staff Handbook.

239. In relation to deaths training, the specification recommended that both courses should be mandatory for all Deputes before they undertook this type of work. In the event, when the course materials were finalised the target audience was identified as legal staff dealing with the receipt of deaths reports (Course 1) and Deputes and precognosers involved with further investigation of deaths up to and including the preparation of a FAI (Course 2).

240. Although designed with legal staff in mind some Victim Information and Advice staff attended the Deaths 2 course to gain an understanding of the role of the Fiscal in investigating deaths and to receive the training on dealing with bereaved relatives. In light of the commitment in the Strategic Plan to ensure training for staff involved in dealing with bereaved relatives we were surprised to find that the courses were not mandatory for those (legal and non legal) staff dealing with the bereaved. The Staff Handbook makes no mention of these courses.

241. We compared arrangements with the Crown Prosecution Service. There induction training for new roles was being promoted and we suggest that this is a matter which the Crown Office and Procurator Fiscal Service should consider.

Recommendation - That consideration is given to an induction timetable to include new roles such as managers, precognition officers, Victim Information and Advice staff and those working in Deaths and that monitoring arrangements are put in place to ensure that the proscribed timetable is followed. The Staff Handbook should be updated to this effect.

Conclusions

242. Induction for new entrants to the Crown Office and Procurator Fiscal Service has improved in recent years with a combined corporate and local approach. As with the current system for diversity a proactive allocation system for legal induction is recommended.

243. As with all inspection work we were conscious that work was ongoing while we conducted our inspection. Provision for management training was evolving with new initiatives including coaching, mentoring and the new Level 5 ILM course for senior managers. Also, in relation to the mapping exercise, we hope that the result will be a comprehensive framework for all staff in the Service who will be clear about their career path and the learning and development requirements and opportunities to progress in their chosen field.

244. Where basic skills and knowledge are a pre-requisite for carrying out roles there should be a clear statement about what training or other learning and development activities are required and when these should be undertaken. We considered that ongoing work on the mapping of training to roles and competence frameworks should include providing an induction timetable for those commencing new roles in the Service, in particular those new to precognition and management roles as well as those involved in investigating deaths and Victim Information and Advice.

CHAPTER 6

ADMINISTRATION OF LEARNING AND DEVELOPMENT

245. Overall responsibility for managing the administration functions of Learning and Development Division lies with the Head of Learning and Development. Day to day responsibility is delegated to the Office Manager. The Office Manager and his staff populate training calendars, provide delegates with joining instructions, arrange overnight accommodation when necessary, update records of attendance, liaise with staff and managers and manage the day to day running of the College including setting up equipment in rooms, arranging seminars, keeping stationery up to date, approving invoices and travel and subsistence claims etc. Desk instructions are available for most administrative processes as well as desk aids which are useful to staff as a quick reference. It was found that in the main there were adequate procedures for the administrative functions within Learning and Development as described below.

Training Calendar

246. The Head of Learning and Development Division and the Learning and Development Division Manager identify what courses will be held in the future. This is based on a number of factors such as:

   - ➢ What has gone before
   - ➢ Rolling induction programmes
   - ➢ Anticipated new courses based on new or changing legislation, procedures or systems and other matters highlighted in discussions with senior managers

247. This information is passed to the Office Manager who checks availability of facilities and populates a training calendar.

248. We were advised that trainers are not always consulted when the calendar is being created and occasionally changes have to be made afterwards, for example, the new 'Coaching' course had to be fitted in around what was already slotted in. Similarly other courses such as 'Competency Framework' were allocated at short notice and arrangements have to be made to fit these in. We also learned of an occasion when a course[13] was added to the calendar but none of the trainers knew who was responsible for the course or indeed that it required to be developed.

Recommendation - That all trainers are consulted in the creation of the Learning and Development Calendar.

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[13] Managing Difficult Conversations

249. The training calendar is created at the same time as the following year's budget given that financial resources are based on what requirements are likely to be (see also 'Learning Needs Analysis' in Chapter 3 and 'Finance' in Chapter 7). As a result a calendar is created 12 to 15 months in advance. The current calendar was set in October 2009 and details course availability up to March 2011. This is reviewed informally throughout the period.

250. As part of our inspection we visited the Scottish Police College and the Crown Prosecution Service Learning and Development Division. Although both these organisations review national learning priorities annually they also review learning needs more frequently and have shorter programmes of courses. For example, the Scottish Police College plan their prospectus six months in advance. This allows for planning that meets more current needs and considers recruitment, retirement, succession planning etc.

251. Similarly the Crown Prosecution Service Learning and Development Division set annual national priorities and review these quarterly. As part of quarters two and four they consider their Group Learning and Training needs which, amongst other sources of information, are informed through personal development reviews. Budgets and resources are also considered at these times. They have recently introduced a comprehensive learning and development planning cycle.

252. Within the Crown Office and Procurator Fiscal Service personal development plans[14] should be discussed with staff twice a year as part of the appraisal system therefore it may be of value for Learning and Development Division to review their training prospectus around these times. Greater compliance with these arrangements might allow for a more focussed approach and may also negate issues surrounding short notice allocation of work, as described above, and the need to cancel courses (see below at Course Cancellations).

Recommendation - That Learning and Development Division formally review their training prospectus/calendar biannually to take account of immediate learning needs which can be informed through personal development plans and any new courses that have been developed.

253. The training calendar is posted on the Learning and Development intranet page and also on 'What's New' on the Crown Office and Procurator Fiscal Service intranet to which all staff have access. There is also communication from Learning and Development staff to Area Training Co-ordinators to advise staff of spaces on courses. Another method of communicating Learning and Development issues including

[14] See Chapter 3

course availability is through the Bulletin[15]. Information contained in this news sheet is passed on to staff at Team Briefings.

254. Recognising that the timetabling of courses on the same day or days on each occasion might exclude individuals who work part-time efforts were made to avoid this. For example with the 'Competency Based Interviewing' and 'Advocacy' courses the calendar was altered so that the course did not always take place on the same day(s) of the week.

Course Scheduling

255. Learning and Development course schedule spreadsheets for all courses are created and maintained by the administrative team in Learning and Development. The number of delegates for each course is determined by the course developer. There are no expected minimum or maximum days training per person.

256. Figures received from Learning and Development Division showed that 828 days training were delivered (430 by legal Trainers; 398 by Training Consultants) during period 1 March 2009 to 28 February 2010[16]. For this period we were advised that 943 employees attended courses totalling 3164.5 days and averaging at 3.3 days per employee. There are approximately 1700 members of staff in the whole of the Crown Office and Procurator Fiscal Service and we therefore conclude that some staff did not receive any training during this period.

257. When an application is received the course schedule is checked to ascertain if there are spaces and if so the person's details are added. If the course has reached capacity an e-mail is issued to advise of future dates and the name is added to the reserve list. If accepted on a course an e-mail is issued to the person advising that they have a place. It is expected that the delegate will advise their line manager that they have been accepted on the course, but there is no direct contact between Learning and Development Division and the delegate's line manager. As discussed in Chapter 1 the importance of the line manager's role in the training and learning and development of their staff is crucial.

Recommendation - That Learning and Development advise the line manager of each delegate's acceptance on a course.

258. Although applications forms do not specifically seek information about special assistance requirements, the confirmation e-mail to staff indicating they have been accepted on the course does so. Attempts are made to accommodate needs, eg providing an electronic note taker for

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[15] This is a 'monthly news sheet providing information and updates on key issues and initiatives'
[16] This figure takes account of actual days in class (including at Scottish Prosecution College, Police College at Jackton and Tulliallan, External Workshops and Training Days). Note: This figure does not identify if more than one trainer was involved in delivery.

someone who has hearing problems, etc. In our staff survey we asked if special assistance was required while attending a course. Only 1 from 59 said yes and the response was:

- *"As a type 1 diabetic I have to eat mid morning and afternoon. Often no biscuits are provided with coffee but I always bring my own anyway." (Q12, 59)*

259. It is noted that wherever possible Learning and Development Division will take steps to make arrangements for specific needs of staff as long as they are advised of these needs.

260. Joining instructions (and any required pre-course reading details) are e-mailed to staff eight weeks prior to a course commencing. The e-mail includes information on the aims, objectives and expected outcomes of the course, time, date, location. The delegate has to either accept or decline the offer and on acceptance of the invite to attend the date is automatically saved in the delegate's calendar and the Learning and Development course schedule is updated.

261. If the offer is declined the reason is sought and confirmed with the Area Business Manager. A cancellation notice will be sent, the person is deleted from the course schedule and the 'course withdrawal' folder is updated. The personnel management system (KCS) is then updated to record attendance and withdrawals from courses. This is a particular area that is monitored (see Course Withdrawals below).

262. As part of our staff survey we asked whether adequate information on the aims, objectives and expected outcomes of the course was provided. 51 (or 86%) from 59 respondents indicated that they were provided with adequate information and 50 (or 85%) indicated that this information was given in sufficient time to prepare for the course. The remainder did not specify.

Course Withdrawals

263. We learned that concerns had been expressed both in Learning and Development Division and at senior management level within the Crown Office and Procurator Fiscal Service about the number of staff withdrawing from courses. Withdrawals had an impact in terms of additional administrative time as well as potentially making the course unviable and subject to late cancellation. A specific example cited to us was Sexual Offences training where additional dates were added to capture staff who had withdrawn from courses. Training therefore covered a longer period than expected.

264. We understand that course withdrawals are being monitored, reported to the Deputy Chief Executive and discussed at senior management meetings eg Area Business Manager meetings. Figures relating to this show a substantial number (65) withdrew from courses in January 2010 but this dropped to 24 in February and 27 in March.

265. At the Learning and Development Steering Group meeting in May 2010 it was noted that there had been 26 (or 18%) withdrawals from 145 scheduled to attend in April 2010. Nine (or 34%) of the 26 that withdrew cited work commitments as the reason.

266. As part of our staff survey we asked whether staff had to cancel attendance at a training event and if so what was the reason. Fourteen (or 24%) from 59 responses indicated that they had to cancel attendance. Example responses are as follows:

- *"On one occasion it became apparent that cover could not be provided….; on another I was required to complete an urgent report ….." (Q17, 7)*

- *"I had asked to attend at a course that I later considered was not suitable for me and asked to withdraw on that basis." (Q17, 25)*

- *"Pressure of business." (Q17, 31)*

- *"Heavy workload." (Q17, 38)*

- *"This happened more than once. On each occasion it was to do with pressure of business, and concerned a particularly sensitive case where only I could deal with it for various complicated reasons (Q17, 55)*

267. We also asked line managers to comment on this issue. We received 25 responses of which only three (or 12%) indicated that they had refused attendance. Example responses for those who did are as follows:

- *"Staff have put themselves on training without consultation and the training is not relevant to the job they are doing or related to the career path they wish pursue." (LM/Q8, 11)*

- *"On two occasions that I recall, due to pressure of business …. Except in extreme circumstances as above we try to do everything to avoid withdrawal." (LM/Q8, 23)*

268. Further to this we asked line managers whether they had been aware of staff cancelling attendance. Five (or 20%) from 25 indicated they were aware of this. Example responses are as follows:

- *"Various reasons for cancelling however they are all sent via myself and I make the decision as to whether or not it is reasonable for them not to attend." (LM/Q9, 11)*

- *"I would only allow staff to cancel training if they had a very good reason." (LM/Q9, 12)*

- *"Due to their work commitments." (LM/Q9, 21)*

269. If there are many withdrawals the administrative team in Learning and Development Division will try to fill spaces from waiting lists or will advertise on 'What's New' of the Crown Office and Procurator Fiscal Service intranet or contact Area Co-ordinators to advice of spaces. On occasion courses have to be cancelled or re-scheduled because of the number of withdrawals, a recent example being 'Presenting with Impact'. This last course was on offer from an external provider but on that occasion, as a gesture of goodwill, no charge was levied.

270. Staff attending courses is seen as valuable by both the individuals and line managers, however, it is clear from monitoring and from our surveys that pressure of business does have an impact on whether attendance can go ahead.

271. Although by far the main reason given for non attendance was work commitments, there were a number of other factors cited including taking annual leave and, most concerning, simply forgetting to attend. We believe that notification to the line manager of the date allocated for training (as recommended above) ought to have an impact on all of the categories of non attendance.

272. We note that this issue is being carefully monitored at senior management level and therefore make no further recommendation in this regard.

Course Cancellations

273. Learning and Development Division advised that 16 courses were cancelled during period 1 March 2009 to 28 February 2010. We were informed that all were cancelled due to insufficient numbers. Six were one day courses, nine were two day courses and one was a three day course therefore a total of 27 days were cancelled as follows:

Course[17]	Date(s)	Days
Deaths 2	20-21 Apr 2009	2
Precognition	20-21 May 2009	2
Deaths 2	15-16 Sept 2009	2
FOS Warrants & FOS Updates	23 Sept 2009	1
Effective Management of Serious & Complex Cases	22-23 Oct 2009	2
Effective Management of Sheriff & Jury	9 Nov 2009	1
Presentation Skills	9-10 Nov 2009	2
Mock Trials	23-24 Nov 2009	2
Vulnerable Witnesses	10-11 Dec 2009	2
Legal Module 1	16-17 Dec 2009	2
Effective Management of Sheriff & Jury	11 Jan 2010	1
Deaths 1	18 Jan 2010	1
Domestic Abuse	19 Jan 2010	1
Legal Module 2	20-22 Jan 2010	3
Vulnerable Witnesses	15-16 Feb 2010	2
Domestic Abuse	23 Feb 2010	1
Total		**27**

274. In these circumstances administrative staff make the trainers aware of insufficient numbers and the decision to cancel is made either by their Training Manager or the Legal Training Manager. Although we did not specifically ask a question in relation to courses being cancelled in our line manager survey, one manager did indicate that:

- *"… training courses which they were due to attend have been cancelled, ……, which is very inconvenient." (LM/Q9, 13)*

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[17] Colours donate where related courses repeat

275. Further to this a comment was made in our survey:

- *"… As staff are cut and increasingly stretched in the coming years the difficulties with making staff available for courses and last minute call offs are only going to rise …."* (Q33, 31)

276. Given that there was a need to cancel the above courses we believe it may be more beneficial to work on a shorter more focussed training programme (as explained above at 'Training Calendar'). This would help ensure that needs of the time are considered, for example, retirements, possibility of reductions in staff in the current economic climate, etc.

Attendance

277. Each morning administrative staff are responsible for ensuring that individuals scheduled to attend a course have turned up. If someone does not arrive they will make enquiries with line managers to ascertain whether the delegate intends to be there. In the event of non appearance their name is deleted from the course and added to the 'course withdrawal' spreadsheet. An entry is also made in KCS system to this effect.

278. For those who do turn up their attendance is updated on the KCS system. At present there is no measurement of course take up. As part of our inspection we visited the Police College at Tulliallan to compare approaches. Here they have a specific target to meet 90% attendance and this is monitored. We also visited the Crown Prosecution Service Learning and Development Division and note that they have monthly activity reports which include uptake of e-learning and take up of national programmes at group[18] level and percentage of places filled and uptake of e-learning at national level. Such information might be of assistance in future training calendar planning.

Event Reports (Evaluation)

279. On the day of the course delegates are asked to complete an evaluation form. These are collected and put together by administrative staff in an 'Event Report' which is saved in the shared drive and passed to trainers to check the results. This report details an analysis of results along with any comments that are made. The Head of Learning and Development, the Principal Depute and Training Managers also receives copies of these.

280. The purpose of the reports is to help develop the course to meet the needs of the users although trainers indicated that this initial evaluation

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[18] CPS can be broken down into 11 groups and 42 areas

usually does not tell them much and generally the reports are filed in the folder with the course materials without need for any action.

281. Learning and Development Division have recently procured 'Survey Monkey', an online tool that helps to conduct, manage and analyse surveys. We have been advised that this has been used for evaluation of one course. We consider that this may prove to be a more efficient use of administrative resources. However, this will require to be monitored.

Workstream Progression Plans

282. Workstream Progression Plans are e-mailed to Legal Trainers and Training Consultants for completion on a monthly basis. This allows them to fill in target dates and details of progress and helps line managers and other staff know the stage of work. The Office Manager arranges them into one document and passes this to the Head of Learning and Development.

283. In a similar vein forms ABCD (**A**chieved, **B**enefits, **C**oncerns, **D**o next) are completed monthly by the legal and training managers to provide a snapshot of work and a quick synopsis of all training activity to encourage them to think ahead. These are also forwarded to the Head of Learning and Development Division and Director of HR for monitoring purposes.

284. We reviewed a selection of Workstream Progression Plans and found them to be informative whilst the ABCD forms were perhaps less so.

Learning and Development Home Page

285. The Learning and Development home page IDEAL (**I**nformation, **D**evelopment, **E**ducation **A**nd **L**earning) on the Crown Office and Procurator Fiscal Service intranet provides Crown Office and Procurator Fiscal Service staff with links to a variety of learning and development information as follows:

Courses & Learning Opportunities

Calendar

E - Learning

Strategy

Staff & Resources

FAQ

Funding & Sponsorship

Forms & Administration

Leading By Example/ Mentoring

Competency Framework

286. By clicking on each of the bubbles on the intranet more information is available, for example, FAQ details information on a variety of issues such as booking and cancelling a course, getting to Scottish Prosecution College, overnight accommodation, etc.

287. Responses from staff questionnaire in relation to communication are:

- *"The intranet is the primary tool." (Q7, 7)*

- *"Regular bulletins appear either on the homepage or an e-mail is sent." (Q7, 12)*

- *"I regularly look on the intranet where anything new is shown." (Q7, 51).*

288. We consider that IDEAL is a useful communication tool and along with other methods of communication eg 'What's New', Bulletin, etc. Crown Office and Procurator Fiscal Service staff know what is current in Learning and Development. We did note, however, that it was not easy to find out who lead trainers were for specific courses or who contacts are for each of the Crown Office and Procurator Fiscal Service Areas.

289. We also noted that there was a lack of information relating to line manager and individual responsibilities concerning learning and development on IDEAL. This information was found in the Staff Handbook[19].

Recommendation - That, for ease of access, responsibilities showing Learning and Development contacts for each Crown Office and Procurator Fiscal Service Area and lead trainers for each course are added to IDEAL. Similarly

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[19] Staff Handbook – Chapter 6, paragraphs 6.14.3. to 6.14.6 does require updating (see Leadership – Chapter 1)

responsibilities of managers and individuals concerning learning and development (as described in the Staff Handbook) could be placed here.

Learning Management System

290. The personnel management system (KCS) provides information support for decision making in Learning and Development Division. It can be used to enter updates of attendance, withdrawals, etc and parameters can be set for reports to be generated. Only Learning and Development administrative staff have access to the training section of this system. They have no access to personal information. The KCS administrator gives access permissions and sets new codes for courses and the system requires Learning and Development staff to enter a user name and password to access it.

291. The Office Manager sets aside two days to train new staff on the use of KCS. At the time of our inspection full desk instructions on use of KCS were not available but the Office Manager planned to create these.

292. Various reports can be generated to aid the efficiency of the Learning and Development function:

➢ **New Entrants** – this report is printed once a week and details of new employees are entered onto Learning and Development spreadsheets for 'Corporate Induction[20]' and 'Diversity'. Once delegates have attended the 'Diversity' course this spreadsheet is updated and if after some time it becomes known that a person has not attended then efforts are made to arrange their attendance. This particular course should be completed within two months of start dates but no formal monitoring is carried out to ensure this is done. In respect of the 'Induction' course the spreadsheet is a record of who has been invited to carry out the e-learning but line managers are expected to monitor this locally. See Chapter 5 where we recommend changes to induction processes.

➢ **Individual Learning Records** – Learning and Development staff can extract records of all training done by an individual. This type of report is especially used by the Principal Depute in Learning and Development when assessing a Depute's competence for certification purposes.

➢ **List of staff in certain grades** – eg identifying all Band C, etc. This is used for particular programmes aimed at certain staff grades eg Management, Precognition, etc.

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[20] Corporate Induction e-learning package

> **Course withdrawals**

> **Attendance**

293. We were advised that the KCS is not particularly user-friendly in that the system will not stop a search if a detail has been entered wrongly eg asking it to find Band B staff in an existing report type when the request should have been Band C. The system will continue the search.

294. KCS is not used for scheduling courses and booking individuals on courses even though this facility is available. These are currently done on Excel spreadsheets. As a result two different systems are being used, for example, when an individual wishes to withdraw from a course an action has to be taken in the appropriate Excel spreadsheet and also in the KCS system. This duplication of effort appears to be inefficient.

295. As part of our inspection we visited the Crown Prosecution Service Learning and Development Division in York. They showed us their HR system (TRENT) and their KIM (Knowledge Information Management) system. Learning activities such as scheduling, booking courses, generating reports are all performed on TRENT. It does have a self serve facility but this has yet to be rolled out. The KIM system allows staff to log on and carry out 'Quick Learns' which may be e-learning to improve skills. There are also 'Community' workspaces on this system which has discrete work groups and allows Learning and Development Division to update specific groups. Here mentors can also upload information eg guidance to discrete groups.

296. Within the Crown Office and Procurator Fiscal Service a new HR management system (SNOWDROP) is under consideration. The Office Manager provided a paper to management on the practices currently performed on the KCS system and the associated time these practices take. The report did not include recommendations for change.

297. It is hoped within Learning and Development Division that a new learning management system will allow staff to 'self serve' (ie book themselves onto courses) and address issues such as duplication as described above along with inclusion of other features such as automatic reminders to staff, advising line managers of arrangements, etc resulting in a more efficient and effective system. It is also hoped that use can be made of a 'Shared Point' facility that may become available through the new Crown Office and Procurator Fiscal Service IT system, PHOENIX. This would allow Learning and Development Division to create shared learning communities such as those described above, keeping groups of people up to date with current news and allowing forum discussion.

298. We were advised that the Scottish Government has a system for booking courses and that enquiries will be made to identify if Learning and Development Division could procure this for a reasonable price.

299. Either way, whether procuring the Scottish Government system or utilising the learning management function of the SNOWDROP system it is considered that administrative efficiencies will result. As we concluded our inspection the Head of Learning and Development Division was tasked with taking this forward along with identifying requirements for use of a 'Shared Point' facility in the new IT system.

Administration of New Courses

300. Learning and Development staff advised that much more administrative and assessment work had been created with the introduction of new courses such as the Institute of Leadership and Management (ILM) 'Certificate in First Line Management (CFLM)' course and the 'Certificate in Prosecution Studies'. Dealing with additional duties and last minute requests for training such as Competency Framework had an impact on other work. Some staff told us that they were working longer hours and taking work home as a result.

301. Although managers in Learning and Development Division were aware of the increased workload current budget arrangements did not allow for additional staff.

Conclusions

302. The administration team in Learning and Development Division perform many functions. In the main our review found there were adequate procedures in place. However, we have made some recommendations that should aid efficiency.

303. The introduction of a new learning management system and increased use of the online survey tool should help alleviate duplication of work.

304. We encourage Learning and Development Division to formally review their training prospectus twice a year to take account of immediate needs which may help reduce withdrawals and cancellation of courses.

CHAPTER 7

FINANCE

Opening of the College

305. The Scottish Prosecution College was opened in September 2007 by the Lord Advocate.

306. Figures obtained from Crown Office Finance Division in relation to Learning and Development Division for years 2006/07 to 2009/10 are as follows:

	2006/07	2007/08	2008/09	2009/10
Staffing	270,426.77	379,362.14	596,404.59	687,670.20
Office	29,239.17	81,683.71	65,600.96	116,247.18
Other[21]	9,079.15	4,101.40	357.63	150.92
Centrally Managed	753,207.39	420,892.29	532,969.97	580,871.40
Total	**1,061,952.48**	**886,039.54**	**1,195,333.15**	**1,384,939.70**

307. The above table shows that staffing costs increased over the four year period. This was expected given that additional posts were created in Learning and Development Division in response to the 2002 Management Review recommendations that the 'training unit should be strengthened' and 'backed by the allocation of sufficient resources'. As can be seen there has been an overall decrease in the centrally managed expenditure which takes account of costs associated with core training. Again this is as expected given that there that more courses are now delivered in-house therefore there is less need to hire training rooms and external trainers, etc.

308. An exercise was carried out by Finance Division in 2009 which showed cost efficiencies in relation to hire of rooms/accommodation, external speakers, food and travel and subsistence since the opening of the College. Figures supplied showed that from 2006/07 to 2008/09 there was a 78% reduction (£432,659.47 to £96,526.18) in total costs for these particular expenses although within this there was an increase in travel and subsistence as would be expected when the College was located in one city as noted in responses to our staff survey:

- *"However….. claims from Aberdeen will be high………….. would cost the Department £300 per person – a lot of money when there are say 25 Deputes all needing trained and one trainer doing the same course over and over centrally ……..." (Q28, 55)*

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[21] Postage, Bank Charges

309. The location of the College is discussed later in the report at Chapter 8.

310. The exercise further showed, based on these particular costs, a decrease in the cost of training per head[22] from £495 in 2006/07 to £81 in 2008/09. Using the same formula the Training Manager calculated the costs for 2009/10 to be further reduced to £61 per head.

311. The 2009 CIPD annual survey reported that in the public sector the median training spend per employee was £127. This report does not specify costs included in the calculation therefore direct comparisons could not be made.

Budget

312. The Head of Learning and Development has overall responsibility for the Learning and Development Division financial budget. Day to day management of the budget, including setting and monitoring the budget is delegated to the Learning and Development Division Manager.

313. The Learning and Development Division budget accounts for just over 1% of total cost of the Crown Office and Procurator Fiscal Service budget.

314. The financial budget is created in accordance with the Crown Office and Procurator Fiscal Service business planning process and it consists of staffing, office and centrally managed costs. Office costs consist of stationery, utilities, Learning and Development staff travel and subsistence, practising certificates, etc. Centrally managed costs consist of estimates for delivery of core courses including anticipated travel and subsistence related to this. We were advised that abstraction costs are not included given that adequate notice should be given for managers to make alternative arrangements and schedule work. No issues were raised relating to this in our questionnaires/interviews (although it was noted in responses to our Area questionnaire mention was made of the time factor of staff travelling to Glasgow to attend courses[23]).

315. Other initiatives accounted for in the centrally managed estimate include amongst others:

   ➢ Qualifications policy - financial support is available to staff for further education if they can evidence that achieving the qualification will meet Crown Office and Procurator Fiscal Service business needs
   ➢ LLB Sponsorship – funding for two members of staff

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[22] Based on figures obtained from the KCS system relating to the number of staff trained
[23] See Chapter 8

- Forensic Medicine Science – agreements are in place with Glasgow and Edinburgh University for certain free places and to fund a certain number
- External training eg Microsoft, Oracle, etc
- Conferences and seminars
- Subscriptions to professional bodies

316. Resources are allocated according to learning and development priorities identified through creation of the training calendar. It is noted that the 2010/11 budget stipulated that no provision was made for new anticipated projects such as the Phoenix project, Criminal Justice and Licensing Bill, etc as these costs were unknown at the time. It is expected that additional funds may be sought for such and that this will be approved at senior management level within the Crown Office and Procurator Fiscal Service as a business case.

317. The Learning and Development Division Manager has access to the Crown Office and Procurator Fiscal Service budget manual folder which is updated monthly by Finance Division. From this he checks forecasts and expenditure against records held in Learning and Development Division. Any discrepancies or unusual expenditure is followed up and discussed with the Head of Learning and Development as the budget holder and with Finance Division. The Director of HR also receives monthly reports for monitoring purposes.

318. Apart from the rejection of additional administrative assistance none of the staff felt that there were any other financial constraints when it came to delivering an effective learning and development service.

319. **NOTE:** Capital expenditure is managed by Estates Division and has not been included here.

Costs/Benefits

320. For new projects, costs of training are identified as part of programme development. For courses already in existence historical data is used to identify costs as described above.

321. The Learning and Development Evaluation Strategy has a specific objective to:

- Provide, where, possible, meaningful information for the return on investment calculations.

322. We found no evidence of any measurement of costs against benefits for courses at present. There is a section in the 'Workstream Progression Plans' for costs/benefits to be detailed, however, this section is not

currently used. We have been advised that it is Learning and Development Division's intention to do this in the future.

323. It is widely accepted that it is much easier to measure costs than benefits. Calculating costs would involve identifying 'hard' numerical data such as actual expenditure relating to speakers, accommodation, materials, etc. Measuring benefits involves identifying 'soft' qualitative data such as increase in performance, confidence, motivation, etc. (Such information is akin to level 4 evaluation, which as we have said earlier[24], does not take place) Measurements would have to be taken before, during and after the training.

Recommendation - That to address the objective of 'providing …. information for the return on investment calculations' Learning and Development Division consider introducing a method of measuring costs against benefits especially for courses that can be specifically linked to changes in performance.

Cost Efficiencies

324. We noted that Learning and Development staff are very aware of the need to obtain value for money especially in the current financial climate. Some of the examples cited to us include:

➢ Trainers will visit offices rather than many staff travelling to Glasgow
➢ Delivery of in-house training rather than paying for external speakers
➢ Consideration of paying a day rate for training providers rather than sending many staff on an external course
➢ Tendering exercises
➢ Introduction of e-learning for certain courses
➢ Sourcing best price from suppliers
➢ Sourcing cheaper travel

Subsistence

325. A decision was taken to no longer supply lunch to delegates attending courses at the Scottish Prosecution College as it was felt that to do so was becoming expensive. Staff are advised to claim the daily subsistence rate in accordance with travel and subsistence guidelines. As part of our staff survey we found that many staff do not bother claiming subsistence. Example responses are as follows:

• *"Travel warrant obtained and did not apply for lunch subsistence."* (Q28, 4)

• *"I don't claim my attitude is that it would cost me to come to work and buy lunch."* (Q28, 9)

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[24] Chapter 4

- *"I did not make a claim, like the majority of my colleagues; I feel it is too much hassle to go through the claim process and obtain receipts for lunch."* (Q28, 18)

- *"However policy of L & D no longer providing lunches doesn't appear to apply to all courses. On same day that we attended Domestic Abuse course there was a course running involving senior COPFS managers where lunch was provided."* (Q28, 44)

- *"I did comment on my evaluation that it was disappointing that lunch was not provided. At other training event that I have attended lunch has been provided and participant can mingle and discuss aspects. The decision to withdraw lunch from the training event means that lunch is quite a disjointed affair and I think this is not appropriate in a large organisation like Crown Office and Procurator Fiscal Service."* (Q27, 25)

326. It was noted that staff were aware that lunch was being provided for some courses and not others. We were advised that from the beginning of June 2010 lunch was no longer provided by Learning and Development Division for any course although they would order lunch for Senior/Area management seminars etc at a cost to the Area or Group concerned.

327. Learning and Development Division were aware and accepted that by not providing lunch there was a loss of flexibility in the timing of lunch breaks.

Procurement

328. We reviewed documents relating to three courses where tendering exercises were carried out. Although not all background details were provided it was clear that three tenders had been received for two of the courses (Project Management and Diversity) in accordance with the Crown Office and Procurator Fiscal Service Finance Manual and Scottish Government Procurement guidance. Only two tenders had been received for the 'Mentoring' programme and a review of the documents showed differing specifications, one relating to design only with the other relating to design and implementation making comparison difficult.

Recommendation - That all procurement exercises within Learning and Development Division are carried out in accordance with the Crown Office and Procurator Fiscal Service Finance Manual and Scottish Government Procurement guidance particularly in the current financial climate.

329. The Office Manager has responsible for authorising accommodation bookings and monitoring expenditure in relation to this. Similarly all travel and subsistence claims relating to events are authorised by Learning and Development Division after a check has been made that the person attended. He is also responsible for the Government Procurement Card and is aware of transaction and monthly limits.

330. Likewise, staff within Learning and Development Division are aware of agreed delegated limits of expenditure in accordance with the Crown Office and Procurator Fiscal Service Finance Manual.

331. The Learning and Development Division was subject to an internal audit review in year 2008/09. Comment was made on procurement process and transactions were reviewed.

Outside Agencies

332. External agencies occasionally attend training provided by Learning and Development Division. They are not charged for their attendance given that there is collaborative working allowing Crown Office and Procurator Fiscal Service staff to attend their course if spaces are available, for example, the Head of Learning and Development attended the 'Women's Leadership Development Programme' at Tulliallan. Another example is 'People, Change and Innovation' run by Scottish Government. We believe that this encourages good partnership working and this is further discussed in Chapter 10.

Area Responsibility

333. Crown Office and Procurator Fiscal Service Areas have authority to spend up to £200 per head on courses such as Word, Excel, etc. In addition Areas fund their own training days. This expenditure is not monitored by Learning and Development although it is expected (and budgeted for) that if a number of staff from one Area require such training then Learning and Development Division will arrange and pay for this. The remit of this inspection concentrates on the Learning and Development function therefore these costs were not explored further.

Conclusions

334. Approximately 1% of the Crown Office and Procurator Fiscal Service budget is allocated to the Learning and Development Division. As a result of opening of the College facility in 2007 there has been an overall increase in costs over the years as would be expected given the injection of additional resources in order to strengthen the training function as recommended in the 2002 Management Review.

335. Learning and Development staff are mindful of the need to obtain value for money and to look for cost efficiencies. This is particularly important given the economic challenges the Crown Office and Procurator Fiscal Service faces today. Again given the current financial climate we make a suggestion that a system is introduced to measure the benefits against costs of training.

336. We consider that sound assumptions are made in the creation of the learning and development budget, that there is good control of the budget process and monitoring of expenditure. This was also confirmed in the Scottish Government internal audit report 2009.

CHAPTER 8

LEARNING & DEVELOPMENT FACILITIES

337. A purpose built Scottish Prosecution College was officially opened in September 2007. It is located in Glasgow as this was seen to be a central location. It consists of:

  ➢ Mock Court – this has video recording equipment and CCTV
  ➢ PC Training Suite for up to 18 people
  ➢ Conference Room with video conferencing and presentation equipment
  ➢ Library/Resource Centre (which can also be used as a training room)
  ➢ Small Training Room
  ➢ Large Training Room that can hold 70 people or be split into two rooms holding 20 and 40 people
  ➢ Meeting Room that can hold 16 people
  ➢ Meeting Room that can be used for one or two people
  ➢ Reception
  ➢ General Office
  ➢ Breakout facility that can also be used for Team Events
  ➢ Toilet facilities

Mock Court

Large Training Room

338. Learning and Development staff indicated that training accommodation/facilities are good and can be flexible but feel space is tight particularly in the general office even though smaller desks were brought in to help with cramped conditions. At present all trainers and administrative staff share the same office space and the Head of Learning and Development and Learning and Development Manager share a small office adjoining this. Both are located across from the reception area which can be very busy in the morning as delegates arrive. Staff can make use of other rooms if vacant but if this is not possible it can be difficult to concentrate on work.

339. Space planners previously reviewed the situation relating to cramped conditions and smaller desks were introduced. We were advised of plans for a further desk to be placed in the office for which it was felt there was not adequate space. Given that the reception area is vacant most of the time this may be a space that could be used to help with this situation and we would encourage those responsible to look again at this problem.

340. As part of our staff survey we asked about the adequacy of the College accommodation. 48 from 59 staff indicated that the accommodation was adequate for their needs. Example responses are as follows:

- *"Adequate, yes." (Q27, 7)*

- *"The building itself has plus points but the well-rehearsed difficulties with temperature regulation and, above all, noise from the busy roads and bus lanes outside remain negatives." (Q27, 7)*

- *"There can be problems in one area of the room being too warm and stuffy but if windows are opened the traffic noise becomes too loud. During long, warm days it can be hard work to pay attention." (Q27, 34)*

- *"The accommodation at the college itself is excellent." (Q27, 55)*

341. Temperature and traffic noise were also commented upon by members of staff in Learning and Development Division although there is air conditioning in each training room.

342. We were advised that the storage facilities are inadequate. The main storage area is located at the back of the Resource Centre which is also used for training. Other cabinets with course materials are located in training rooms. Neither is ideal when training courses are being held in those rooms. It was also brought to our attention that Learning and Development Division staff's 'breakout' facility was often used by delegates therefore they have to use other rooms if available.

College Location

343. As indicated above the College is located in Glasgow. In geographical terms this has implications for staff from around the country. We asked as part of our Area Questionnaire what effect this had and responses are as follows:

- *"College provides for easier access to training" (Ayrshire)*
- *"No impact" (Argyll & Clyde)*
- *"College is within reasonable travel for most" (Central)*
- *"Location of college is difficult" (Fife)*
- *"College location good" (Glasgow)*
- *"1 day course means 2 days away" (Grampian)*
- *"Can mean a number of days out of the office" (Highlands & Islands)*
- *"Location is within travel distance for majority" (Lanarkshire)*
- *"College location generally fine" (Lothian & Borders)*
- *"Distance is an issue" (Tayside)*
- *"1 day course can mean 2 days away" (Dumfries & Galloway)*

344. The above result was as expected. Those who live further away indicated that it would be 'helpful' and 'beneficial' to receive more training locally with some suggesting that training provision to two or three offices could be combined.

345. Similarly we asked the same question in our staff survey and example responses are as follows:

- *"….. the location isn't great when have to travel 4 hours on a bus to get to Glasgow to attend a course and always requires an overnight stay." (Q27, 21)*

- *"……having the SPC in Glasgow suits a large proportion of our staff well, but especially for half day courses it can be inconvenient if you live or work outside the Greater Glasgow area." (Q27, 31)*

- *"…. the location in Glasgow is not convenient. For a one day course, in effect we lose staff for 1.5/2 days as they are entitled to travel in work time. This means that abstractions for training are more keenly felt by more remote offices which can act as a disincentive to involvement in training." (Q27, 55)*

- *"I sometimes feel it would be helpful if a trainer could come out to local offices to give the training, especially in relation to events which only require half day training. Travelling from Dundee basically takes up the whole day and it would save time and money if only the training was travelling." (Q33, 28)*

346. Learning and Development Division are aware of the issues surrounding this and the costs involved and do provide some training on a local basis particular to those further away and more remote locations. Comment was made in this regard in one of the responses to our staff survey:

- *"The SPC have been very good in terms of disclosure training when a representative came to Aberdeen to deliver the training for two days capturing 85% of the staff. ……… That was appreciated ….. and seems to me like a more efficient way to do things. More of these mandatory courses coming on "tour" would be appreciated …." (Q 27, 55)*

347. Similarly in an attempt to address this Learning and Development Division have increased use of e-learning packages and of video conferencing (although this is considered not to be ideal) for certain training so staff can attend courses remotely and are considering delivering training into the three federations[25] for some course delivery.

Equipment

348. All Learning and Development Division staff indicated that they are happy with equipment that is available to them. There are adequate computers, applications, video conferencing facilities, projectors, flip charts along with adequate books, videos, DVDs, etc all which help them to perform their work.

349. We were advised that further projectors have been purchased for use in the Resource Centre and Mock Court Room.

350. There is an Asset Register held in Learning and Development Division. This details all equipment held and was last reviewed in March 2010.

351. It is considered that there is adequate equipment and resources to allow staff to perform their duties in an effective manner.

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[25] See paragraph 425

Security

352. Access to the Learning and Development facility is restricted through use of key fobs. A buzzer is available to gain entry and all visitors are required to sign in. At the beginning of a course sign in sheets are posted in a box outside training rooms so trainers can check people off in the event of an evacuation.

353. Mention was made of the need to secure items such a DVDs of real life interviews which are used in training. Giving regard to Data Protection, the nature of evidence in the DVDs and to protect individuals a request was made for a fire proof storage facility. As we ended our inspection we were told this was being sourced.

Business Continuity

354. We found there to be an adequate Business Continuity Plan in place detailing roles and responsibilities, recovery guidelines, contacts, etc. An exercise was carried out in February 2010 with notes of action points eg - Office Manager to obtain quotes from Ambulance Services for training on first aid. The Business Continuity Plan should continue to be reviewed twice a year.

355. It was noted that arrangements are in place to set up the Learning and Development facility in the Area Procurator Fiscal Office, Glasgow in the event of a disaster and that further options will be explored as alternatives.

356. As we completed our inspection business continuity was put into practice due to flooding in the Learning and Development facility. Sufficient arrangements were put in place to address this with hardly any disruption to the programme of activity (only one course required to be cancelled).

Health and Safety

357. Weekly health and safety checks are carried out by staff in Learning and Development Division. Given the throughput of people in the College there are four trained first aid staff, six trained on use of evacuation chairs and six fire wardens. Four members of staff are key holders and their details are included in the continuity plan.

358. There are weekly tests of the fire alarm system and fire drills are conducted twice a year.

Equality

359. The Scottish Prosecution College is located on the first floor of Legal House in Glasgow. There is a ramp providing access to the front doors, a lift, wide doors in the College to accommodate wheelchairs, a disabled toilet, hearing induction loops, evacuation chairs, microphones, etc. There are steps at the back of one of the training rooms which a wheelchair user could not access but if it is known that a wheelchair user is attending arrangements will be made to move the training to another room. This is also the case where there are cables/wires on the floor eg mock court room.

360. One concern is that the front doors of the building are very heavy and can be difficult to open. If front desk security personnel are not available wheelchair users may find it difficult to enter.

Recommendation - That Learning and Development Division liaise with Crown Office Estates Division with a view to determining whether the owners of the building can improve on the main access to the building.

361. There are areas in the College that staff can use for prayer etc, eg meeting rooms.

362. The Frequently Asked Questions (FAQ) bubble on IDEAL (the Learning and Development home page) provides guidance on what staff should do if they have any special requirements.

363. Other equality issues such as those relating to geographical spread, etc are discussed throughout the report.

Conclusions

364. The facilities at the Prosecution College are in the main considered to be very good, however, space is tight in the general office, there is a lack of storage and there are issues surrounding noise and temperature. We consider that adequate equipment is available and provides for effective delivery.

365. The location of the College does have disadvantages for some given the geographical spread of the Crown Office and Procurator Fiscal Service offices. We acknowledge that different learning methods have been put in place to address this and at the time of our inspection further options were being explored.

366. In terms of security, business continuity and health and safety within the College itself we found processes in place to deal with these that are
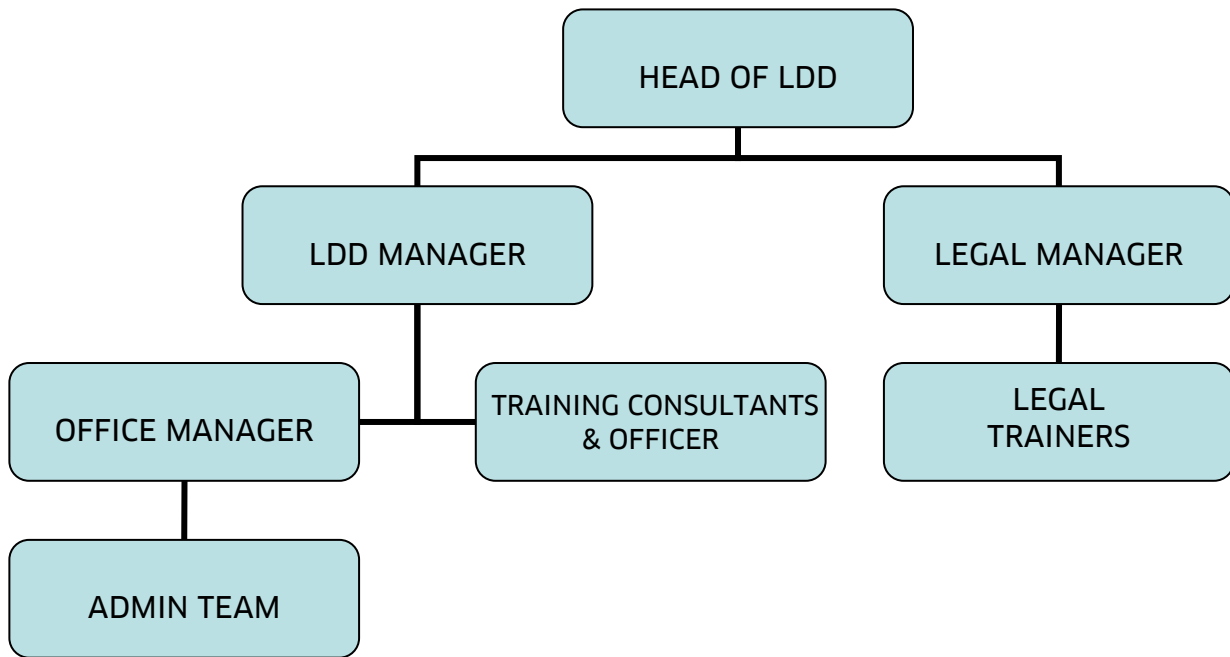
being monitored or tested on a regular basis. It was not within the remit of this inspection to carry out any compliance testing in this respect.

367. We found that equality and diversity is considered by Learning and Development in respect of the College facility and we acknowledge that attempts are made to make appropriate arrangements where possible.

CHAPTER 9

STAFFING OF LEARNING AND DEVELOPMENT DIVISION

368. Learning and Development Division (formerly Training Division) moved from its base in the Crown Office in Edinburgh to the Scottish Prosecution College in Legal House in Glasgow in 2007. In 2008, following a staff restructuring, the Division was re-named 'Learning and Development Division'. The former head of training was legally qualified whereas the current Head of Learning and Development Division is not a lawyer but is a Fellow of the Chartered Institute of Personnel and Development.

369. At June 2010 Learning and Development staffing consisted of 14.6 staff made up of 1 x Band G; 1 x Band F (L), 3.6 x Senior Procurator Fiscal Deputes (of whom one is on maternity leave); 1 x Band E; 4 x Band D; 2 x Band C; 2 x Band B (one with a permanent and the other with fixed term contracts).

370. Effectively three separate teams exist in the Division. The legal team is led by a legal manager (Principal Depute) and there are currently three full time trainers (one on maternity leave at present) and one part time legal trainer. An additional legal trainer is seconded from the Crown Office and Procurator Fiscal Service to the Scottish Police College at Tulliallan. The latter is part of the team of legal trainers and contact is maintained on a regular basis. Part of the duties of the legal manager is to maintain contact and support this secondee in her work. The four full time non legal trainers (Learning and Development consultants) are led by the Learning and Development Manager. Both teams are supported by a training officer who has IT expertise. The administrative team is led by the Office Manager and comprises two additional members of staff.

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│   OFFICE    │  │ TRAINING         │   │     LEGAL        │
│  MANAGER    │  │ CONSULTANTS      │   │    TRAINERS      │
│             │  │ & OFFICER        │   │                  │
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│ ADMIN TEAM  │
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371. For the period March 2009 to February 2010 Learning and Development trainers delivered a total of 828 training days. Legal trainers delivered a total of 430 training days and Learning and Development Consultants delivered a total of 398 training days. These figures do not show where more than one trainer is involved in delivering the same course. The Head of Learning and Development expressed her high regard for the commitment and dedication of the staff in the Division to this achievement.

Recruitment/Retention

372. Some of the current staff in Learning and Development started in the then Training Division based in Edinburgh. More recent recruits have been appointed since the transfer of the Division to the Glasgow location. More recently, Learning and Development has not found it as easy to recruit new trainers to replace those whose two year placement was nearing completion. For legal staff there may be concerns about uncertainty over their options for return to operational duties.

Legal Trainers

373. Some legal trainers applied specifically for the post of legal trainer in 2008 as a two year development post. Of these there were three such legal trainers awaiting an opportunity to apply for a new post in operational work. These trainers had understood that they would be transferred back to operational duties in their previous office but this was not the case as was confirmed to us by the Director of HR. Uncertainty about the timing and circumstances of their return to operational work and the resulting impact on the remaining post-holders

in Learning and Development was a matter of some concern to those with whom we consulted among both staff and managers.

374. It would seem that the issue of resilience had not been considered at the time of the appointment of the legal trainers to their posts in 2008 and was only addressed in 2010 at a time when they were coming to the end of what was to have been a two year post. The Scottish Government internal audit contained a recommendation to address resilience. The legal team was short-staffed during our inspection with one member of the team on maternity and another on secondment. Proposals to build in resilience in these difficult circumstances met with some resistance as it was felt they displayed a lack of understanding of the nature of their role.

375. Often discussion during legal training courses focus on matters where the law is not settled taxing even Appeal Court judges (topics such as disclosure and sexual offences were mentioned in this context). In these situations trainers were concerned to maintain credibility with their peers and with delegates who have considerable experience themselves at operational level.

376. This problem was neatly summed up in one of the comments received in response to our questionnaire:

- *"The Trainers - They are all very good at presenting the course. They are usually not subject matter experts though, which means that I think we have lost something as often they have not "been there done that". This means that sometimes when policies or practice are challenged in discussion the trainers are not able to answer……"*

377. While we therefore understand the desire to build in resilience so that, where necessary, more than one trainer can lead on a course, it must be balanced against the need to ensure that quality of training is not undermined as a result. We note that, going forward, resilience is a matter that is considered in allocation of duties and we are content that this continues where practicable and suitable for the course.

378. However we believe that the quality of the training experience should be the paramount objective and that cancellation of a course for lack of a suitable trainer might be an option to be considered against the risk of a poorly delivered course which delivers inaccurate or misleading information.

379. Recruitment of legal trainers is no longer by fixed term appointment. For Learning and Development Division this may bring more stability. For legal trainers we suggest that the longer they are away from operational

work the more difficult it will be to maintain that credibility with their peers, which is required. One former legal trainer with whom we consulted suggested that one measure that might assist in this regard would be some sort of regular operational input or involvement. Such work might be allied to the topic(s) in which they are lead trainers. Such a proposal has some merit in our view and although we make no formal recommendation in this regard it may be a matter for consideration by the Division.

380. The team of legal trainers recruited to Learning and Development in 2008 received a five day 'train the trainer' course offered either at the Scottish Prison College, or 'in-house'. All but one of the legal trainers felt that this was adequate for their needs. One commented to us that it provided -

- *'the basics without the jargon'.*

381. Most felt that they had continued to learn throughout their time in post. However one legal trainer felt that the very basic nature of the training provided may have placed them at a disadvantage.

- *"It is difficult to know what you don't know."*

382. For the Senior Depute appointed as legal trainer at the Scottish Police College at Tulliallan there was a mandatory three week course – the foundation module for the Diploma in Training and Development. There is an option to study for the full Diploma at the police college and the current Depute in post is continuing with this course for her personal development.

383. The Principal Depute or legal manager, recruited in 2009 for a three year period, is nearing completion of a formal qualification in training, namely the Certificate in Training Practice offered by the Chartered Institute of Personnel and Development (CIPD). The course involves eight to ten hours per week of personal study supplemented by tutorials and workshops in a classroom environment. Written assignments are required at the end of each module. The course takes some nine months to complete and is a considerable additional workload. The qualification is equivalent to NVQ/SVQ Level 3. It also gives access to associate membership of the Institute – a professional body which is in itself a resource.

384. We understand that it is now the view of the Head of Learning and Development that it is desirable that all trainers, whether legal trainers or consultants in Learning and Development, should have this qualification. This change of policy with regard to legal trainers reflects a move towards promoting formal qualifications generally in Learning and

Development. While we see merit in the general policy of improving quality by improving the opportunity for trainers to attain formal qualifications we also observe that operational experience and in-depth familiarity with the topic is of equal importance in providing credibility with delegates and senior figures in the Service.

385. We should add that for the advocacy courses (1, 2 and 3), operational lawyers in Crown Office and Procurator Fiscal Service co-deliver the courses alongside those legal trainers who are in post in Learning and Development. All such operational and legal trainers are NITA (National Institute of Trial Advocacy) trained.

Learning and Development Consultants

386. There is no fixed term restriction for those appointed as learning and development consultants in Learning and Development and therefore some of those consultants in post have a number of years experience in a training environment.

387. All of the learning and development consultants were either already qualified or had completed a qualification from the Chartered Institute of Personnel and Development since their posting to the Division. They too commented on the additional commitment to study required to complete this training. We would hope that managers will continue to be supportive of any study leave requests, where operational demands permit, for those staff undertaking additional study in their own time to acquire the necessary qualification.

388. During our benchmarking with the police training college we were advised that the police had reviewed their qualifications policy for trainers. Police trainers must now progress from the induction (a mandatory three week basic module) to complete the full Diploma in Training and Development. The reason cited for this was to offer accredited courses by accredited trainers and as a way of driving up standards within their college.

389. All trainers, both legal and admin, expressed the view that the role of trainer was an excellent opportunity to meet many more colleagues than they would do in operational work and to gain a clearer view of the strategic operation of the Crown Office and Procurator Fiscal Service. It was viewed as a good development post with promotions from Learning and Development to other posts in the service.

Administrative Team

390. The administrative team is headed by the Office Manager who leads a team of three. At the time of our inspection one of the staff members had a fixed term contract. There has been an increased requirement for additional administrative support as a result of the introduction of new courses and programmes and this had an impact on the workload for the team.

Staff Morale

391. All staff confirmed that their own learning and development was encouraged or at least accommodated in the Division.

392. Flexible working patterns were evident and appeared to work well and cultural needs of the staff appear to be met.

393. Most staff confirmed they felt managers appreciated their efforts. Comments about –

- *"positive reinforcement"*
- *"efforts are recognised and appreciated by managers".*

394. Some however indicated that particularly when staffing shortages caused difficulties that awareness and appreciation by managers did not necessarily translate into support.

395. Most members of staff in Learning and Development seemed happy at their work whilst a few were less so. Possible reasons cited for low morale among some staff included changes in management structures, style and approach of managers, uncertainty about staffing moves and lack of a shared understanding between the legal and non legal trainers.

396. There were mixed responses about staff morale. For some Learning and Development was a -

- *"Great place to work."*

397. Other comments included –

- *"It is a good place to work. The atmosphere is very friendly and the staff all have good camaraderie but still with a hard working ethic"* -

- *"I have learned a great deal during my time at Learning and Development and have had the chance to meet many people….In terms of those experiences it is a good place to work."*

398. Reference was made to a number of changes in staffing. One member of staff told us that staff shortages had meant that working was "*quite fraught at times*". In addition –

- *"adapting to different peoples' training and management styles and methods has been difficult at times and has led to disagreements in the past....but Learning and Development is becoming more settled now and has the makings of a good team."*

399. Others did not share that feeling, citing a separate culture in the two teams of trainers:

- *"I have worked in other offices where the relationship is better."*

400. More than one trainer commented on the perceived *"marginalisation"* of legal staff in Learning and Development.

401. We were advised that until 2008/09 some legal trainers had occupied a separate room (the resource centre) when due to demand for training rooms, it was decided that they remove to the open plan main office. Having spoken to the majority of trainers (both legal and non legal) it does appear that the two teams were accustomed to working entirely separately. While the roles have many differences there is room for greater sharing of information and skills.

402. We noted in the minutes of a joint meeting in October 2009 that "it was discussed that it might be advantageous for legal and non legal trainers to sit in on each others courses occasionally if time permitted to enable us to pick up help and hints (sic) from each other on training methods". One trainer thought that there was scope for these joint meetings to be more useful than they were, particularly in sharing good practice or discussing lessons learned. This is where the 'lessons learned' logs[26] might be of value.

403. There were signs of improvement in the cohesion in the Division and for this reason we make no formal recommendation but suggest that the Head of Learning and Development and managers work together to promote greater mutual respect and co-operation between the teams.

Team Briefings

404. We were advised that there are weekly meetings of the managers in Learning and Development. In addition, meetings of the legal team of trainers are held every month. We also found minutes of joint meetings of trainers (legal and non legal and training officer) on the shared folder. We could not find any minutes of team briefings for learning and

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[26] Chapter 4

development consultants and we were told that these were informal and not minuted. We would have expected to find team briefings minutes if only a brief record of what was discussed.

Recommendation – That minutes of team briefings are kept and shared on the shared Learning and Development Division folder.

Monitoring

405. Each trainer was clear about their areas of work and responsibility for courses in which they took the lead. They were responsible for ensuring that the course materials were up to date and were given time to prepare ahead of delivery. Aside from the monitoring of 'work-stream progression plans' no formal systems are in place to monitor delivery of training although we understand that on an informal basis trainers who deliver courses together do share ideas about good practice and discuss what went well and not so well.

Conclusions

406. We found that the people working in Learning and Development Division were, on the whole, well motivated.

407. It was clear that some culture of separate working by the two teams of trainers remained despite their co-location in the general office area in the last year. We are confident that communication issues between the teams in the office can be resolved.

408. There is a clear drive to continually improve standards and we understand that this lies behind the new policy that all trainers have or acquire the Chartered Institute of Personnel and Development Certificate of Training Practice (now called the Certificate of Learning and Development Practice). This drive to improve standards should not be compromised when staff shortages make timetabling of courses more difficult. It will be important for Learning and Development in the Crown Office and Procurator Fiscal Service to maintain the quality of delivery of courses in these challenging times.

CHAPTER 10

PARTNERSHIPS

Internal Partnerships

Strategy and Delivery Division and Corporate Issues Sub Group

409. As mentioned in Chapter 2 the training implications of new projects are subject to new governance arrangements. This should involve the submission of a business case for any new training to Strategy and Delivery Division and scrutiny by the Corporate Issues Sub Group to determine priorities. Although it is clear that this process was followed in relation to the Sexual Offences Act training[27] we were advised that it was for the course sponsor to make the approach to Strategy and Delivery Division and this did not always happen. The mentoring project was cited as an example here. Learning and Development Division relies on the course sponsor to put forward the business case to Strategy and Delivery Division thereby giving advance notice to Learning and Development Division of future training plans.

Human Resources (HR)

410. The Director of HR has line management responsibility for the Head of Learning and Development Division. There is regular contact between these two leaders and monitoring of performance across a range of matters.

411. At lower level we also learned of regular contact between Learning and Development Division consultants and HR staff about the content of courses. In particular where HR policies are referred to in course materials it is essential that trainers consult with HR staff to ensure they are provided with information about any changes in policy as soon as they are made.

412. We have recommended that induction procedures[28] are re-examined so that for legal induction delegates are allocated courses at an early stage as soon as their appointment is confirmed and this will require greater partnership working between HR and Learning and Development Division.

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[27] See Chapter 4
[28] Chapter 5

Policy Division

413. Legal staff advised us of their regular contact with staff in Policy Division and, as with our comments above in relation to keeping updated, a good relationship with those internal partners must be maintained.

Area Procurators Fiscal (APFs)

414. As well as their managerial role in their respective Areas APFs also have Portfolio responsibilities as described in earlier chapters. We have described the role of Portfolio owners particularly in identifying gaps in the provision of training in relation to their topic. We were advised that the legal training manager and individual trainers had regular ad hoc contact with portfolio owners as the need arose and we noted instances where trainers had usefully contributed their views to portfolio owners about gaps in current training provision.

Areas

415. The Crown Office and Procurator Fiscal Service is arranged in 11 geographical areas around the country. In addition there are central units in Crown Office for Operations and Corporate Services.

416. Generally Area representatives made favourable comments to Inspectors about their Learning and Development Division partners:

- *"I am pleased to see that there is now a more balanced programme which is delivering training to all staff groups."*

- *"At the 'Just About managing' event, Learning and Development colleagues highlighted that training materials, good ideas and practices would be shared between Areas. Managers were advised that Learning and Development colleagues would be happy to co-ordinate these and ensure consistency in practices throughout the country. We were also advised that they would be happy to assist with design and delivery of courses…. We have previously welcomed support and assistance from Learning and Development colleagues and will continue to do so."*

- *"We have no quibbles with the range of learning and training methods which are available and most staff have found e-learning packages particularly helpful."*

417. However suggestions for improvement from Areas included the following –

  ➢ Timing/availability –

  • *"there are occasional problems in relation to the timing/availability of courses…. (eg when new staff are recruited there needs to be FOS training available)….Better planning (is needed) around recruitment of staff"* – (see our comments in relation to induction in Chapter 5)

  ➢ More training being offered locally by Learning and Development (rather than in the Scottish Prosecution College) –

  • *"It would be helpful if the training could be delivered on a more local basis."*

  • *"It would be appreciated if consideration could be given to Learning and Development colleagues attending Area offices to deliver training."*

  ➢ And comments about the style of presentation currently on offer in Learning and Development –

  • *"Greater use of DVD presentations during training events may make training more appealing."*

418. Aside from Areas we also canvassed views from Crown Office specialist units in both corporate services and in operations. Not surprisingly we learned that aside from the generic training on offer, for example on administrative and management functions, Learning and Development could offer these specialist units few training options for their staff.

  • *"Because of the specialist nature of the work in our Division I do not think it lends itself well to the more mainstream training provided by Learning and Development although I would welcome any input which they had to offer on general training practice."*

  • *"Don't think there is anyone currently in Learning and Development with sufficient specialist knowledge to design appropriate training on our specialism. Assistance in the general administration of a training course could be relevant."*

  • *"Some of the Service wide training is very relevant to us – eg disclosure schedules – but we have not had Division specific training*

from Learning and Development. Nor have we asked them to provide any."

419. Indeed it was apparent from the replies that we received that specialist units and divisions assessed their own training needs and devised their own programmes or looked outwith the Service to meet these needs. National Casework Division held in-house events to address specific training needs concerning confiscation aspects of proceeds of crime. External courses offered by Scottish Government were mentioned for topics such as speech writing for staff in Policy. Finance and ISD told us CPD and professional accreditation requirements generally informed the need for training for their staff.

420. It emerged that staff from specialist divisions and units were more likely to have attended the Prosecution College to contribute to the *delivery* of training on their specialist topics. Examples cited were staff from the Civil Recovery Unit who deliver specialist training to Proceeds of Crime Act resource Deputes on aspects of the Proceeds of Crime Act 2002 and a Principal Depute from the Serious Organised Crime Unit who gave a presentation on project managing complex precognitions.

421. In addition to the regular attendance by the Learning and Development Division Manager at Area Business Managers' meetings it was decided in 2009 that Learning and Development would offer liaison with Areas (and Crown Office divisions) by a named legal trainer and a named training consultant. The instruction from managers in Learning and Development was that each 'liaison' contact should make contact with their Area quarterly, at least by telephone.

422. We found that some Area liaison worked very well and appeared to have benefits for Areas in terms of obtaining advice, resource and facilitation for local training events. In other Areas there seemed to be less contact although the reasons for that were not clear. Some trainers told us that they were unsure what was expected of them and what they could offer Areas.

423. It was noted that the geographical spread of Areas for which each individual trainer was responsible in terms of liaison varied. Thus one trainer had responsibility to liaise with Grampian, Crown Office (Edinburgh) and Ayrshire. Such liaison could involve a lot of travel and this responsibility could perhaps be rearranged to be more easily achieved.

424. At the time of our inspection there was a noticeable increase in activity by Learning and Development consultants in actually delivering training out in Areas. In particular we learned of a programme of visits arranged to areas to supplement the e-learning package on offer in relation to the

new Competency Framework. Areas seemed to welcome this move from a logistical point of view. This is especially the case when otherwise staff abstraction rate to travel to Learning and Development would have a significant impact on operational work.

425. As a result of a review of senior structures in Crown Office and Procurator Fiscal Service in 2008 it was recommended that in each of three geographical regions (below) Areas would group into federations for the purposes of mutual support and assistance across boundaries in matters such as training. The three federation groupings are:

Northern – Grampian, Highlands and Islands, Tayside
West - Argyll and Clyde, Ayrshire, Dumfries and Galloway, Glasgow, Lanarkshire
East - Central, Fife, Lothian and Borders

426. In particular those Areas positioned furthest away from Glasgow have made it clear that they want to ensure that their staff have the same training opportunities as their counterparts in the central belt and we therefore encourage further moves to use these Area federation groupings for training delivery purposes where possible and suitable.

Local Training Arrangements

427. Although the focus of this inspection was on the opportunities available in the centrally managed Learning and Development Division it was a useful exercise to establish the extent of local training being offered. There will always be a place for local training as it can serve learning needs promptly and can be delivered in a way that reflects local practice and local partnership organisations.

428. Seven Areas have training committees. These groups seemed to represent all grades of staff although in one Area training was split into two sections – one dealing with legal training and the other with administrative staff. Their main remit was in organising Area training days as well as ad hoc events more focussed on topics of interest to specific groups of staff. Area training days commonly took place once or twice per year. Those Areas without formal committees considered area training needs at Area, District and lower levels to determine local training needs.

429. Some areas use Learning and Development as a resource to call upon when organising their local area training. In one such Area a training day was being planned around the general theme of motivation of staff. The training committee had enlisted the help of Learning and Development consultants to identify a suitable external speaker.

430. Other Areas preferred to tailor their local training days around team events. In this context we learned of a locally devised course providing an introduction to precognition work. We heard that this was well received and we assume that it would be of interest elsewhere. Similarly we learned of a number of 'power hour' presentations to legal staff in one Area. We attended one such presentation on summary procedural issues as an observer and obtained the power point presentation notes for another on case marking. Both had some duplication of content with material covered in Learning and Development Division courses but otherwise appeared to be of additional value not only locally but potentially to a wider Crown Office and Procurator Fiscal Service audience.

431. Such locally designed courses can be useful as a refresher to or to complement what is trained at national level. In some cases they appear to have identified some gaps in what is being offered nationally (for example with the introduction to precognition course). In the absence of any way of sharing the materials for these training events it is likely that there is some duplication of effort around the country.

432. In order to provide some consistency to local training and to prevent duplication of effort the storage of these training resources in some central repository would be useful. Since these training presentations and materials were not prepared by Learning and Development it may not be appropriate for Learning and Development to provide such a function.

433. One option for such a repository might be the Knowledge Bank. This is an informal shared learning site and current repository for many articles and other useful papers such as sample jury speeches. Indeed we learned that the case marking presentation to which we have referred has already been placed on the Knowledge Bank. Questions of quality assurance and regular review should be addressed wherever the materials are stored and we understand that these issues in respect of the Knowledge Bank are being addressed.

Recommendation – That Area, specialist and local training presentations are lodged with a central repository and we suggest that the Knowledge Bank is ideally placed for this. Responsibility for accuracy should rest with those who create the materials although additional quality assurance and review mechanisms are advisable.

External Partnerships

434. The Crown Office and Procurator Fiscal Service seeks to work with external partners in all aspects of its work where appropriate. Our findings suggest that partnership working in relation to learning and

development is benefiting the Service. The Crown Office and Procurator Fiscal Service People Strategy 2008-2010 states that they:

> *'will seek opportunities to work in partnership with colleagues in the Scottish Government and more widely to identify innovative ways to target development opportunities for staff.'*

435.	The Learning and Development Strategy says –

> *"we intend to raise the profile of the Division as a source of recognised good practice in professional learning amongst our Criminal Justice Partners and to exploit opportunities for working together."*

436.	At leadership level there is a useful partnership working group in existence – The Scottish Public Sector Leadership Development Collaboration which meets quarterly. Its aim is to support each member organisation to promote and share good leadership learning and development opportunities. The Crown Office and Procurator Fiscal Service is part of this collaboration. Membership of this collaborative body includes central and local government bodies involved in criminal justice, health, business, conservation, finance and others.

437.	The collaboration group allows the Crown Office and Procurator Fiscal Service to offer any free spaces on some courses to other members of the group via a Scottish Government run website. Examples of courses offered externally by Learning and Development are the diversity course, train the trainer and PA skills. As a matter of practice a couple of spaces are reserved for external partners on these courses when the training calendar is fixed by the Learning and Development Office Manager. We heard that criminal justice partners such as Scottish Court Service and Scottish Children's Reporter Administration had attended Learning and Development courses and feedback about the quality of the event had been positive.

438.	In return, places are offered to the Crown Office and Procurator Fiscal Service on courses such as Scottish Government's Senior Leadership Programme and the Police College's Strategic Leadership course and Child Protection Awareness course. The Head of Learning and Development advises Area Procurators Fiscal and Area Business Managers of any such opportunities and this information is cascaded at area level to those who might be interested. Feedback to us from questionnaire responses indicated that these events organised by partners were viewed positively.

439.	There is regular liaison with the police at both the Scottish Police Colleges at Tulliallan and Jackton. A Senior Depute is on secondment to

Tulliallan and works with the team of trainers there to provide inputs with particular reference to the role of the Procurator Fiscal. Legal trainers from Learning and Development support their colleague on secondment and a recent review of the Detective training course was recently undertaken by the legal manager at the request of the police college. In addition, operational officers make an important contribution to courses on the prospectus of Learning and Development. We cite as examples, although there are many others –

  ➢ Officer from the drug squad who plays the part of a drug squad expert witness in a mock trial scenario for the Advocacy 3 course
  ➢ Fingerprint expert from Scottish Police Services Agency who is involved in the Witness Interviewing course
  ➢ An officer from the Female and Child Unit about the role of the investigating officer in the Child Witness course

440. In the wider criminal justice community the role of Skills for Justice (Sector Skills Council for the Justice and Community Safety Sectors) is acknowledged particularly in relation to the work being done in Learning and Development to map courses to National Occupational Standards. Skills for Justice acts as a consultancy body and provides advice and assistance to Learning and Development as well as facilitating sharing of Crown Office and Procurator Fiscal Service courses to criminal justice partners.

441. The Director of HR also sits on the strategic group of Skills for Justice (the "Country Group"). Again this group provides partnership networking and development opportunities for Learning and Development.

442. A recent example of successful partnership working with Scottish Government has led to the introduction of an innovative IT based team building course – People Change and Innovation, recently piloted in Dumfries and Galloway and now on offer to teams around the country. The course involves elements of project management and is an interactive 'learning by doing' course where delegates form teams in order to plan and roll out changes in a virtual organisation.

Conclusions

443. Partnership working within the organisation is an essential element of any learning and development function. Indeed the industry view[29] is that rather than 'training' division having a service provision role to the organisation, 'learning and development' should result from a genuine partnership relationship where training (or other facility) is provided and the continuous learning and development of the person takes place in the workplace.

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[29] Chartered Institute of Personnel and Development reference

444. Our inspection findings confirm that ways of working with internal and external partners to promote learning and development throughout the Service have been extended in recent times. This is evident in the evolving Area/Learning and Development Division relationships that have recently been promoted through liaison arrangements and in the continuing association with external partners.

445. While work continues to bring learning and development opportunities to staff in their Areas we acknowledge the very good training offered locally by Areas independently of Learning and Development Division. Everyone we consulted was anxious to avoid duplication of effort. Some excellent presentations were prepared for local training events or in response to identified and immediate needs and there was some (inevitable) overlap in those materials we viewed.

446. The Knowledge Bank at this time seems to be providing a repository for some local training presentations papers etc and is an excellent resource.

CHAPTER 11

RESULTS

447. The Learning and Development Strategy details the vision, aims and objectives of the Learning and Development function showing it aims to work towards results for staff (people) and Crown Office and Procurator Fiscal Service (organisation). Examples include:

   ➢ 'we intend to continue to develop and to ensure that our contribution …… continue to meet business needs'
   ➢ '…. ensuring that our people are equipped to provide a high quality service to communities… '
   ➢ 'Learning and development is central to performance management …. we aim to improve our organisational effectiveness in all areas of our business ….'
   ➢ 'We will provide a range of options which will allow managers at all levels to become more effective in their roles'
   ➢ 'We acknowledge the critical role of leadership in the organisation and will develop a menu of option to provide the support our senior managers need to continuously improve their skills'

448. In order to measure whether these are being met and whether the learning and development function is adding value to the organisation there has to be a form of evaluation built in to the learning and development process.

Evaluation Strategy

449. Learning and Development Division issued their latest 'Evaluation Strategy' in November 2009. It was developed to 'reinforce commitment to evaluation' and it stated that the Division 'recognises that evaluation is a key element which underpins the learning and development process'. The strategy can be found on the Learning and Development home page on the intranet although not all Learning and Development staff were fully familiar with it.

450. The strategy describes four levels of evaluation according to the well known Kirkpatrick Model devised 'by Donald Kirkpatrick in 1959 and revised in 2009'[30]:

   ➢ Level 1 – Reactions
   ➢ Level 2 – Learning
   ➢ Level 3 – Behaviour
   ➢ Level 4 – Results

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[30] See Chapter 4 for original reference

451. For each level there is guidance in the strategy as to possible methods of conducting evaluation. In addition there is guidance available on evaluation techniques in the Standards Manual[31] which confusingly refers to a 2008 evaluation strategy with 5 levels.

452. We found that the current practices did not fulfil the aims of the evaluation strategy[32]. A 'reaction' evaluation sheet (level 1) might give an indication of the quality of presentations and arrangements on the day but it does not provide any meaningful information about whether any differences in ability or attitude were found after the training. Although delegates might demonstrate an understanding of the training at the course (level 2) it is not until the training is put into practice at the workplace that it can be said to be effective. For such information to be obtained a variety of sources need to be interrogated. For example, assessment of delegates' knowledge/understanding before the course followed up by line management assessment on whether changes to performance/attitude have resulted. It is accepted that such an assessment is resource intensive, taking the time of both manager and delegate and requires drive and determination to ensure that this follow up is carried out and analysed. That is not to say that the effort required is not worthwhile.

453. It is also possible to assess effectiveness of learning and development through measuring various aspects of the business environment such as:

   ➢ reduction in errors
   ➢ increase in productivity
   ➢ achievement of targets
   ➢ staff motivation and attitudes, etc

454. To do this the benefits can be measured as long as an association can be made with a specific course and that the measures are realistic and achievable. This would help satisfy level 4 of the Kirkpatrick model but such evaluation may require more corporate input.

Evidence of Training Outcomes

Investors in People (IIP)

455. The Crown Office and Procurator Fiscal Service was re-accredited with the Investors in People Award at silver level in 2009. Part of the assessment related to learning and development. The report concluded that the introduction of the College has ensured that there is a culture of continuous learning within the Crown Office and the Procurator Fiscal Service.

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[31] See Chapter 4
[32] See Chapter 4

456. Senior management indicated that they wished to use the IIP standard as a 'catalyst and framework, which will help the Crown Office and Procurator Fiscal Service improve performance through training and development of all Crown Office and Procurator Fiscal Service people to meet the needs of the business[33]'.

Civil Service People Survey

457. The results of the Civil Service People Survey 2009 provide information on how the Learning and Development function is viewed. These were published in February 2010. There was an overall 74% response rate from staff in the Crown office and Procurator Fiscal Service. The employee engagement index was 63% against a median of 59% civil service wide which was within the top quarter of civil service bodies participating.

458. The relevant questions and responses in relation to learning and development are as follows:

   ➢ 74% gave a positive response to being able to access the right learning and development opportunities when they need to compared to 63% civil service wide.
   ➢ 56% gave a positive response to agreeing that learning and development activities they have completed in the last 12 months have helped to improve their performance compared to 51% civil service wide.
   ➢ 51% gave a positive response to feeling that there are opportunities to develop their career in the Crown Office and Procurator Fiscal Service compared to 38% civil service wide.
   ➢ 46% gave a positive response to agreeing that learning and development activities they have completed while working for the Crown Office and Procurator Fiscal Service helped them to develop their career compared to 44% civil service wide.

459. The above results are extremely positive compared to other organisations that participated and in fact in relation to learning and development the Crown Office and Procurator Fiscal Service was positioned in 20th place from 96 organisations. The results also highlight that there is room for improvement in ensuring alignment of training currently offered to business needs and career opportunities.

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[33] Extract from 'Investors in People Information'

Inspectorate Survey

460. In our questionnaire we asked whether the most recent course staff had attended achieved its specific aims. 45 (or 76%) replied that the aims were met, three (or 6%) replied that they were not met and the remainder did not specify. Examples of comments in addition to the yes/no answers are as follows:

- *"I had to use knowledge gained immediately after the course." (Q32, 3 – Course – Disclosure)*

- *"It was one of the best training courses I have had, benefiting from a small number of diverse and experienced participants and skilled and enthusiastic trainers." (Q32, 7 – Course - Advocacy 3)*

- *"Those attending had a wide range of experience in dealing with the subject matter; no way the course could have satisfied everyone's needs." (Q32, 17 - Course – Deaths 2)*

- *"As there is a lot of change in the department it was good to have the skills to cope with this, it assisted me in the thought process of managing change." (Q32, 24 – Course – Managing Change)*

- *"The course was entirely successful in providing me with information about domestic abuse and I subsequently felt more confident in dealing with these types of cases." (Q32, 39 - Course – Domestic Abuse)*

- *"The modules that we have completed so far have been very beneficial to me as a new line manager." (Q32, 43 – Course – Certificate in First Line Management)*

- *"Highlighted the key legislation and our responsibilities as members of the civil service in promoting diversity." (Q32, 48 – Course – Diversity)*

- *"I have found that all the courses I have attended have been of benefit to me in my everyday work." (Q32, 53 – Course unknown)*

461. It is clear from the above results that for the majority of respondents the aims and objectives of each course are met and given the lapsed time since the course they appear to have put into practice what has been learned.

462. Given that there is little follow up evaluation to determine whether staff are more effective and efficient in their job as a result of training provided it is difficult to ascertain whether aims in the Learning and Development Strategy such as providing a 'high quality service to

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communities' or 'managers being more effective in their roles' is achieved as a result of <u>specific</u> training provided to staff.

463. Despite the lack of systems in place to carry out higher level evaluation which could provide evidence of the value of the training input in terms of learning outcomes, our own survey did show a level of satisfaction with Learning and Development activity as the following comments show.

464. We asked whether staff felt the service provided by Learning and Development Division adds value to the Crown Office and Procurator Fiscal Service. Examples of positive comments are as follows:

- *".... following the introduction of the Prosecution College I felt that training was being delivered more frequently and was focussed. With the introduction of sponsorship and accredited courses it has increased the value of Crown Office and Procurator Fiscal Service to the staff and their long term prospects." (Q33, 1)*

- *"Since the division has been brought to the Scottish Prosecution College I feel they have provided good accommodation and great trainers with different teaching styles." (Q33, 5)*

- *"I feel this in-house training is a valuable and cost efficient tool for the service and with a few improvements ie courses available to everyone interested can only improve the service as a whole." (Q33, 12)*

465. Although a more negative slant from one lawyer:

- *"I think that the value is quite limited for professional lawyers seeking to improve as lawyers and to develop their career within Crown Office and Procurator Fiscal Service ...." (Q33, 47)*

466. There was some confirmation of alignment of the training received to the business needs of the Service:

- *"By attending the courses that are relevant to my job, enables me to carry out my duties more effectively and efficiently." (Q33, 20)*

- *"I do feel that the service provided is tailored to respond to the evolving need of the service as a whole." (Q33, 25)*

- *"I think the Learning and Development Division has a very difficult job to service the Service with limited space, time and resources. It is particularly challenged by the changes in legislation and requirements*

(eg disclosure) which can need disseminated very urgently and unexpectedly, disrupting other training ….." (Q33, 31)

- *"Courses seem more focussed on the "real life" scenarios which staff have to deal with. Contributors tend to be those with practical experience who can understand the issues encountered on a day to day basis." (Q33, 33).*

467. Not everyone agreed however:

- *"I feel that training could be tailored more to meet the needs of the job in hand eg why send someone on training in relation to solemn matters when they work in a summary team and vice versa. Also I feel that there should be a register kept of all those who have been on specific courses so that those who haven't can tap into those resources." (Comments, 17)*

468. There was general approval for the new College and training staff:

- *"Any time I have attended a training course I have found it useful and helpful. The quality of training is always high and I think it's important to do this outwith your usual place of work to aid concentration." (Q33, 36)*

- *"The courses I have been on have all been excellently organised…." (Q33, 39)*

- *"Without doubt, since the opening of the Scottish Prosecution College the training has been first class (in my opinion)." (Q33, 45)*

469. There is some consensus among those in the training profession that meaningful evaluation is not about a snapshot view of the training experience but rather a longer term study taking into account not only the direct input of training but also other factors that helped to reinforce the learning. Learning and Development Division are not alone in finding this difficult to achieve and indeed this may be a task for the wider organisation at strategic level (with Learning and Development Division involvement).

Recommendation – That Learning and Development Division introduce a system to carry evaluation of training at level 3 (Kirkpatrick model) and in conjunction with strategic leaders that evaluation of training at level 4 is also considered.

Suggestions from Benchmarking

Crown Prosecution Service (CPS)

470. Trainers in the Crown Prosecution Service Leadership and Learning Division in York advised us that they were planning to implement a new system to better evaluate their courses. The IT system for carrying this out is ACHIEVE. It is planned as follows:

> Level 1 evaluation form would be issued for completion at the end of the course, following the stated aims and objectives of the course. The form would include questions about the delegate's state of knowledge pre and post course. The system could be pre-set to send reminders to ensure replies were received.

> Level 2 evaluation requires the tutor to provide feedback as to how each delegate performed in the group exercise and how the skill of the group as a whole improved after the exercise.

> Level 3 evaluation involves e-mailing the delegate three months after training to score themselves on how they had performed in relevant tasks since the training event. The delegate's line manager would view the delegate's own scoring and then complete a separate scoring on their view of the delegate's performance post training.

Police

471. The Scottish Police College told us that they evaluate in three separate stages but acknowledge that not all their courses are evaluated to each level.

> Level 1 - a reaction evaluation is used. The results of this may produce an action plan.

> Level 2 - some courses are followed by a focus group to obtain more in-depth feedback.

> Level 3 - feedback is sought after six months in a percentage of courses. Previously this was done by visiting the forces concerned and interviewing officers face to face. This was considered very resource intensive so the present practice is to use 'survey monkey' – an IT tool to carry out an online survey. However we were told that the response rate for this exercise is so poor that consideration is now being given to telephoning delegates for their feedback. This may be of interest to Learning and Development Division as they have recently acquired 'survey monkey' and are considering its use in the same way.

Conclusions

472. Overall the findings relating to Investors in People, Civil Service People Survey and our own staff survey provide some very positive people results. The comments provided in the course of this inspection tend to indicate that learning has taken place as a result of the training input offered at Learning and Development Division.

473. Given these results Learning and Development Division should be encouraged to introduce more in depth evaluation of courses to measure the extent of individual course effectiveness. This can then be fed into future planning of the prospectus and the Learning and Development Strategy and will help to ensure that the main objectives of Learning and Development can be measured and ultimately achieved. It should also help with measurement of any cost/benefit analysis that is carried out.

APPENDIX 1

QUESTION SETS

Inspection of Learning and Development

Some general information about you:

Geographical or Business Area of COPFS where you work (eg Glasgow PF, Crown Office Operations)	
Do you have line management responsibilities? (If you do please also complete questionnaire at end)	
For how long have you been with COPFS?	
Do you have any specialist training needs?	

Staff Questionnaire		
	YES/NO	**COMMENT**
Leadership:		
1. Do you believe that COPFS leaders and managers are committed to learning and development of staff?		
2. Do you know who to contact in your office or division with regard to learning and development?		
3. Are you encouraged by your line manager to attend courses where it has been identified that there is a need?		
4. Are you encouraged and given time to carry out necessary e-learning packages?		
5. Are you encouraged by management to keep membership of professional bodies which are relevant to the job you currently hold and to continue professional development?		
Strategy:		

Staff Questionnaire		
	YES/NO	**COMMENT**
6. Are you aware of the COPFS Learning and Development Strategy and where to find it?		
7. Do you feel that you are kept aware of and up to date with mandatory learning requirements (eg new system is being introduced/changes in legislation)?		
8. Are there any topics you would like to see covered by Learning and Development which currently do not feature?		
People:		
9. Do you feel that the training courses available on the training calendar meet your needs in fulfilling your current job responsibilities?		
10. Do you believe that you are given the opportunity to access learning and development opportunities to enhance your job or further your career?		
11. Do you feel that Learning and Development provide and practice equal opportunities for all staff?		
12. Did you require any special assistance when attending a course? If yes, were these needs met?		
Processes:		
13. Are you involved in identifying your development and operational training needs throughout the year?		
14. Have you submitted to your line manager a personal learning plan for the current year?		
15. In your opinion is training delivered in a timely manner? Examples of training not being timely?		
16. Have you been denied attendance on a course in the last 12 months? If so, please provide reasons given to you for this decision and state		

Staff Questionnaire		
	YES/NO	**COMMENT**
whether this was by Learning and Development Division or your line management.		
17. Have you had to cancel your attendance at a training event in the last year? If so, please state reason(s).		
18. Did you get approval of your line manager to withdraw from the course?		
Your last training event attended at Scottish Prosecution College (SPC) **Please give course title here:**		
19. Were you provided with adequate information on the aims, objectives and expected outcomes of the course?		
20. Was this information given in sufficient time to prepare for the course?		
21. Did you discuss these with your line manager before attending?		
22. Did you receive or were you directed to any pre-course materials?		
23. Did you have adequate time to read these? If not please advise why this was not possible		
24. Were these and any materials used during the training relevant and up-to-date?		

25. Was any analysis of your skills/ knowledge/attitudes -
    a)   carried out before you attended the course ?
    b) at/during the course?		

26. Did the methods of delivery of training suit your learning needs? If not please explain.		
Resources:		

Staff Questionnaire		
	YES/NO	**COMMENT**
27. Was the location of and accommodation at the Scottish Prosecution College adequate for your needs? If not, please comment.		
28. Were costs incurred by you (eg T&S) in relation attendance on training courses met by Learning and Development Division?		
Results: (for the course identified above)		
29. At the end of the course did you complete an evaluation questionnaire?		
30. Was any follow up evaluation carried out after a period back at work to ascertain if you had gained in skills or knowledge by attendance at the course?		
31. Did your line manager discuss with you the effectiveness of your attendance on the course?		
32. Do you feel that the course achieved its stated aims? Please explain briefly.		
Results: (General)		
33. In your opinion do you feel that the service provided by Learning and Development Division adds value to the COPFS? Please comment.		

COMMENTS

Please feel free to provide any other comments about Learning and Development in COPFS.

Inspection of Learning and Development

Line Manager Questionnaire

Do you manage admin staff only/legal staff only/a multi-disciplinary team?	
How many people are in your team?	

Please base you answers on the preceding 12 months		
	YES/NO	**COMMENT**

1. Do you consider training needs of your staff in order to meet **business objectives** -
   a) during performance appraisal
   b) at any other time		

2. Do you consider **development needs and aspirations** of your staff -
   a) during performance appraisal
   b) at any other time		

3. As a line manager are you satisfied that the range of learning opportunities/ training courses offered by the Learning and Development Division meet those needs? If not please explain your response.		
4. Before a member of your team attends a training course do you, as a matter of course, discuss the aims, objectives and possible outcomes of the course?		
5. Have you been asked to complete a skills/knowledge assessment before a member of the team attends a training course?		
6. Do you provide feedback to Learning and Development Division after a training event for one of your team?		
7. If required to give such feedback, do you carry out this exercise? If not, please comment what on prevents you from doing this?		
8. Have you, in the last 12 months, refused to release staff for training? If so, why?		

Please base you answers on the preceding 12 months		
9. Are you aware of any staff in your team cancelling their attendance at a training course? If so, why?	125	

APPENDIX 2

LEARNING AND DEVELOPMENT COURSES

Advocacy 1 – Legal Module 4
Advocacy 2
Advocacy 3
Certificate in First Line Management
Certificate in Prosecution Practice
Child Precognition
Competency Based Interviewing
Deaths 1
Deaths 2
Disclosure
Disclosure Schedules
Domestic Abuse
Effective Management of Serious & Complex Cases
Effective Management of Sheriff & Jury Cases
FOS Court Updates
FOS Legal Course
FOS Warrants
ILM Level 3 Coaching for Team Leaders and First Line Managers
Legal Module 1 – Practice and Administration
Legal Module 2 – Court Issue and Support Systems
Legal Module 3 – Case Marking
Mock Trials
PA Skills
People Change and Innovation
Performance Management
Precognition
Pre-retirement
Presentation Skills
Sexual Offences Core Course
Train the Trainer
Vulnerable Witnesses
Witness Interviewing

APPENDIX 3

E-LEARNING COURSES

Alcohol and Drugs Management Learning Pack
Attendance Management Learning Pack
Cashiers' Best Practice E-Learning Module
Competency Framework
COPFS Induction Packages
Valuing Diversity, Maintaining Awareness
FOI Pathfinder Online Training
Health and Safety Module 1
Health and Safety Module 2
Summary Justice Reform
Sexual Offences Review
Sexual Offences (Scotland) Act 2009
Medical Evidence in Sexual Offence Cases
Initial Case Processing – Introduction to Custody and Undertaking administrative processes
Introduction to Disclosure
IT packages – Online training for various IT systems

The Scottish Government