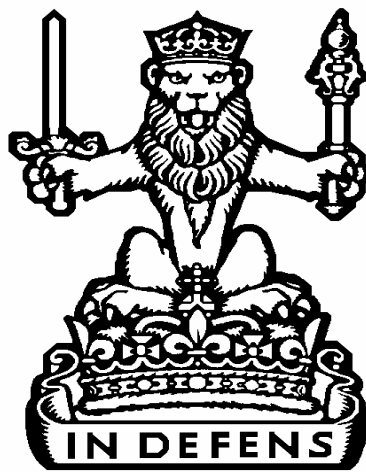


**CROWN OFFICE AND
PROCURATOR FISCAL SERVICE**



**LOTHIAN AND BORDERS
AREA
BUSINESS PLAN**

2007-08

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A Department of the Scottish Executive

Version / Status Control:

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EXECUTIVE SUMMARY:

Business Plan

The purpose of this business plan is to set out the priorities for Lothian and Borders Area for 2007-08, what we plan to deliver and how we plan do so. It outlines how we will contribute to the Crown Office and Procurator Fiscal (COPFS) Partnership Agreement commitments, in particular to continue the modernisation of the Department and takes account of the aims and objectives published in 2004 Spending Review and the Scottish Executive's 'Building a Better Scotland'. The Plan also addresses the aims and priorities of the COPFS Strategic Plan for 2006-08.

Corporate Aim

'Serving the public interest, prosecuting cases independently, fairly and effectively'.

Strategic Priorities

We will embrace the implementation of the Department's main strategic priorities:-

- Prosecuting serious crime – making sure that serious crime is prosecuted in a timely and efficient manner;
- Delivering reform and improving efficiency;
- Securing public confidence in the criminal justice system and serving communities – improving people's quality of life (e.g. dealing with anti-social behaviour and better prosecution of environmental crime; and
- Providing support and being responsive to the needs of victims of crime, next-of-kin and vulnerable witnesses.

Lothian and Borders Structure

Lothian and Borders Area comprises 6 Offices which range in size from rural areas through to the urban expanse of Edinburgh and its surrounding area. It encompasses Scotland's capital city with offices also located in Linlithgow, Haddington, Duns, Selkirk and Jedburgh.

Modernisation

Lothian and Borders Area will continue to give commitment to the modernisation of the Department by continuing to develop and implement modernisation programmes, enhancing business processes and encouraging staff to adopt appropriate behaviours, leading to improved delivery, better standards of service and improved working relationships with colleagues, customers and partners.

Efficient Government

Lothian and Borders Area will pay an active role in contributing to the Departments commitment to contributing to the planned savings in the Scottish Executive's Efficient Government plan published on 29 November 2004. The Area will:-

- Continue to improve the selection and citing of witnesses;
- Use of alternatives to prosecution;
- Continue to monitor and adopt effective marking policies to ensure cases marked for prosecution are allocated to the most appropriate Court
- Deliver efficiencies from the introduction of new technology, closer working with Partners, and application of the COPFS Continuous Improvement Strategy.

Finance

The Area will continue to employ a robust regime of monitoring of expenditure to ensure the efficient use of our budgetary allocation. The Area will enforce compliance with the requirements of the Crown Office Finance Manual and Stewardship Report to ensure all control measures are strictly adhered to.

Operational

The Continuous Improvement Strategy and change agenda of the Department continues to present challenges to the District Offices and operational Units within the Area. The coming year will see significant training commitments and preparatory work for the implementation of Part 3 of the Vulnerable Witnesses Act and the introduction of Summary Justice reforms. The introduction of upgraded IT functionality (through the implementation of FOS 2), along with new initiatives in staff development and management will also feature heavily in the management and delivery of objectives.

In relation to recent performance the Area processes 13% of all criminal reports in Scotland. It has a proportionately higher percentage of cases that involve serious crime prosecuted on indictment. In relation to performance against objectives the Area has performed well and is on course to meet all national and local targets. During the year the Area has had to deal with a number of high and complex profile cases.

In relation to future crime trends, we anticipate an overall increase of 1% in reported crime as against the levels experienced in 06/07.

In addition to national targets and objectives, under the Continuous Improvement Strategy of the Department we aim to deliver a number of objectives which will promote:-

- More timely and effective prosecution of crime
- Closer working with our Criminal Justice Partners
- Enhanced links to local Communities and key stakeholder groups
- Closer control of resources
- Process improvements to provide greater efficiencies in our work

As an Area we are committed to the training and development of our staff and we will continue to improve their knowledge and experience through a variety of measures underpinned by the Performance Appraisal System, the Learning Academy, and Skills for Success. In particular, we will continue to target training that will develop staff to their full potential, improve processes and Data Integrity across the Area, and promote efficiencies.

1. BACKGROUND

1.1. INTRODUCTION:

Background

Lothian and Borders Area takes in Scotland's capital city and covers rural areas with offices in Edinburgh, Linlithgow, Haddington, Duns, Selkirk and Jedburgh.

The Area will continue to tailor its structure to best serve the business need and has undertaken a programme of change which has resulted in ongoing efficiencies and process improvement. Major refurbishment of the Edinburgh office has resulted in the embedding of enhanced team working practices which has been replicated in the Area. During 2006/07 the Haddington Office moved in to new accommodation better placed to serve the local community. Work will also continue with key partners in the design of the new West Lothian Civic Centre which will deliver a custom built facility in the 2008/09 business year. Integration of 8.5 VIA posts has also take place in 2006-07 and work will be undertaken to identify and implement further efficiencies under the auspices of the Corporate Continuous Improvement Strategy.

People

In the 06/07 year the Area staffing compliment totalled 180.3 full time equivalents. The bulk of these posts (141.2) are based in the Edinburgh office. Linlithgow accounts for 24.6, Haddington 4.5 and the Borders offices 10. There are three District Procurators Fiscal each with responsibility for the management and performance of the Districts within their command.

Given the competitive labour market within Edinburgh, the Area has to deal with a regular turnover of staff which presents significant challenges in terms of maintaining the allocated complement and the level of experience amongst key skills groups. To help address the recruitment issues and address the Executive drives for "Best Value" and the Small Units Relocation Policy, the Area, in conjunction with Highland and Islands, set a up a remote typing unit in Tain in 2005/06 employing 4 band B staff. Police tapes for the Area are all processed within the unit providing enhanced productivity and service.

Challenges

The coming year will bring a significant training requirement arising from the introduction of FOS 2, the Leadership Development Programme, Skills for Success (Learning Academy), Violence Reduction Strategy, Investors in People, embedding Disclosure, consolidating Bonomy, preparing for the impact of Summary Justice Reforms, and legislative issues such as Vulnerable Witnesses.

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 2006-08 and supporting annual Business Plans.

1.2.1. COPFS Corporate Aim:

Serving the public interest, prosecuting cases independently, fairly and effectively.

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 I. The Objectives & Risk Register are considered more fully in Annex II. This document outlines how we plan to deliver each objective together with target completion dates, resources, controls and key risks.

Objective 1: To secure the confidence of our diverse communities 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:

The high public and political profile of COPFS means that external pressure for change is commonplace. These external factors come from a number of sources but the majority arise as a result of legislative changes and legal decisions. The current issues being addressed within the organisation include:-

- Bonomy - the processes required to support Bonomy reforms in the High Court are now embedded and the coming year will see them further consolidated in order to continue to minimise inconvenience to victims and witnesses.
- Summary Justice Review – this will result in major change in how the organisation deals with Summary business. The bulk of the change is scheduled to commence in late autumn 2007. Activity will continue to take place throughout 07/08 to assess the impact and plan for successful implementation of revised processes and procedures. Considerable liaison will be required with Criminal Justice partners and training of staff will be a key issue.
- Disclosure – this is an area which continues to develop following Judicial pronouncements. Work continues to improve the processes to ensure our Disclosure obligations are met.
- Vulnerable Witnesses (Scotland) Act – it is likely that a higher proportion of witnesses will be deemed to be vulnerable than before, so the impact on resources, training and costs will require to be carefully managed.
- A new Central Government backed staff development initiative, the Learning Academy, was introduced in 2006. The Academy provides a process for identifying the development needs of individuals which will take account of organisational change and the skills required to deliver that change.
- Reporting Agency crime initiatives such as operations targeting serious drug trafficking run by the SCDEA which will impact on resources.

1.2.5. Stakeholders:

The key stakeholders at corporate level are seen to be:-

- Scottish Parliament Justice Committees 1 & 2
- Scottish Executive Justice Department
- Criminal Justice Partners – Police, the Justiciary, Scottish Court Service, Scottish Prison Service
- The General Public
- Victims & Witnesses
- Defence Agents
- Community Justice Authorities

1.3. LOCAL CONTEXT

1.3.1. Local Aims & Objectives:

The table below summarises the key Area objectives to be pursued during the planning period in support of corporate objectives identified at Annex II.

No	Objective	Corporate Objective	Target Date
1.	To implement future phases of FOS effectively and achieve efficiency savings.	1	To FOS timetable
2.	To manage the overall Area resources to maximise efficiency and effectiveness in the processing and quality of caseload.	1	Throughout 2007-08
3.	To continue to manage and control costs across the Area and make efficient use of public money.	1	Throughout 2007-08
4.	Strengthen the management and delivery of solemn work within the Area.	2	Throughout 2007/08
5.	To work with Lothian & Borders Police to enhance evidence gathering, investigation, and reporting to the Procurator Fiscal.	2	Throughout 2007/08
6.	Work with L&B Police at the Amethyst Centre in relation to domestic violence, persistent offenders, sexual offences, management of risk offenders and children	3	Throughout 2007/08
7.	To explore the development of processes which support early liaison with law enforcement in the targeting and prosecution of serious crime.	2	Throughout 2007/08
8.	Implement the Area Community Communications Strategy drawn up in 2006/07.	1	Throughout 2007/08
9.	To review and improve internal communication in the Area.	1 and 3	Throughout 2007/08
10.	Undertake a full review of control and monitoring procedures to identify improvements to the investigation of deaths following the introduction of the new Pathology Contract.	4	By July 2007

1.3.2. Structure of Lothian and Borders Area:

As outlined in the introduction Lothian and Borders Area comprises 6 Offices which currently range in size from 4.5 to 141.2 posts, and from rural areas through to the urban expanse of Edinburgh and its surrounding area. The District Fiscal in Edinburgh holds a commission for both Edinburgh and Haddington.

Linlithgow and the Borders offices (Selkirk and Jedburgh) make up the remainder of the manned offices in the Area. Courts are also held in Duns and Peebles which are linked to, and resourced from, the Borders Offices. The Midlothian District Court in Loanhead is resourced from the Edinburgh Office.

1.3.3. Scale of Activity:

The total number of reports received has risen from 39,900 in 00/01 to 45,843 in 05/06. An estimated 46,300 reports are expected to be received for 06/07 which equates to a 1% increase on the previous year. This amounts to 13% of the total COPFS workload. The table below summarises the Area's average percentage share of the COPFS caseload over the last 5 years (2001/02 to 2005-06).

Disposal Route	L&B Proportion
High Court Disposals	13%
Sheriff & Jury Disposals	15%
Sheriff Summary Disposals	14%

A detailed Workload Trend Analysis is attached to this plan at Annex III.

1.3.4. Resources:

The Area financial allocation over last three business years was:-

	Planned 2004-05	Outturn 2004-05	Planned 2005-06	Outturn 2005-06	Planned 2006-07	Estimated Outturn 2006-07
Staff Costs	5,220,000	5,095,177	5,176,000	5,263,000	5,586,000	5,580,000
Office Costs	524,000	473,553	485,000	483,000	450,000	442,000
Case Related Costs	1,600,000	1,703,228	1,536,000	1,430,000	1,591,000	1,611,000
Total	7,344,000	7,271,958	7,197,000	7,176,000	7,627,000	7,633,000

Staffing Requirement 2007-08

Office	A	B	C	PA	D	D (PO)	E(L)	F(L)	F	G	1	1A	2	Total
Borders (3 offices)		6	1				2	1						10
Edinburgh	1	72	7.4	2.5	8	11.6	28	6	1	1	1	1	1	141.5
Haddington		2.5	1				1							4.5
Linlithgow	1	11	1	1	1	1	6.6	1			1			24.6
Total	2	91.5	10.4	3.5	9	12.6	37.6	8	1	1	2	1	1	180.6

Since the 04/05 business year staffing compliment in the Area has been subject to the following reductions:-

- 13 Band B's
- 4 Band E (L)
- 1 Band F (L)
- 1 Band G (L)

The management of the caseload has been achieved as a result of efficient use of resources and changes to working practices.

From 2001 to 2006 reports received have increased 13%. Within the current year (2006-07) workloads have further increased as follows:-

- Net Petitions 14%
- Sheriff & Jury disposals 16%
- High Court disposals 27%
- Sheriff & District Summary disposals 5%
- Precognitions to CO 15%
- Miscellaneous Reports 56%

The 2007-08 staffing requirement includes rationalisation of a vacant 0.5 depute post and a vacant 0.2 Band F post to create 1 additional depute post. This rationalisation is in accordance with Efficient Government by making best use of public money to deliver the business objectives. The budgetary impact is insignificant.

The meeting of performance targets against an increasing workload has been achieved through careful and efficient management of resources. On the assumption that the estimated caseload for 06/07 proves accurate, and projections for 07/08 materialise, we consider that the staffing requirement identified will be sufficient to deliver business the objectives.

Post Bilateral Discussions 2007

As a result of the bilateral discussions held in February 2007 the following budgeted posts for the District Offices comprising the Lothian & Borders Area were agreed.

Agreed Staffing as at April 2007

Office	Resilience	A	B	C	PA	D	D (PO)	E(L)	F(L)	F	G	1	1A	2	Total
Borders (3 offices)			7	1				2	1						11
Edinburgh	4	1	67	7.4	2.5	8	11.6	27	6	1	1	1	1	1	139.5
Haddington			2.5	1				1							4.5
Linlithgow	1	1	10	1	1	1	1	7	1			1			25
Total	5	2	86.5	10.4	3.5	9	12.6	37	8	1	1	2	1	1	180

The agreed staff complement includes the retention of 5 FOS2 Band Bs for 9 months on the basis of expected benefits accruing at that time. Management Board agreed Band F(L) and E(L) trimmings. Management Board also propose to delete vacant 0.5 Band E(L) as the Area is due to receive 3 second year trainees in August 2007. Additionally, MB proposes to delete 2 Band B equalisation posts from end September 2007 and transfer 1 Band B to CO Operations from September 2007.

Agreed Financial Allocation as at April 2007

	Planned 2004-05	Outturn 2004-05	Planned 2005-06	Outturn 2005-06	Planned 2006-07	Estimated Outturn 2006-07	Planned 2007-08
Staff Costs	5,220,000	5,095,177	5,176,000	5,263,000	5,586,000	5,580,000	5,605,000
Office Costs	524,000	473,553	485,000	483,000	450,000	442,000	440,000
Case Related Costs	1,600,000	1,703,228	1,536,000	1,430,000	1,591,000	1,611,000	1,973,000
Total	7,344,000	7,271,958	7,197,000	7,176,000	7,627,000	7,633,000	8,018,000

1.3.5. Local Stakeholders:

The key local stakeholders within L&B Area are:-

- The Area Criminal Justice Board
- Local Criminal Justice Partners – Lothian & Borders Police, Pathology Contractor, the Judiciary, Scottish Court Service, Scottish Prison Service, Reliance, Social Work Department, Reporters to the Children's Panel
- West Lothian Council (West Lothian Civic Centre Project)
- Local Liaison Forums – Diversity, Pathology Contracts etc
- The General Public – engagement and community consultation (MPs MSPs)
- Victims & Witnesses and organisations
- Local Councils – District Courts and reporting Departments
- The Community Justice Authority

Liaison forums are in place with all of our local Criminal Justice Partners meeting at pre-agreed frequencies to deal with a variety of issues, monitor performance on protocols/commercially agreed service standards, and identify areas for improvement. Legal staff and the Area Fiscal attend community events on a regular basis and this will be further enhanced through the implementation of the L&B Community Communications Strategy. The Area also participates in events arranged through Edinburgh University (aimed at law students raising awareness/understanding of COPFS) and the local Bar Associations and holds annual Open Days to allow public access and promote a greater understanding of the role of COPFS.

1.3.6. Other Local Issues:

In addition to delivery of the local objectives outlined at para 1.3.1. the main issues facing the Area in the coming year are anticipated to be:-

- Serving the Capital – the Area is regularly impacted by events, campaigns and or disruption that takes place in and around Edinburgh as the capital city and home of the Scottish Parliament. These events can arise with limited notice and place a significant strain on resources
- Relations with the Scottish Parliament and the Standards Commissioner – the Area handles issues such as allegations of impropriety within the Parliament. These are often high profile cases involving the national media.
- Targeting Crime - working with Lothian & Borders Police to target crimes of Anti-Social behaviour.
- Pathology Services – COPFS launched revised pathology contracts on 26 November 2006. A review of business processes will be undertaken to ensure that the contracts are operated efficiently and effectively and that the business requirements are met.
- West Lothian Project – The final evaluation of the project is due in January 2007. Indications are that the pilot has been successful and will be extended to cover all summary cases within West Lothian District. Area resources will therefore continue to be required to contribute to the management of the Project and the operation of the pilot.
- Edinburgh Criminal Justice Project – In view of the success of the West Lothian Project, a scoping exercise began in Edinburgh in November 2006 with a view to designing a bespoke process (based on the West Lothian principles outlined in the bullet above) for use in Edinburgh. A report is due early in 2007.
- West Lothian Civic Centre – Work on the new building will start in January 2007. The accommodation is scheduled to be available in February 2009. Input from within the Area will be required as the project continues to progress.

2. OPERATIONAL ISSUES

2.1. CORPORATE CONTEXT

2.1.1. Key Issues: Deliver justice through the timely, efficient and effective prosecution of crime

There are a number of operational pressures facing the Department. Given the nature of these pressures the Department will need to plan for process change linked to legislative timetables, the main examples of which will be when the Summary Justice Reform Bill which is anticipated to receive its Royal Assent late in 2007 and the implementation of phase 3 of the Vulnerable Witnesses (Scotland) Act 2004 i.e. vulnerable children and vulnerable adults in summary cases in April 2007 and December 2007 respectively.

2.1.2. Key Issues: Give priority to the prosecution of serious crime

Other operational pressures exist which relate to rather slower but perceptible trends in the case management such as where our staff are having to deal with increasingly more serious and complex cases. The creation of the Organised Crime Unit in Glasgow has in part been set up to reflect this fact and will result in a protocol identifying cases which should be considered for submission by Areas.

At the date of writing it is not yet known whether there will be a roll-out of Hamilton and Airdrie Youth Court pilots to 'hot spots', but again Areas will need to consider how best to realign their processes to accommodate such change.

2.2. OPERATIONAL PRIORITIES & BUSINESS RISKS

Lothian and Borders Area have set up a dedicated High Court Team to ensure priority is given to the thorough and timely preparation of homicide cases. Consistency and improved quality throughout the Area will also be achieved.

The Area will continue to take action in support of the Department's Continuous Improvement Strategy, launched in May 2006. In particular, process reviews will be undertaken following the introduction of Vulnerable Witness and Summary Justice legislation. Details of other completed or proposed process reviews are detailed at section 2.5.

The Objectives & Risk Register Annex II identifies the critical success factors, operational priorities and key processes that underpin the achievement of targets necessary to deliver the corporate objectives. Key Planned Activities and Local Aims & Objectives are also identified. The key risks have been considered and risk controls identified and rated.

The Area will continue to support the Department's Data Quality Strategy to help identify and eliminate the causes of problems affecting data integrity. Unit managers will run in month reports to identify problems and arrange corrective action to be taken, and arrange training if appropriate. The Area recognises that reducing data

integrity problems allows for resources to be re-directed to other activities that will have an effective contribution to the Department's objectives.

See also Para 1.3.6 for local issues/priorities.

Individual District Office Business Plans will include similar detail on how they will meet the supporting individual targets.

2.3. WORKLOAD & STAFFING FORECAST:

Key issues arising from the detailed analysis in Workload and Staffing Forecast Annex are detailed at Annex III.

2.4. PERFORMANCE MEASURES:

- Lothian and Borders Area has responsibility for delivering in year performance targets which reflect those within the COPFS Strategic Plan and contribute to the COPFS wide national performance against Key Performance Indicators.
- Details of the Area performance achieved against targets (as at end November 2006) are shown below.

Target	Strategic Objective		PFS	L & B Area
Custody Cases: Serve Indictment	Serve 100% by 80th day	High	100%	100%
		Sh & J	100%	100%
Bail Cases: Serve Indictment	Serve 100% in 10 months	High	100%	100%
	Serve 80% in 9 months		76%	83%
	Serve 80% in 9 months	Sh & J	90%	90%
	Serve 60% in 8 months		68%	86%
Take/Implement Decision	Process 75% within 5 weeks		85%	87%
Routine Death	Investigate 80% within 6 weeks		97%	97%
Investigate Death	Investigate 80% within 12 weeks		80%	81%
CAPs: Area PFs	Close in 10 weeks - 60% of <u>cases</u>		80%	82%

The Area is on course to meet its strategic targets for the period 2006-7.

2.5. PROCESS REVIEWS:

2.5.1. A process review of the work of the Sheriff and Jury Unit of the Solemn Unit within the PF Office Edinburgh was undertaken in January/February 2006. Benefits identified were (i) improved drafting of charges and correct forum identified and (ii) full compliance with Disclosure requirement. A copy of the process review report has been placed on the Lothian & Borders intranet site.

2.5.2. A process review of 'Disclosure' requirements was carried out in the Summary Trials Unit within the Edinburgh PF Office during the period March to May 2006. The process review identified the need to establish a Disclosure team to ensure

a consistent approach is taken to the redaction of statements, papers sent to defence teams and disclosure correspondence filed timeously. It will also remove disclosure action from case preparation by Admin and Legal Staff. A copy of the process review has been placed on the Lothian & Borders intranet site.

2.5.3. A series of process reviews will be identified and undertaken in Linlithgow, Haddington and the Borders District Offices commencing in January 2007.

3. ENVIRONMENT & STAKEHOLDERS

3.1. CORPORATE CONTEXT

3.1.1. National Framework: Best Value

Since April 2002 there has been a duty of Best Value on Accountable Officers to “ensure arrangements are in place to secure Best Value”. The duty was described in published guidance as:

- the duty of Best Value, being to make arrangements to secure continuous improvements in performance and
- to have regard to economy, efficiency, effectiveness, the equal opportunities requirements and to contribute to the achievement of sustainable development.

Ministers wish to encourage and embed the principles of Best Value across the wider public sector, and the Best Value and Performance Team within the Executive have been tasked with taking this forward with revised guidance included in the Scottish Public Finance Manual.

3.1.2. National Framework: Efficient Government

The COPFS efficient government target in 2005-06 were savings in witness costs and estates rationalisation (£0.5m), alternatives to prosecution (£1.1m), increase in Sheriffs’ solemn sentencing powers (£0.4m) and staff savings from the introduction of FOS (£0.8m). Overall the target was met though the latter target was missed due to delays in FOS2.

3.1.3. National Framework: Sustainable Development

Applying sound working practices and a number of new initiatives is enhancing our commitment to sustainable development. These include the following:

- our continued focus on prosecutors in dealing with environmental and wildlife crime
- looking to improve our approach to the prosecution of cases by the Scottish Environmental Protection Agency (SEPA) and local authority environmental health departments

- further development of electronic case management and marking using the Future Office System software with its emphasis on reducing reliance on paper based systems
- adopting best practice on sustainable procurement
- only taking criminal proceedings where the evidence available and the public interest justifies it

3.2. IMPACT OF EXTERNAL INFLUENCES

3.2.1. Bonomy and Summary Justice Review:

Bonomy procedures have been integrated successfully into the Area in the preparation of solemn business. The Area will continue to focus effort on preparing High Court cases fully for Preliminary Hearings to ensure that the improved efficiency of the High Court procedures is maintained. The Summary Justice reforms are designed to make greater provision for the agreement of evidence and effectively cut down the number of witnesses attending court. We will continue to assess the impact of the Summary Justice reforms and ensure there is close liaison with the Criminal Justice Board and local Community Justice Authority thereby managing the introduction of any initiatives in conjunction with our criminal justice partners and stakeholders.

3.2.2. Disclosure:

The Holland & Sinclair decisions of the Judicial Committee of the Privy Council widens our obligation to disclose information to the Defence. The need to disclose statements and previous convictions has resulted in significant additional work.

3.2.3. Vulnerable Witness Act:

Phase 1 of the Vulnerable Witness (Scotland) Act 2004 was implemented from 1 April 2005 in relation to child witnesses in solemn cases reported after that date. The Act provides for special measures for vulnerable witnesses and requires prosecutors and VIA staff to work closely to identify the appropriate special measures necessary to assist the needs of the individual vulnerable witness. Extensive training has been provided to precognition and legal staff to assist them to implement this legislation. Phase 2 of the Act became effective from 1 April 2006 and extends the availability of special measures to vulnerable adult witnesses in solemn cases. Phase 3 of the Act which extends special measures to vulnerable children and vulnerable adults in summary cases is likely to be introduced in April 2007 and December 2007 respectively. The staff are playing an active role in identifying the issues, planning the detailed implementation and monitoring requirements.

3.3. STAKEHOLDERS

The principal local stakeholders are Lothian and Borders Police and the Scottish Courts Service with whom regular liaison meetings are held at all levels across the

organisations. These meetings promote open discussion on a range of issues and have led to various improvement initiatives such as:-

- The Police Standby Scheme – resulting in Police Officers only attending Court when necessary freeing resources to concentrate on faster, better quality reports, dealing with routine criminal activity etc
- The establishment of an issues log with Legal Document Office to quickly identify process or workload issues and promote early resolution of the issues concerned
- Targeting of the top 12 persistent offenders
- Co-location of Police Officers in Initial Processing in Edinburgh PFO
- Implementation of a Protocol on Productions in Summary Cases in West Lothian
- The Amethyst Centre – where PF staff co-locate with the Reporter, Police, Domestic Violence Liaison Officers, Risk Management for sex offenders professionals and the Social Work Department
- The use of new technology for example Police electronic notebooks and DAS Pilot (presentation of electronic evidence in Court)

4. HR PLAN

4.1 CORPORATE CONTEXT

4.1.1. Personnel and training reforms:

The Department's personnel function was the subject of a external peer review in 2006 and the recommendations will be taken forward in 2007. It is intended to re-align the HR personnel service with the business needs as outlined in the Strategic Plan and local Business Plans.

It is intended that the new Prosecutors College within Legal House in Glasgow will be operational by summer 2007. This accommodation will be a major step in the continuing development of the Skills for Success initiative. Among those to benefit will be an increased number of legal trainees with 25 accepted in the latest intake.

Initial planning for the roll out of Summary Justice Training is underway. An outline of the training implications has been received from work stream leaders and a draft four-day training programme has been prepared.

4.1.2. Key issues:

Sickness and absence rates continue to fall with the number of days lost declining from 11.6 in 2003 to 11.1 in 2004 and 10.5 in 2005.

4.2. STAFFING PLAN

4.2.1. Key Personnel:

The senior management structure of the Area is now well established with personnel who have a wide range of operational expertise.

4.2.2. Staff mix & experience:

The table at 1.3.5 outlines the required staff complement in each office across the Area for 2007-08.

Currently 54% of L&B deutes have 4 years or less experience in the service. This has an impact on productivity of the individuals and the legal managers who provide support, guidance and on-the-job training.

There have been 3 recent Band C manager changes in Linlithgow (Office Manager), Haddington (Office Manager) and more recently in Edinburgh (Section Manager).

It should also be noted that 29.5% of the Band B complement have less than 2 years experience in post with similar issues in terms of productivity and demands placed on the experienced staff for training and support.

The Area is committed to target training and development courses to the specific job requirements of individuals aligned to the 'Skills for Success' programme thereby promoting management and leadership development and demonstrating commitment to the Government's Professional Skills for Government programme.

4.2.3. Other Staffing issues:

As outlined earlier in the Plan, the Area has a mix of sites four of which serve rural areas in the Borders and east Lothian and one serving the urban expanse of West Lothian. There are particular challenges in relation to recruitment and the provision of resilience. The relocation of the West Lothian PF Office from Linlithgow to the new shared purpose built estate in Livingston, due to open in March 2009, may also provide staff transfer issues. The retention of experienced staff continues to be an issue. This is largely due to competing opportunities within the central belt.

4.2.4. Local plans / initiatives:

The level of change and policy of continuous improvement continues to present challenges to the Operational Units within the Area's District Offices. Each District PF office will set out in a local business plan how it will contribute to the successful delivery of the Area's initiatives and objectives utilising the resources available to them. The Area's local aims and objectives are detailed at paragraph 1.3.1.

4.2.5. Consultation:

Regular senior Area Management Team and Senior Manager meetings are held, and a structured team briefing regime is applied throughout the Area to ensure that staff are fully informed of issues affecting them. In addition, an internal newsletter is published quarterly. The Area PF and Area Business Manager have a structured office visit schedule where each office is visited at least three times per year. Ad hoc visits are also made when a particular need arises.

As part of the process of drawing up their local business plans, the District PF will consult with all local staff to seek input, comment and commitment to local initiatives which will underpin the targets and objectives set out in their business plan and the Area Business Plan.

Regular senior management team surgeries are held within the Edinburgh office providing staff with the opportunity to discuss issues with senior managers on a one-to-one basis.

Staff led working groups are utilised to facilitate the consideration of views and opinions on the management of change, i.e. integration of VIA.

Staff Working Group was established in 2006 to discuss issues impacting on staff and their wellbeing.

It will be essential that staff engage, as a matter of routine, with key stakeholders and community groups in drawing up local initiatives.

The Area PF and District PF will assess the collective knowledge and expertise of the local staff to identify what training and development will be required to ensure that the District office is equipped to meet its initiatives, targets and objectives.

4.3 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.”

We will continue to analyse training and development requirements through the Learning Academy. Our Training and Development Plan identifies areas where we need to address training and/or close any skills gap. Our main focus will be on general Induction and preparation for FOS Phase 2. We will also continue to strive to improve Data Integrity across the Area. The majority of training can be provided “on the job” or by Crown Office Training Division. IT training which is identified will need to be sourced from an external provider.

In relation to legal staff, training for deputes is provided in-house. Operational training sessions will be held covering a variety of topics such as Diversion Schemes, Reporter, Mediation and Reparation as well as practical case related training. If vacant positions for Legal staff are filled through recruitment a total of 6 days mandatory Induction will require to be undertaken by each new recruit. Structured training is also provided through Training Division.

We anticipate that the Sheriff Principal will set aside a training day for Lothian and Borders and consideration will be given on how we intend to use the training day once the date has been confirmed.

We continue to liaise closely with the police and encourage bi-lateral visits on a regular basis.

Introduction of Future Office System Phases 2 and 3 will fall within 2007/08 or beyond and will be delivered by Departmental FOS trainers. The task of all the managers in the Area will be to ensure that the procedures and systems are in place to cope with planned absences.

In addition to enhancing the performance of staff through training, we will identify and make use of as many development opportunities as possible within the office to ensure that staff have the opportunity to experience a broad range of work and increase their efficiency, effectiveness and overall skills base.

Each member of staff of band F and above will be required to complete the Leadership Development Programme. This forms part of the COPFS commitment to the Professional Skills for Government programme.

Our detailed training plan is included at Annex V.

4.4 EQUALITY AND DIVERSITY

Lothian and Borders Area embraces the Department's commitment to promoting equality and ensuring that services are accessible to disadvantaged groups. The Area's effort to target and improve the handling of cases that involve race crime will serve to bolster confidence in the justice system amongst ethnic minority groups and improve opportunities and life chances of the members of ethnic communities. This was the subject of the first review conducted by the Inspectorate of prosecution in Scotland. The recommendations from the review are being actively pursued (Annex II Objective 1, Target 2 refers). The Inspectorate has recognised the positive work done by Procurator Fiscal Offices in the handling of race crime cases.

As part of the Race Equality Plan all Lothian and Borders staff have participated in the Department's comprehensive Diversity Awareness Programme.

4.5 DISABILITY AND EQUALITY

Lothian and Borders Area will implement the Area Disability Equality Action Plan (DAEP) in line with the Scottish Executive's 'Disability Equality Scheme 2006' and the Crown Office DEAP Action Plan. The Action Plan covers Disability Equality issues under the following headings: -

- The Prosecution of Crime;
- The Investigation of Sudden Deaths;
- Identifying and Meeting the Information Needs of Victims, Witnesses and bereaved Relatives;
- Providing Accessible Information – Interpreting, Translation and Transcription;
- Consultation on Impact of Policies / Community Engagement
- Employment, and
- Access Policy and Standards

5. INFRASTRUCTURE

5.1. CORPORATE CONTEXT

5.1.1. COPFS Estate

The refurbishment of the Department's estate commenced in 2003-04 and is nearing completion. Where accommodation was not up to space, location or quality standards staff have been transferred to new locations.

Following the completion of the Ballater Street project, work will commence on the creation of the Fiscal Academy in Legal House. Subject to final design and

costs, the Department expects to have the new training facility available for use by September 2007.

5.1.2. Information & Technology

The investment in new equipment and staff continues apace with further videoconferencing units being installed across the country to provide an extensive network. There is also a drive to install better VDU screens to assist staff in the use of FOS and providing laptop computers to resolve current remote working e.g. on-call Deputes.

Plans are afoot to modernise the Department's telephony system with the installation of a national system to provide direct dial numbers for all staff and allow inter-office calls to be dealt with as internal calls.

The implementation of Summary Justice Reform will be a major challenge for the IT staff over the coming year. The project has commenced but meeting the required delivery dates will be challenging with a key dependency being the working up of clear and precise requirement specifications.

5.2 ACCOMMODATION ISSUES

The bulk of staff in the L&B Area are housed within the Edinburgh office which was refurbished in 2003-04. Further recent internal accommodation changes have been made to facilitate a dedicated base for the Area Homicide Team, provide a room for FOS II training and the relocation of the Deaths Unit and Cashiers to accommodate these changes. A bid has been made for the refurbishment of the customer enquiries area in the Edinburgh office in 2007-08. Further health & safety issues are under consideration e.g. fixed panic alarms within interview rooms.

Staff in the Linlithgow Office are expected to relocate to the new West Lothian Civic Centre site in February 2009 with the present office being kept on a "care and maintenance" basis until the new site is available. No major works are planned in Selkirk, Duns or Jedburgh during 06/07.

The Haddington Office relocated to refurbished premises in April 2006. The new accommodation is more modern and better suited to their needs in terms of size and layout.

5.3 INFORMATION & COMMUNICATION ISSUES

The introduction of FOS 2 is anticipated to be the major IT challenge facing the Area in 2007/08. However we will look to extend the use of high speed IT links (e.g. where staff have home broadband) by 'On Call' staff particularly for those who are located in geographically remote locations. The use of domestic broadband is also being considered to enable staff to mark cases from home to provide additional flexibility at

times of peak activity. To support this initiative we expect to purchase a small number of additional laptops which will be available for use on a shared basis.

The programme to modernise the Department's telephony system in 2007/08 will be a major benefit to the organisation internally, and with the provision of direct dial numbers for all staff will reduce the demand on local switchboards and therefore provide an improved level of service to our colleagues, stakeholders and general public.

We propose to introduce the use of scanned documentary images in the preparation and presentation of evidence in Solemn trials.

In response to negative comments in the Staff Survey about communication within the organisation, the Crown Office has produced an Internal Communications Strategy and has encouraged all Area offices to develop and implement Area Communication Strategies. The Area will review its communication strategy with direct involvement of staff through a working group and consult all staff before finalising. The Area Team will monitor the effectiveness of the L&B strategy and take appropriate action.

6. FINANCE PLAN

6.1. CORPORATE CONTEXT

6.1.1. Departmental Budget

The budget of £101.4m for 2006/07 is split into £92.6m resource budget and £8.6m capital.

The main elements of resource spend are pay costs (£56m), case related costs (£12.5m), office & admin costs (£5m) and central costs (£20m). The main elements of capital spend are the Ballater Street refurbishment and FOS2. Additional capital budget of £1.6m has been brought forward from the 2007-08 programme to advance some estates and IT projects.

Budget proposals for 2007-08 agreed as part of the Spending Review 2004 provided for £95m resource expenditure and £4.4m capital expenditure (adjusted for the £1.6m above).

6.1.2. Key Issues

There will be the usual pressures on local and budgets brought about by:

- large enquiries, for instance the ongoing Worlds End Murders
- large court cases, for instance a high profile terrorist case or pan-Area police operation which are difficult to quantify
- the cost of a new pay deal
- the increased cost of the pathology, toxicology and mortuary contracts and the effect of transfer of budget for non-morbid toxicology to the Police Common Services Agency
- the costs of implementing new legislation and changes in policy

The Department will continue to seek areas where it is possible to realise savings to satisfy commitments under the Efficient Government agenda.

6.2. BUDGET PROPOSALS:

The Area will face a number of pressures in 2007-08, e.g. complex and high profile cases, the Vulnerable Witness Act, Disclosure, and Summary Justice Reform. The challenge to the Area will be to manage existing resources to cope with the pressures of business.

Full details of the Area's 2007-08 budgetary proposals are provided at Annex IV

6.3 EFFECT OF PROPOSALS/ BUSINESS CASES:

The Area proposes that, despite increasing workloads, a more demanding caseload, and pressure on resources, the current staffing levels should be maintained. However historical resource efficiencies have resulted in a number of part posts within the overall allocation. These part posts are virtually impossible to fill effectively and a

compliment rationalisation at Bands F (L) and E (L) is proposed to improve efficiency within the Area and make best use of the budgetary allocation.

At present the compliment allows for 7.2 F (L)'s and 37.1 E (L)'s. The current permanent staff in post for each of these grades is 7.0 and 36.6 respectively. As stated above, it is difficult/impractical to recruit 0.2/0.5 of a legal post. It is therefore proposed to create a full time depute Band E (L) post in Edinburgh PFO utilising the part posts as outlined. The financial impact of this proposal is estimated to be circa £7.5k which is insignificant in terms of the overall budget.

6.3.1. Staffing

In the 07/08 year the Area will deliver the 5 Band B efficiencies associated with the implementation of FOS II. However the increasing workload associated with Disclosure is significant and offsets the FOS II changes. Summary Justice Reforms may begin to impact in the 07/08 business year but the implications are not expected to become fully clear until the following year (08/09). It is therefore proposed that the Band B resource, and staffing numbers overall (with the exception of the additional Depute, see para 6.3) should remain unchanged.

The Area has delivered significant efficiencies in recent years across a number of grades (para 1.3.4 refers). By containing staffing requirements to the 06/07 level and absorbing the impact of the rising workload trend and case complexity the Area continues to deliver further efficiencies. This is only possible because of the ongoing commitment to process improvement and application of the Continuous Improvement strategy.

As a result the staffing budget is only anticipated to rise to reflect any increased pay costs.

6.3.2. Office and Admin

The Area expects to spend its allocation for 2006-07.

The impact of increasing utility costs, inflationary pressures and additional costs associated with the implementation of the Edinburgh Criminal Justice Project will result in additional funding requirements under this budget head. A breakdown of the figures is provided at Annex IV.

6.3.3. Case Related

The impact of the revised Post Mortem has been significant (although an in year budgetary adjustment has been made) and the Area expects to use its allocation for 2006-07.

Case Related is an area of expenditure is demand led and traditionally complex to accurately predict trends. The Area is seeing an increasing number of complex/serious cases with a resultant impact on the budget (in particular an increase in witness costs).

The estimate for 2007-08 has been made taking account of historical trends and an estimation of the impact of business planning, area initiatives, use of contracts (e.g. pathology and toxicology). The Area will adhere strictly to the requirements of the Stewardship Report/Certificate of Assurance.

The Area will:-

- a) Robustly check invoices for analysts, toxicology, post mortems, mortuary costs, etc, to ensure that only those tests required are carried out;
- b) Stagger the citation of High Court witnesses to minimise unnecessary expenditure;
- c) Optimise the use of FOS and the national photocopying contract to minimise stationery costs;
- d) Better plan and prepare cases and case papers to ensure fewer adjournments, reduced witness costs and lower postage and courier costs.

7. OTHER ISSUES

7.1. PLANNED CHANGES IN 2007/08:

7.1.1. FOS Phase 2 and Other Operational Pressures

FOS Phase 2 will allow the processing of all summary cases within FOS, from marking to sentencing, including disclosure, court preparation and court updates.

Additionally, the Area will need to continue to plan for process change linked to legislative timetables, for example, Summary Justice Reform; implementation of phase 3 of the Vulnerable Witnesses (Scotland) Act 2004 i.e. vulnerable children and vulnerable adults in summary cases in April 2007 and December 2007 respectively.

The Area will evaluate these pressures on an on-going basis and continue to employ process reviews to provide continual improvement and efficient use of resources.

7.2. POTENTIAL FUTURE CHANGES:

7.2.1. 2008/09:

COPFS staff in Linlithgow are expected to move to the new West Lothian Civic Centre estate in March 2009. COPFS staff will be co-located with other Criminal Justice Partners. We will work closely with the project team, comprising our criminal justice partners, to ensure a smooth business transition.

The impact of Summary Justice reform will fully impact on processes and resource allocations.

8. CONCLUSIONS

8.1. CONCLUSION:

The Area continues to perform well and is on course to meet all national and local targets. It has further enhanced links with key stakeholders and community groups. Through successful delivery of the appropriate initiatives and objectives contained in this Plan it is now seeking to further develop its profile, deliver process change, and further improve public confidence.

9. ANNEXES

I. Corporate Aim, Objectives & Targets

II. Objectives & Risk Register:

III. Workload and Staffing Forecast:

IV. Budget Proposal:

V. Business Cases:

VI. Other Annexes:

Corporate Aim, Objectives and Targets: (2007-08)

Strategic Aim:

Serving the public interest, prosecuting cases independently, fairly and effectively.

Objective 1: To secure the confidence of our diverse communities 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]

Current Supporting Internal Targets:

- To take action in 75% of crime reports within 5 weeks of receipt
- 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.
- 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.

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.

Current Supporting 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.

Current Supporting Internal Targets:

- 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.

Current Supporting Internal Target:

- 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

Current Supporting Internal Targets :

- 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.

Objectives and Risk Register: (2007-08)

WORKLOAD and STAFFING FORECAST

BUDGET PROPOSAL

TRAINING & DEVELOPMENT PLAN