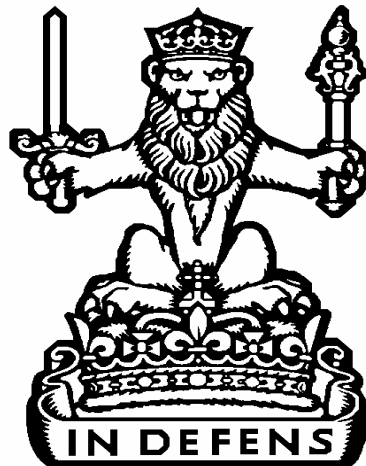


CROWN OFFICE AND PROCURATOR FISCAL SERVICE



FIFE AREA BUSINESS PLAN

2007-08

αβχδε

A Department of the Scottish Executive

Version / Status Control:

| Version | Date | Status | Prepared by | Reason for Amendment |
|----------------|-------------|---------------|--------------------|-----------------------------|
| 1.0 | | Draft | Pat | Original Draft |
| 1.1 | | Draft | Pat | Revised Draft |
| 1.1 | | Draft | Pat | Submitted to Finance |
| 2.0 | | Final | CO/CA | Budget Allocation confirmed |
| 2.1 | | Final | | Budget Revision |
| | | | | |
| | | | | |

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EXECUTIVE SUMMARY:

The Fife Plan for 2007 – 2008 reports on the performance achieved by this Area in the past 12 months, reports on workload and identifies some of the success that have been achieved . It also identifies some of the main challenges which lie ahead.

The plan and budget bid has been based on the current agreed staffing levels and the court and Office expenditure over the last few years. No bid has been made for unknown increases such as the 2007 – 08 pay increase, or any detailed effects of the 2006 deal which has not yet been implemented (although a general percentage increase has been estimated for 2006). Pathology and Mortuary costs are based on the new contract which is significantly more expensive than previous arrangements.

The plan shows that workload has increased significantly and it is estimated that the current/expected workload will stay at this increased rate. Serious, sensitive and generally Solemn cases have increased by at least 25% and summary court disposals are expected to rise by around 12% by the end of the financial year 06-07 and this is expected to be maintained.

The Workload Staffing Forecast shows that the units of work processed by staff in each grade exceeds the national indicative figure significantly and would indicate that, based on this model, this Area is under strength, particularly in legal, Precognition and Band B staff. The unit costs indicate that units per Administration Management post are below the National indicative but this Area has recently already shed one post and due to the geography and other factors relating to the Area, further reductions in this discipline are not expected.

It was hoped that the management of the Fife Victim Information Unit would transfer over to the Area PF some moths ago but due to the under-resourcing of this Unit (the Unit was manned by one VIA Officer and 2 VIA assistants) that was not possible as the Unit based on those resources could not be sustained within the Fife COPFS command. A second VIA Officer is now in post and, it is hoped that post can be sustained.

Due to the increase in workload and the significant additional work caused by Disclosure and Bonomy the workload of both Lawyers and Support Staff has increased dramatically and we have therefore bid for a modest increase in resources to cope with this and the general increase in work in both Solemn and Summary business which will not be absorbed by expected FOS II savings. In particular, the level of High Court indictments is relatively high in relation to overall disposals, including a high proportion of custody indictments and this has put real and additional strain on precognition resources particularly at the Preliminary Hearing stage.

The Senior Management philosophy of this Area remains as very much one of delivering the best service possible to the public, Executive and other stakeholders and to do so in the most cost effective way by making best use of the resources we have been given. To achieve these goals we will continue to manage and operate on an Area basis using resources, new ways of working and taking advantage of the opportunities which are expected to be available with the introduction of the new Criminal Procedure Legislation to best effect by and forging even tighter working partnerships and liaison with our Criminal Justice Partners and by interacting with local community groups to ensure that their needs are met.

1. OVERVIEW

1.1 INTRODUCTION:

This document is the Business Plan for the Fife Area of the Crown Office and Procurator Fiscals Service for 2007-08. The plan is intended to inform staff of the Group's objectives and targets, and the context within which these are set. The plan should also be used as a reference when staff are drawing up objectives to include in Performance Agreements.

The Area Fiscal is responsible for ensuring all decisions taken are in line with departmental instructions and guidance. He is also responsible for the introduction of all new initiatives, finance and staffing and the overall management of his offices. He is assisted in this role by the District Fiscals, Area Business Manager, Principal Deputes and Office/Section Managers.

Main challenges for 2007 and beyond

To implement all changes required by summary justice reform.

- Vulnerable Witness Act.
- Disclosure (Holland and Sinclair).
- To continue to secure the exceptional level of s76 pleas this Area has achieved.
- To work even more closely with stakeholders, developing the concept of public consultation
- To expand the work of the Criminal Justice Board to ensure communities in Fife are given the best service possible.
- To continually monitor our performance against internal and published targets and the service we provide to the public and other stakeholders.
- To implement where possible any recommendations/arising from the Staff Survey Initiative and the Internal Communications Strategy .
- Diversity – expand/increase the profile of the Area Diversity Team and support more/new initiatives.

Main successes in 2006

- Continuing to meet most targets despite staffing difficulties
- Achieving Scotland's Health at Work Gold Award.
- E Citation of Police Witnesses for Summary Courts in Kirkcaldy now fully operational.
- Continuing to build and maintain excellent working relations with our closest Criminal justice partners.
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1.2 CORPORATE CONTEXT:

The following section summarises the corporate context for the Crown Office and Procurator Fiscal Service. This is more fully considered in the COPFS Strategic Plan published in 2006 and supporting annual Business Plans. Further information can also be found on the Departments Website and internal Intranet.

1.2.1 COPFS Corporate Aim:

To provide an independent, modern prosecution service which is committed to professional excellence, pursues cases fairly and consistently in the public interest and is responsive to the public's needs.

1.2.2 Functions of COPFS:

The functions of the Crown Office and Procurator Fiscal Service are:

- *to provide the sole public prosecuting authority;*
- *to investigate sudden and suspicious deaths and, where appropriate, conduct public inquiries;*
- *to investigate independently all complaints of criminal conduct by police officers.*

We work closely with our criminal justice partners to help make Scotland a safer place. The Department plays a pivotal role within the criminal justice system in maintaining the security and confidence of all communities in Scotland in the criminal justice system. Our **core values** are impartiality, integrity, sensitivity, respect and professionalism.

1.2.3 Corporate Objectives:

As published in *Building a Better Scotland – Spending Proposals 2005-08*, the following are the key objectives to be pursued during the planning period in support of corporate commitments. A summary of the published corporate objectives and targets and supporting internal targets is provided in **Annex 1**. (The individual objectives and risks are considered more fully in **Annex 2**)

Objective 1: To secure the confidence of all sections of the community in the prosecution system by improving the delivery of justice through the timely, efficient and effective prosecution of crime

Objective 2: To give priority to the prosecution of serious crime, including drugs trafficking and persistent offenders.

Objective 3: To provide services which meet the information needs of victims, witnesses and next-of-kin, in co-operation with other agencies.

Objective 4: To ensure that all deaths reported to the Procurator Fiscal are investigated appropriately and speedily.

1.2.4 External Factors impacting on COPFS:

- Bonomy,

Whilst very successful in reducing the number of witnesses cited and the number of adjournments, improving considerably public and Media confidence in the High Court process, the Bonomy Legislation and initiatives has had an adverse impact on this Area, caused principally by the significant increase in work for preliminary Hearings (including what appears to be a great deal of work carrying out defence preparation) This issue combines with the problems of disclosure. The precognition process takes more resources as redacting, disclosing (and the recording processes required) takes a lot longer. Post indictment, issues elsewhere have resulted in more unplanned work being carried out. In Fife, this is significant, given a relatively high solemn workload.

- McInnes, and Summary Justice Review

This legislation is expected to be introduced in December 2007 and, whilst it is still being worked on, it is expected that it will have far reaching effects on the way summary justice is delivered. District Court re-organisation is expected but the new legislation is also expected to provide more appropriate and meaningful alternatives to prosecution which will give the Police, PF Service and Courts much greater opportunities to tackle the crimes/behaviour which really affect the local community. Work is progressing with Criminal Justice partners, including the local Bars to smooth the path to reform.

- Disclosure

The time being spent by staff in all disciplines in all Offices in the Area is significant and the introduction of new/updated computer systems have not been successful in reducing the manual tasks sufficiently to allow these tasks to be absorbed within current staffing resources. This has great success in negotiating s76 pleas which does result in less Solemn cases going to Trial but, to secure these pleas, full disclosure has to be made at a very early stage which negates any administrative time saved by not having to cite witnesses.

- Scottish Executive Initiatives e.g. Best Value, Efficient Government, Sustainable Development.

We will continue to strive to maintain a high quality service within the financial constraints set by the Executive/Parliament and continue to review processes and practices with our Criminal Justice Partners to achieve best value.

1.2.5 Stakeholders:

- Criminal Justice Partners – Police, the Judiciary, Scottish Court Service, Scottish Prison Service

With the introduction of the Police Liaison Officer to AICP and the close link formed with the Police Criminal Justice Unit and Sheriff Clerks, co-operation and understanding between the services has never been better.

We will seek to build on the work already done and endeavour to involve even more fully more of our partners, Social Work Dept, Reporter etc .

The Courts in Fife operate an electronic Police Officer Availability system in court which is check for the most suitable date for a trial to be set which. This is saving a lot of Police time as leave days, courses, night shifts etc will, where possible, be avoided

This Area is also piloting “e citation” for Police witnesses in summary Trials set at Kirkcaldy Sheriff Court. This scheme has been very effective and we hope to roll it out to all Fife Courts (including Solemn) in 2007.

Another pilot involving the centralised printing of “personal” citations and direct mailing to the Police Station nearest to where the witness resides will start in early February 2007.

- The General Public

Customer awareness is considered to be very important and a group has been set up to raise staff awareness and review current practices.

- Victims & Witnesses

PLEASE SEE SECTION [7.1 regarding VIA](#)

The full implications of the Vulnerable Witness Act are still to be felt and we must make ourselves ready to ensure procedures for presenting evidence remotely, keeping witnesses informed, supported, etc are in place when required.

Every effort will continue to be made to agree evidence where possible thus saving witnesses the inconvenience of having to appear at court.

- Defence Agents

Communication with Defence Agents in Kirkcaldy remains strong and has had benefits in securing s76 pleas (for the Area) and more case disposals at Intermediate Diet in Kirkcaldy. This initiative has been very successful in saving witness and court time but it has resource implications for Admin staff and Lawyers/Precognoscers

Improvements have also been made in Dunfermline and Cupar but we are conscious that this is an important area of work and that efforts to secure early pleas must be sustained and, where possible, improved.

1.3 LOCAL CONTEXT

1.3.1 Local Aims & Objectives:

This Area adheres to the aims and objectives published by COPFS (shown in **Annex 1**) but in addition we :

| No | Objective |
|-----------|--|
| 1. | Will continue to work on delivering the recommendations set out in the staff survey report |
| 2. | Will strive to implement any recommendations arising from the Internal Communications Review. |
| 3. | All Mangers will take corporate/area responsible for ensuring data integrity is maintained wherever possible |
| 4. | Will review the workstreams identified in Annex 6 |

1.3.2 Structure of Fife Area:

The Fife Area consists of one large Office, Kirkcaldy, one medium sized office, Dunfermline and one small office, Cupar. The Area Team is based in Kirkcaldy.

The Area Fiscal takes the lead in ensuring all staff conduct the business of the service professionally, with regard to diversity issues, in line with the wishes of the Lord Advocate and Scottish Executive and by establishing close liaison with all our Criminal Justice partners and other groups.

The Fife Area Team (Including all District PF s and Managers) are committed to using staff and other resources as effectively as possible and, wherever possible, have adopted an “Area” approach to working to ensure better management, consistency of marking and to concentrate expertise.

The District PF is directed and advised by the Area PF. Custody cases and deaths are reported direct to the District Offices. The local Fiscal has responsibility for dealing, cost effectively, with all aspects relating to cases going through court, deaths, the local management of his office, and local relations with other groups and organisations.

Report cases and undertakings for the Area are reported to the Area Initial Case Processing Unit (based in Kirkcaldy). If the case is proceeded with, responsibility for dealing with that case passes to the local office at diet stage, any cases where proceedings are not taken are dealt with in the AICP Unit. A Police Constable with access to SCRO and Fife Police computer systems is also attached to this unit. This is Partnership working at it’s best and has delivered significant benefits to both the PF Service and Fife Police. This Officer deals with many minor queries thus cutting down on the number of memos and follow up requests from this Office, is able to check outstanding cases (even if no report ha been submitted) and SCRO for Holland and Sinclair enquires. He also acts as first point of contact between the Police and PF

regarding anything to do with joint protocols, quality of reports, analysing No Pro rates etc.

An Area Precognition Unit which was set up in Jan 2005 continues to work very effectively, although sustained increases in Solemn workload and disclosure constraints have put this Unit under great pressure.

The success of these Units is due in no small part to the willingness and adaptability of the staff to work in the Units even though it does sometimes mean they have more travelling to do between home and workplace.

1.3.3 Scale of Activity:

Details of key issues are shown in Section 2.4 Caseload in this document

A detailed workload model is contained at **Annex 3**.

1.3.4 Resources:

Summary financial allocation

| Heading | Forecast Outturn 06-07 | Budget Bid 07 – 08 |
|--------------|------------------------|--------------------|
| Staff Costs | £1,953,000 | *£2,239,000 |
| Office Costs | £160,000 | £170,000 |
| Case Related | £625,000 | £886,000 |
| Total | £2,738,000 | £3,295,000 |

* Includes full bid (additional posts, reduced resilience, reduced Temp PF and reduced Overtime) but no 07-08 pay deal calculations are included.

Staff Numbers

Agreed staffing Numbers by Grade are as follows (NB Includes VIA Posts).

| Administrative and Managers | | | | | Lawyers and Precognoscers (Band D) | | | | | Senior Civil Service |
|-----------------------------|-----|---|---|---|------------------------------------|------|------|---|---|----------------------|
| B | PA | C | D | E | PREC | T/EE | E | F | G | SCS 1 a |
| 26.2 | 2.7 | 3 | 3 | 1 | 5 | 2 | 11.1 | 3 | 2 | 1 |

In Post as at January 2007

| Administrative and Managers | | | | | Lawyers and Precognoscers (Band D) | | | | | Senior Civil Service |
|-----------------------------|-----|---|---|---|------------------------------------|------|---------------|---------------|---|----------------------|
| B | PA | C | D | E | PREC | T/EE | E | F | G | SCS 1 a |
| 25.2 (-1) | 2.7 | 3 | 3 | 1 | 5 | 2 | 9.7 (-2.4) | 2.8 (-0.2) | 2 | 1 |

We have also budgeted for a total of 2 Casual Band B Officers, additions for disclosure and Sinclair and the projected FOS II Band B saving, and resilience (covering sick/maternity leave etc).

1.3.5 Other Local Issues:

The geography of this Area makes it fairly easy to move staff between Dunfermline and Kirkcaldy and only slightly more difficult between Kirkcaldy and Cupar (Dunfermline to Cupar is a bit more problematical).

This has allowed us to set up Area Units in Kirkcaldy (as that was where the accommodation was available) and experiment with different ways of covering Cupar.

It is felt that the management of the Lawyers and court business would be best served if there were 3 Principal Deputies based in Kirkcaldy (1 for each of the Area Teams – AICP and Solemn) and one for Summary Courts management with Cupar being covered as a development opportunity for a suitable P.F.D. This has not been possible to set up at the current time but remains the long term goal.

In December a very experienced PFD retired, in January another very experienced PFD resigned, this on top of another on secondment (for almost 1 year) and a less experienced PFD returning part time after Maternity Leave has left this Area extremely short of Lawyers in general but of experienced PFDs in particular. It has not been possible to fill these vacancies either with PFDs nor, fully, with Temp PF all of which has led to build-ups in Solemn and AICP and has made it impossible at times to cover “out of court” work.

2.1 KEY PROCESSES:

The main strategic priorities for this Area are :

- Prosecuting crime (especially serious crime) – making sure crime is prosecuted in a timely and efficient manner or to take appropriate and timely action in deciding not to prosecute or use a non court avenue.
- To be responsive to the needs of victims of crime and vulnerable witnesses.
- Delivering reform and improving efficiency
- Securing public confidence in the criminal justice system in Fife.
- To investigate sudden deaths efficiently and timeously and to be responsive to the needs of next of kin.

2.2 TARGETS:

The following table shows the Areas performance against current published targets.

| Fife Area | | | Target Met | No data recorded | | Apr-Oct 2006 | |
|---------------------------------|---|--------|-------------|------------------|-------------|--------------|-------------|
| Target | Strategic Objective | | PFS | Fife Area | Cupar | Dunfermline | Kirkcaldy |
| Custody Cases: Serve Indictment | Serve 100% by 80th day | High | 100% | 100% | 100% | 100% | 100% |
| | | Sh & J | 100% | 100% | 100% | 100% | 100% |
| Bail Cases: Serve Indictment | Serve 100% in 10 months | High | 100% | 100% | 100% | 100% | 100% |
| | Serve 80% in 9 months | | 74% | 52% | 67% | 71% | 23% |
| | Serve 80% in 9 months | Sh & J | 90% | 92% | 100% | 95% | 89% |
| | Serve 60% in 8 months | | 67% | 58% | 55% | 53% | 61% |
| Take/Implement Decision | Process 75% within 5 weeks | | 86% | 83% | 82% | 82% | 84% |
| Routine Death | Investigate 80% within 6 weeks | | 96% | 92% | 100% | 90% | 91% |
| Investigate Death | Investigate 80% within 12 weeks | | 80% | 86% | 88% | 86% | 84% |
| Discretionary FAI | 95% to meet target | | 25% | | | | |
| Mandatory FAI | 95% to meet target | | 30% | | | | |
| CAPs: Area PFs | Close in 10 weeks - 60% of cases | | 80% | 69% | | | 69% |
| CAPs: Area PFs | Close in 12 weeks - 90% of cases | | 89% | 73% | | | 73% |

As can be seen from the table this Area is meeting most of the targets. The failure to serve 80% of High Court Cases within for 9 months (due to become a target in 2008) is due to a combination of factors, including a high proportion of custody cases, occasional delay in getting the precognition reported and some delay by H.C.U. to indict. This figure is improving monthly through working closely with HCU.

We have only just failed in indicting 60% of Sheriff and Jury cases within 8 months. (due to become a target in 2008). This is due mainly to the overall increase in Solemn workload and the shortage of Lawyers/ Precognoscers. However, the current target is met with something to spare.

The table below shows the new Published targets which will come into force in 2006 and 2008. This Area will work towards achieving these targets well before the Target Date set for implementation.

| No | Target | Target Date |
|----|--|---------------|
| 1. | To serve indictments in 80% of Sheriff and Jury cases that involve bail within eight months of first appearance on petition by 31 March 2008. | 31 March 2008 |
| 2. | To serve all High Court indictments that involve bail within ten months of first appearance on petition, and 80% within 9 months of first appearance on Petition by 31 March 2008. | 31 March 2008 |
| 3. | In deaths which require further investigation, to conclude investigation and advise next of kin of outcome within 12 weeks in 80% of cases by 31 March 2008. | 31 March 2008 |

2.3 RISKS:

Individual objectives and risks are shown at [Annex 2](#).

2.4 CASELOAD:

Reports

In the last 12 months this Area has received 18,189 reports.

This is up by approximately 6% on the previous year (but up considerably from 14,246 year 2001-02).

| | Dec 2003 - Nov 2004 | Dec 2004 - Nov 2005 | Nov 2005 - Oct 2006 | Projected to Mar 07 |
|---------------|---------------------|---------------------|---------------------|---------------------|
| Total Reports | 19,192 | 17379 | 18189 | 18294 |

No Proceedings Rates

No Pro rates in this Area have been high for the last few years. A lot of effort has been put into determining why this is the case. For the last 6 months we have been working with the Police Liaison Officer to review a sample of “insufficient evidence” and “triviality” markings and the APF has also carried out a review of No Pro markings in general. This has resulted in our No Pro rate now averaging between 12 and 14% as compared to 22 to 24 % last year.

Petitions

Precognition work in progress has increased significantly from an average 202 last year to 274 for the last 12 months. This is the second year running this figure has gone up significantly and shows a sustained upward trend in an area of work which is most labour intensive (and usually at a senior level).

Complying with the requirements of Disclosure also has a negative impact on this area of work.

Court Disposals

NOV 05 TO OCT 06

| Disposal Type | Cup | Dunf | Kirk | Tot Area | Projected FY 06 -7 | Projected FY 07 - 8 |
|---|------------|-------------|-------------|-----------------|---------------------------|----------------------------|
| High Crt Cases s76 | 0 | 3 | 7 | 10 | 14 | 17 |
| High Crt Cases PD/ 1 st Diet | 2 | 6 | 12 | 20 | 23 | 28 |
| High Crt Cases P at TR | 0 | 2 | 2 | 4 | 4 | 5 |
| High Crt Cases Ev led | 2 | 8 | 13 | 23 | 29 | 35 |
| Total High Court | 4 | 19 | 34 | 57 | 70 | 84 |
| S & J Cases s76 | 11 | 31 | 86 | 128 | 107 | 128 |
| S & J Cases PD/1 st Diet | 7 | 18 | 48 | 73 | 84 | 101 |
| S & J Cases P at TR | 2 | 6 | 13 | 21 | 21 | 25 |
| S & J Cases Ev led | 7 | 5 | 14 | 26 | 33 | 40 |
| Total S & J | 27 | 60 | 161 | 248 | 245 | 294 |
| Sheriff Plea at 1 st Diet | 286 | 1327 | 1181 | 2794 | 2897 | 3245 |
| Sheriff Plea at Int Diet | 171 | 445 | 626 | 1242 | 1368 | 1538 |
| Sheriff Plea at TR Diet | 113 | 195 | 400 | 708 | 684 | 768 |
| Sheriff Evidence Led | 74 | 65 | 94 | 233 | 231 | 259 |
| Total Sheriff | 644 | 2032 | 2301 | 4977 | 5180 | 5810 |
| District Plea at 1 st Diet | 149 | 617 | 685 | 1451 | 1350 | 1500 |
| District Plea at Int Diet | 18 | 45 | 97 | 160 | 174 | 174 |
| District Plea at TR Diet | 22 | 27 | 60 | 109 | 116 | 116 |
| District Evidence Led | 5 | 7 | 12 | 24 | 16 | 16 |
| Total District | 194 | 696 | 854 | 1744 | 1656 | 1806 |

Court disposals are predicted to go up due to the increase in overall reports and the non payment rate of alternatives (SCS report an increase of 10–15% in complaints registered).

Sheriff and Jury and High Court disposals are expected to increase in line with the additional numbers being reported.

2.5 WORKLOAD & STAFFING FORECAST:

A full projection is shown in the model set out in **Annex 3 (NOT AVAILABLE FROM THIS DOCUMENT)**. This model shows that

Although Admin Mangers to work units looks low (due to geography and other factors), the units per staff in all disciplines is well above the National Indicative so much so that on this model, to cope with the expected workload, 2 additional PFD, 2 additional PO and 4 additional Band B posts would be sustainable.

It has also been accepted that 1 VIA Officer (Band D) is not enough for the Fife Area.

2.6 IMPROVED WORKING PRACTICES/INITIATIVES

This Area is piloting e citation of Police witnesses in Kirkcaldy Sheriff court. The scheme has been running successfully for some months now and it is hoped to roll this out full to all courts and Police Divisions in Fife in the new year.

Another pilot involving the centralised printing of “personal” citations and direct mailing to the Police Station nearest to where the witness resides will start in early February 2007.

Reviews are ongoing in the following areas:

Summary Working Practices. (Including FOS changes).
Area Solemn Working Practices.
Area Initial Case Input (including FOS changes).
Customer Services.

3 ENVIRONMENT & STAKEHOLDERS

3.1 CRIME TRENDS:

Crime trends suggest an increase of at least 20% in Solemn work particularly drug related, and serious crime and an increase of 6 to 7% in Summary reports leading to an increase of approx 12% in cases going to court.

Police Warnings are in use in Fife but the number of reports has not been reduced. This is because any cases dealt with under this scheme will be of a minor nature and extremely unlikely to have led to prosecution if reported.

Fife Police will continue with their policy to target persistent offenders. Priority will also be given to monitor and target known sexual offenders and a new initiative is planned to target the sale of alcohol products to under age persons. None of these is expected to have a significant impact on our business.

Fife Constabulary will shortly be in a position to issue Fixed Penalty Notices, following upon the Tayside Pilot. Work is ongoing with the Chief Constable to ensure that this scheme is successfully implemented.

We have started to work with the District Court Authority in an attempt to ease any “transfer of responsibility” issues caused by the new legislation and to address some of the problems we currently have with backlogs in Fiscal Fine information coming back from the District Court.

3.2 LEGAL, LEGISLATIVE & OTHER EXTERNAL INFLUENCES:

Known factors such as Bonomy, Holland and Sinclair etc – see [Section 1.2.4](#).

3.2.1 Government Initiatives - Modernisation and Best Value:

Financial controls have improved with the introduction of an Area Budget Paper issued by the Area PF and controls to monitor expenditure by the A.B.M are in place.

3.2.2 Other Initiatives.

The Fife Area has just been awarded the Scotland's Health at Work **Gold** award.

In the next 12 months we hope to :

- Increase the profile and work of the Area Race and Diversity Group and including members from other partner organisations such as Police, Courts and local Race Groups.
- Maintain our S.H.A.W. Gold award.
- Implement the requirements of the Vulnerable Witness legislation.
- Ensure FOS II is fully implemented when available and best use is made of the functions available within it.
- Implement e –citation for all Police witness in Fife.
- Implement the centralised printing of “personal” citations and direct mailing to the Police Station initiative.

3.2.3 Stakeholders.

See Section **1.2.5**

4 HR PLAN

4.1 STAFFING PLAN:

4.1.1 Staff mix & experience:

The level of experience throughout the Area is very mixed. There are a number of very experienced people at District PF and Principal Depute level but, with the loss of 2 very experienced PFDs we are very short of experienced Deputes. The Precognition Officers are about 50% experienced and 50 % less so. With this mix it will be mean that problems encountered in replacing/covering staff on secondment etc will may make it difficult to free staff to allow them to develop in other areas.

Admin Managers, with one exception, are experienced but some are continuing to adapt to new ways of working, (more flexible working practices, breaking away from specialisms etc). One very experienced Manager is seconded to VIA and her post is being covered by a lesser experienced *Solemn* Manager.

All senior staff have now completed the leadership development programme.

The Administrative staff in Dunfermline are mainly very experienced but the staff here tended to be experienced in either Typing or Admin, not both. Staff rotation

(especially into the new Area Units) continues to help to address this issue and the staff who have already spent time in the new Units have developed new skills and are now more aware of teamworking.

The Administrative staff in Kirkcaldy are more of a mixture of some experienced and more not so experienced staff. This Office also has a history of staff working in a particular specialism which has resulted in them becoming very experienced in either Typing or Admin, not both. Lack of traditional Typing skills is sometimes a problem but all the new staff (replacements) have been recruited with keyboard skills which the Unit Managers must develop to help cover this skills gap. Staff rotation is also in place in Kirkcaldy and the new Area Units.

The Administrative staff in Cupar are both fairly experienced and, due to the nature of the work in a small office, are very flexible as to the functions/tasks they carry out.

4.1.2 Other Staffing issues:

The geography of the Area does seem to have an impact on recruitment. Although local recruitment of band B staff has been successful, promoted and Depute posts remain difficult to fill.

In the past year, the Area has continued to experience delay or difficulty in replacing Depute Posts (vacant through secondment, resignation etc). We have also had difficulty filling a part time Manager post and a part time PA post.

We have had a vacancy at Band F in Cupar (since Jan/Feb 05) of 1 day per week which we have not been able to fill and we will be carrying a 0.4 PFD vacancy in Dunfermline from January as we have not been able to fill that post either.

Flexible working has been introduced for all staff including Lawyers. This is welcomed by most staff and Managers but , because of the very limited number of Lawyers we have available, this will have to be monitored closely to ensure courts etc can be covered at all times.

The Area also has had difficulty in obtaining temporary PFD's cover. As a result, staffing shortfalls can go uncovered.

The work of the Criminal Justice Board is continuing to expand and this is taking up almost all the available time of a Manager. This is very difficult to absorb as we have already lost a Manager due to Promotion to another Area.

4.1.3 Consultation:

Preparation of the Business Plan has involved consultation with the Area Management Team and Office/Sections Managers.

At each Managers Meetings particular focus is given to performance and measures which could be taken to improve performance and to ensure that resources were used to best effect. Staffing issues and feelings are also discussed (including feedback

from the Staff Survey, Communications Strategy etc) and the results of those discussions are reflected in the Business Plan

4.2 TRAINING & DEVELOPMENT PLAN:

As an organisation, we have undertaken to: “train and develop staff to their full potential while valuing their contribution and fostering team working in order to achieve our business objectives and improve our performance.”

Next year will be a very challenging time for the Area Training Group, all Managers and all staff. There are a number of major changes/initiatives to be delivered in 07. Key issues are:

- Vulnerable Witness Act
- FOS II

Area training days have been allocated as follows:

March 2007
September 2007

A copy of the Area Training and Development Plan is shown in **ANNEX 7** (a copy has been sent to Training Division)

5 INFRASTRUCTURE

5.1 ACCOMMODATION ISSUES:

Although the paper retention policy is adhered to throughout the Area, storage of dead filing is a problem. We are exploring the possibility of using off site storage using a warehouse in Edinburgh which will hopefully alleviate the on site problems although transport and access will be more difficult.

Dunfermline, Cupar and Kirkcaldy have now all been re-furbished to a very high standard and all are in good repair.

Kirkcaldy does however have a problem with the roof leaking in certain weather conditions and, although DDA compliant for visitors, significant alterations would be required to doors etc to allow wheelchair access for a disabled member of staff.

5.2 IT ISSUES:

FOS continues to be slow at times in all Fife Offices despite upgrades to the network. Staff have been instructed to ensure that any performance issues are reported to the Helpdesk as they occur.

New on call/emergency laptops are awaited.

6 FINANCE PLAN

6.1 BUDGET PROPOSALS:

Full details of our budget proposal for 2006/7 can be found in the separate budget bid shown in **Annex 4 (NOT AVAILABLE FROM THIS DOCUMENT)**.

| Year | Salaries | Office | Case Related | Area Total |
|---------|------------|----------|--------------|------------|
| 2006/07 | £1,953,000 | £160,000 | £625,000 | £2,738,000 |
| 2007/08 | £2,222,000 | £170,000 | £886,000 | £3,278,000 |

Figures for 2006/07 are estimated final out-turn and the expected wage rise. Figures for 2007/08 reflect our budget bid and includes the additions bid for but **NO** wage increases in 2007/08 have been accounted for.

Outturn for 2006/7

A slight underspend is expected in salaries. Any underspend in salaries is purely down to staff vacancies or staff on unpaid leave where we have not been able to fill the post.

Office costs are expected to be very close to budget allocation but Case Related costs will be well over allocation due to the new Pathology contract and increased use of NHS Mortuaries.

Budget proposal for 2007/8

Salaries

Our bid for staffing is primarily based on the model shown in **Annex 3 (NOT AVAILABLE FROM THIS DOCUMENT)**. and include an estimate for a second Band D VIA Officer. But, due to the fact that funding is extremely tight for the whole Department, we have concentrated on the most urgent needs i.e Depute and Band B (Solemn and Disclosure)

NO estimate to cover the outstanding pay deal as these figures are not known.

Resilience is expected to be about the same as last year as we do not expect to new working practices or technology advances to have much impact on the need for resilience.

Were we to be successful in our bid, staffing numbers for 07 – 08 would be:

| Administrative and Managers | | | | | Lawyers and Precognoscers (Band D) | | | | | Senior Civil Service |
|-----------------------------|-----|---|--------------|---|------------------------------------|------|--------------|---|---|----------------------|
| B | PA | C | D | E | PREC | T/EE | E | F | G | SCS 1 a |
| 30.2 (+4) | 2.7 | 3 | 4 (+1Via) | 1 | 5 | 2 | 13.1 (+2) | 3 | 2 | 1 |

Case Related

A new Pathology contract came into place last year and it has been agreed that Fife’s share of this contract will be 1/3rd (£403,000) which is at least double previous years and more Post mortem examinations will take place in NHS mortuaries. This is reflected in the court costs bid There is overall an increase in death reports and autopsies instructed of about 8% annually. The new contract arrangements will result in the bulk of autopsy work being conducted in Fife rather than Dundee and this will mean a significant increase in NHS Mortuary costs (again about double = £160,000 as there will be approx 450 NHS PMs).

Office

This bid is based on last year with a slight increase of 3 % in line with inflation and additional Teambuilding/SHAW events. (total + £10,000 from last year)

6.2 EFFECT OF PROPOSED CHANGES / BUSINESS CASES:

6.2.1 Additional workload and Disclosure details already given in plan.

7. OTHER ISSUES

7.1 VIA Changes:

The responsibility for the operation and Management of VIA Fife has not yet passed to the Area PF. The main reasons for the move not taking place have been a lack of suitable resources being available to cope with the workload and the significant backlog which has built up and which has yet to be fully addressed.

It is difficult to understand why resources for the Fife Unit were set at only one VIA Officer and two VIA Assistants when Areas with similar overall workloads (and fewer Solemn cases) were set at least two VIA Officers and two assistants. There has been some speculation that the number of referrals etc have not been recorded fully or that the way in which such statistics have been gathered is not the same in all Areas, but there is no evidence available to substantiate this speculation. What is clear is that the nature of Fife business results in a high proportion of referrals and a need for at least two VIA Officers and two assistants. Senior VIA management has accepted that this is the case.

This Unit is not sustainable with the current staffing resources. Every person who has worked in this Unit for the last two years has left the Unit citing stress and excessive pressure as reasons for leaving. VIA Assistants are not capable of covering for VIA Officers for any more than a day or so and therefore it is just not possible to operate this Unit without two suitably competent Band D Via Officers and two Band B Via Assistants.

PAPER SUPPORTING AWAITED FROM VIA

7.2 POTENTIAL FUTURE CHANGES:

7.2.1 2007/08:

Summary Justice Review

This legislation is expected to be introduced in December 2007 and whilst it is still being worked on, it is expected that it will have far reaching effects from 2008 onwards on the way summary justice is delivered. District Court re-organisation is expected but the new legislation is also expected to provide more appropriate and meaningful alternatives to prosecution which will give the Police, PF Service and Courts much greater opportunities to tackle the crimes/behaviour which really affect the local community.

7.2.2 2008/09:

New initiatives such as the major changes seen in recent times (Disclosure, Bony, Vulnerable Witnesses etc) are likely to continue or increase. Even with the introduction of new technology/systems staff costs seem bound to have to increase to cope with the work generated.

8 CONCLUSIONS & RECOMMENDATIONS

8.1 CONCLUSION:

This area has kept very strictly to the staffing levels and running costs set in the budget last year (with the exception of Pathology costs associated with the new contract which were outwith our control) and have achieved the reductions in Permanent posts required by FOS.

We have achieved and maintained good record of performance in meeting targets.

This has been achieved in no small part by the professionalism, commitment and sheer hard work of the staff of all grades/disciplines and in all Offices in the Area.

The Area Initial Case Processing Unit and Area Precognition Unit (include Area High Court Unit) are now established and working well. These initiatives have led to improved Teamworking, made the best use of resources (and allow some measure of mutual support), better staff development by rotation and the development of the Police Liaison Officer role, has in addition to the work done by the Criminal Justice

Board, Fire Area Team and Fife Police Criminal justice Group and have led to much better partnership working with the Police.

It is accepted that funding for staff is exceptionally tight but every effort has been made in this Area to make the best use of available resources and we (and the staff) feel that every Unit is stretched to the limit and that unless additional resources are made available, we will not be able to continue to meet targets or to provide the level of service the public and S.E. demands.

The latest staffing to workload model (**Annex 3**) (**NOT AVAILABLE FROM THIS DOCUMENT**). shows the units of work for each grade/discipline in this Area to be significantly above the National Indicative but in particular the figures would suggest that we are short of Deputes, and Band B posts FOR Solemn work. This model shows we have a higher level of Admin Managers than other Areas but we have already lost one Manager due to promotion and the work of the Criminal Justice Board is expanding to fill almost all of another Managers post. Further savings in the number of Manager's is therefore not considered possible. We also need an additional VIA Officer to make that Unit sustainable.

9 ANNEXES

1. Corporate Aim, Objectives & Targets

Corporate Aim, Objectives and Targets: (2006-07)

Aim:

To provide an independent, modern prosecution service which is committed to professional excellence, pursues cases fairly and consistently in the public interest and Supporting Internal Targets is responsive to the public's needs.

Objective 1: To secure the confidence of all sections of the community in the prosecution system by improving the delivery of justice through the timely, efficient and effective prosecution of crime

Target 1 (published): 60% of Sheriff Summary and District Court cases disposed of within 26 weeks of the date of caution and charge by March 2008 [Joint target with Justice Portfolio]

Supporting Internal Targets (subject to revision):

- To take action in 75% of crime reports within 5 weeks of receipt by 31 March 2006
- To issue 90% of complaints for service at least 3 weeks before a pleading diet.
- To complete investigation of complaints of criminal conduct by police officers and advise complainer of outcome within 10 weeks of report to Procurator Fiscal in 60% of cases and within 12 weeks in 90% of cases by 31 March 2006.
- PF to provide initial response to preliminary report of CAP within seven days.
- To achieve a 100% approval level of the quality of investigation and decision making in the random selection of complaints against the police case examined annually by the Inspectorate by 31 March 2006.

Target 2 (published): To implement agreed recommendations of COPFS Inspectorate's Review of the prosecution of racial crime by March 2006 and other agreed recommendations of COPFS Inspectorate's Reviews within two years of such agreement.

Objective 2: To give priority to the prosecution of serious crime, including drugs trafficking and persistent offenders.

Target 3: Serve indictments in 80% of Sheriff and Jury cases that involve bail within eight months of first appearance on petition by March 2008.

Supporting Internal Target (subject to revision):

- PF offices to report 75% of custody cases to CO by 60th day from full committal and 95% by the 70th day (subject to meeting last service dates)

Target 4 (published): To serve all High Court indictments that involve bail within 10 months of first appearance on petition and 80% within nine months of first appearance on petition by March 2008.

Supporting Internal Targets (subject to revision):

- PF offices to submit 80% of well prepared High Court bail cases to Crown Office within 8 months of CFE date.
- PF Offices to submit 100% of well prepared High Court bail cases to Crown Office within 9 months of CFE date. .

Target 5 (published): In partnership with Justice portfolio, reduce by 10% the level of High Court trial diet adjournments by March 2008.

Objective 3: To provide services which meet the information needs of victims, witnesses and next-of-kin, in co-operation with other agencies.

Target 6 (published): To communicate court bail decisions within 24 hours to 90% of victims in cases in which the accused has appeared from custody by March 2008.

Supporting Internal Target (subject to revision):

- To achieve 85% customer satisfaction levels amongst survey respondents.

Objective 4: To ensure that all deaths reported to the Procurator Fiscal are investigated appropriately and speedily.

Target 7 (published): In deaths which require further investigation, to conclude investigation and advise next of kin of outcome within 12 weeks in 80% of cases by March 2008

Supporting Internal Targets (subject to revision):

- PF offices to conclude enquiries in 80% of deaths not requiring further investigation within 6 weeks.
- CO to issue instructions within 5 working days of receipt in 80% of cases.
- PF to hold mandatory FAI within 24 weeks of report received in 95% of cases.
- PF to hold discretionary FAI within 16 weeks of receipt of Crown Counsel's instructions.

2. Objectives & Risk Register:

Objective 1 To improve the delivery of justice by timely, efficient and effective investigation and prosecution of crime

Defined Outcome:

We will endeavour to meet, and where possible exceed, the national targets associated with this objective

Key Planned Activities:

Continue with and expand the roles of the Criminal justice Board and Fife Police Liaison to deliver the most effective justice service possible.

Maintain the role the Area Initial Case processing Unit.

Resources:

We need to try to carve out of the resources available to us greater capacity to review and improve existing processes and to pursue initiatives that will deliver efficiency savings further down the line.

Controls:

Performance against targets is a standing item on the agendas for meetings of the Area's Senior Management Team and Office Management meetings.

Progress in implementing the Actions set out in the Business Plan will be regularly reviewed.

The specific objectives included in individuals' Performance Agreements will be directly linked to achievement of targets and implementation of the Actions set out in the Business Plan.

Key Risks:

Shortage of staff – especially experienced staff.

Technical problems with FOS.

Inability – because of pressure of case work – to shift resources from fire fighting to fire prevention.

Probability and Impact:

Probability of risks being realised: *Medium* Impact if risks are realised : *High*

Risk Controls:

Subject to available funding, we will engage casuals and temporary staff, and authorise overtime, to compensate for unfilled vacancies and to address short-term difficulties.

We will regularly review Team complements and structures to ensure that the best use is being made of available resources.

Evaluation of Outcome:

This will be evaluated by performance against target and within budget.

Objective 2:

To give priority to the prosecution of serious crime, including drugs trafficking and crimes committed by persistent offenders.

Defined Outcome:

Target 3: Serve indictments in 80% of Sheriff and Jury cases that involve bail within eight months of first appearance on petition by March 2008.

Internal Target:

- PF offices to report 75% of custody cases to CO by 60th day from full committal and 95% by the 70th day (subject to meeting last service dates)

Target 4 (published): To serve all High Court indictments that involve bail within 10 months of first appearance on petition and 80% within nine months of first appearance on petition by March 2008.

Key Planned Activities:

Maintain excellent performance of the Area Precognition and High Court Teams. Regular liaison with Police to discuss operational matters including targeting persistent offenders and that the Serious Crime Protocol is adhered to.

Resources:

- Targeted use of experienced staff to focus on complex and serious solemn caseload
- Specialist prosecutors e.g. Fisheries, Environmental and Wildlife, Health and Safety, Confiscation.
- Area Solemn Precognition and High Court Teams.
- VIA.
- Dedicated High Court sitting manager (Area PD).

Controls:

- Area Team monitor current precognition workload.
- SCS liaison meetings and feedback from Crown Office and Courts
- Performance Management.

Key Risks:

- Continuing significant workload increase
- Impact of “big cases” on area with limited resources available – disproportionate impact on case related, resilience and travel/subsistence costs.
- Low productivity and precognition output.
- Limited “experienced” staff available.

Probability and Impact:

Probability of risks being realised: *Medium* Impact if risks are realised : *Very High*

Risk Controls:

- Area Team monitor current precognition workload.
Performance Management.

Evaluation of Outcome:

This will be evaluated by performance against target and within budget.

Objective 3:

To provide services which meet the information needs of victims, witnesses and next of kin, in co-operation with other agencies.

Defined Outcome:

To provide services, which meet the information, needs of victims, witnesses and next of kin, in co-operation with other agencies.

Key Planned Activities:

Race and Diversity Team to raise awareness of Diversity issues concerning next of kin.

Implement all the recommendations of the Vulnerable Witness Act

Area PF Team to take over Management of Fife VIA.

Resources:

Next of Kin issues normally dealt with by senior staff (District PF and their P.A)

Controls:

Performance against targets is a standing item on the agendas for meetings of the Area's Senior Management Team and Office Management meetings.

VIA feedback

Area PF reviews Deaths (in particular Reportable Deaths) on a regular basis.

Key Risks:

Limited "experienced" staff available.

Probability and Impact:

Probability of risks being realised: *Medium* Impact if risks are realised : *Very High*

Risk Controls:

Continually monitor workloads, staff availability and performance and feedback from VIA and Courts.

Evaluation of Outcome:

This will be evaluated by performance against target and within budget.

| |
|--|
| <p>Objective 4</p> <p>To ensure all deaths reported to the Procurator Fiscal are investigated appropriately and speedily.</p> |
| <p>Defined Outcome:</p> <p>The Area expects to achieve the National target set for performance under this objective.</p> |
| <p>Key Planned Activities:</p> <p>To continue to liaise with Pathologists, Mortuaries, Undertakers and other interested parties to ensure best service delivery.</p> |
| <p>Resources:</p> <p>Next of Kin issues normally dealt with by senior staff (District PF and their P.A)</p> |
| <p>Controls:</p> <p>Performance against targets is a standing item on the agendas for meetings of the Area's Senior Management Team and Office Management meetings.</p> <p>VIA feedback</p> <p>Area PF reviews Deaths (in particular Reportable Deaths) on a regular basis.</p> |
| <p>Key Risks:</p> <p>Limited "experienced" staff available</p> <p>Possible changes due to the introduction of new Pathology and Mortuary contracts next year.</p> |
| <p>Probability and Impact:</p> <p>Probability of risks being realised: <i>Medium</i> Impact if risks are realised : <i>High</i></p> |
| <p>Risk Controls:</p> <p>Continually monitor workloads, staff availability and performance and feedback from VIA and Courts.</p> |
| <p>Evaluation of Outcome:</p> <p>This will be evaluated by performance against target and within budget.</p> |

3. Workload Trends Analysis:

Excel spreadsheet not available

4. Budget Proposal:

Excel spreadsheet not available

5. Business Cases:

Business Cases (2007-08)

1. VIA

The responsibility for the operation and Management of VIA Fife has not yet passed to the Area PF. The main reasons for the move not taking place have been a lack of suitable resources being available to cope with the workload and the significant backlog which has built up and which has yet to be fully addressed.

It is difficult to understand why resources for the Fife Unit were set at only one VIA Officer and two VIA Assistants when Areas with similar overall workloads (and fewer Solemn cases) were set at least two VIA Officers and two assistants. There has been some speculation that the number of referrals etc have not been recorded fully or that the way in which such statistics have been gathered is not the same in all Areas, but there is no evidence available to substantiate this speculation. What is clear is that the nature of Fife business results in a high proportion of referrals and a need for at least two VIA Officers and two assistants. Senior VIA management has accepted that this is the case.

This Unit is not sustainable with the current staffing resources. Every person who has worked in this Unit for the last two years has left the Unit citing stress and excessive pressure as reasons for leaving. VIA Assistants are not capable of covering for VIA Officers for any more than a day or so and therefore it is just not possible to operate this Unit without two suitably competent Band D Via Officers and two Band B Via Assistants.

2. LAWYERS/P.O.s

2.1 Lawyers

On current staffing levels we find that it almost impossible to cover our existing court commitments and meet all the additional requirements for disclosure. The sustained increase of 25% in Solemn work, 12% in Summary court disposals and additional workload caused by Disclosure, leads us to bid for an additional 2 x PFD posts.

2.2 P.O.

Although the staffing Model (Annex 3) shows we could sustain additional PO resources, it is not , at this time, intended to bid for these posts as it felt the greater immediate/long term need is for Lawyers and Admin staff and Ad Hoc PO assistance will continue to be given.

3. ADMINISTRATIVE STAFF

The sustained increase of 25% in Solemn work, 12% in Summary court disposals and additional workload caused by Disclosure, lead us to bid for an additional 2 x Band posts for Solemn).

6. Area Work stream Reviews

Work Stream Reviews: (2007-08)

Throughout 2007 – 08 we intend to review the following work processes :

- Review Customer Awareness procedures
- Staff Survey and Communications :
- Police Witness Citing : Expand electronic citing of Police witnesses and introduce centralised printing of Personal Citations.
- B.C.P./Emergency Plans . Continue to Monitor, review, test and update, especially in regard to new equipment (laptops and G3 phones).

7. Training Plan

Area Training 2006 -7

| Proposed Training/Purpose of Training | Essential or Desirable to meeting business goals | Estimated cost | Estimated cost | Estimated cost | Estimated cost | Estimated cost | Estimated cost | Estimated cost |
|--|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | | April | May | June | July | August | Sept. | Oct. |
| Area Training Day | essential | | | | | | | £ 1,250.00 |
| FOS II | essential | * | * | * | * | * | * | * |
| Vulnerable Witness | essential | * | * | * | * | * | * | * |
| Diversity | essential | * | * | * | * | * | * | * |
| General T&S for training and supplies) | essential | £ 50.00 | £ 50.00 | £ 50.00 | £ 50.00 | £ 50.00 | | £ |
| | | | | | | | | |

* Dates to be confirmed