



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

## BUSINESS PLAN 2020-21

<b>Date published</b>	<b>Version</b>	<b>Details</b>
August 2020	1.1	Initial publication

# CONTENTS

BUSINESS PLAN 2020-21	1
Contents	2
Introduction	3
Goals and measurement	3
Our purpose	3
Our goals	4
Achieving our goals	5
Key Indicators for 2020-21	5
Approach to business planning	5
The challenge	5
Responding to the challenge	6
Phase one: response	7
Phase two: recovery	10
Phase three: renewal	11
Resources	11
Our structure	11
Financial resources	12
Staffing	12
Constraints	13

## Introduction

The Crown Office and Procurator Fiscal Service (COPFS) is the sole public prosecution authority in Scotland prosecuting cases independently, robustly, fairly and effectively in the public interest.

The Lord Advocate's position as head of the systems of criminal prosecution and investigation of deaths is enshrined in the Scotland Act 1998 and it is exercised independently of any other person.

We recently published *Securing Justice: Our Strategic Plan for 2020-2023* and defined our high level objectives for the next three years.

This Business Plan is being published at a time of significant uncertainty and unprecedented change for COPFS and for the people of Scotland due to the outbreak of coronavirus (COVID-19). In developing this plan, our priority is to protect the safety and wellbeing of our staff and service users as we work together in new ways.

The coronavirus pandemic has had a seismic impact on the justice sector and wider country. Because of this, this business plan is dramatically different to the one intended for 2020-21 when our organisation set out the goals in our new strategic plan.

However, our overall focus remains: to keep the people of Scotland safe from harm and to deal effectively with those who break the law and our strategic goals over the next three years remain valid.

This document is based on the information available to us in August 2020. We will continue to review and refine our business planning for 2020-21 as new information and advice becomes available.

## Securing Justice: Our Strategic Plan for 2020-2023

### OUR PURPOSE

Our purpose is to secure justice for the people of Scotland in respect of the investigation and prosecution of crime and the investigation of deaths. Our work helps to ensure that Scotland is safe from crime, disorder and danger.

We achieve our purpose by:

- Investigating and prosecuting crime, including allegations of criminal conduct against police officers.
- Investigating sudden, unexplained or suspicious deaths in order to establish in early course the causes of death, as well as to eliminate the risk of undetected homicide, to identify preventable dangers to life and to the health and safety of the public and to allay public concern.
- Removing financial gain achieved through criminal and unlawful conduct.

## **OUR GOALS**

We deliver a vital service to the people of Scotland. We undertake highly complex work at all levels across our organisation. We strive to deliver the quality of service which the public rightly expects of us.

Our work is becoming more challenging due to changes in the profile and complexity of our casework. We are committed to rising to meet these challenges and continuously improving the levels of service we provide to the public.

Throughout the life of our strategic plan we have set ourselves a number of operational objectives:

- earlier indicting of sexual offence cases in the High Court and Sheriff Court;
- providing victims, vulnerable witnesses and bereaved relatives with more regular updates which explain the progress of investigations and case preparation;
- shortening the time taken to conclude complex death investigations;
- supporting work across the justice system to implement new domestic abuse and vulnerable witness legislation; and
- working with the courts and criminal justice partners to conclude and progress summary cases at a much earlier stage in order to reduce inconvenience to victims and witnesses.

Delivering our Strategic Plan for 2020-23 will ensure that Scotland's prosecution and sudden death investigation service remains fit for purpose in the face of a changing landscape.

Our overall, high level strategic goals for 2020-2023 are to:

### **Deliver high quality casework**

We will secure justice through independent, robust, fair and effective professional decision-making, case preparation and presentation. We will explain our decisions, be open about our work and conclude our investigations more quickly.

### **Support our people**

We will build a skilled, engaged and diverse workforce, invest in staff development and strengthen our capacity to deliver an improved service.

### **Improve our service**

We will continue to digitise and modernise the way we work, supporting wider reform of the criminal justice system, securing efficient and effective justice and putting the public at the heart of all we do.

## ACHIEVING OUR GOALS

We will measure progress on these objectives against our organisational performance between 2017-2020.

Between 2020 and 2023 we still intend to deliver, taking account of the impact of the Covid-19 virus, a significant transformation in our service. In the creation of the strategic plan we have consulted with our staff and organisations with whom we work closely to consider the service we aspire to provide by 2023, and the changes we will make to achieve this.

### KEY INDICATORS FOR 2020-21

Core Business	Key indicator for 2019-2020
<b>Indictments</b>	Serve 100% of solemn indictments within statutory time limits.
<b>Take and Implement Decisions</b>	Take and implement a decision in 75% of crime reports within 4 weeks of receipt.
<b>Complaints Against the Police</b>	Complete investigation of 90% of criminal allegations against the police within 12 weeks.
<b>Deaths Requiring Investigation</b>	In reports of a death where further investigations are required, conduct the investigation and advise the next of kin of the outcome within 12 weeks of receipt of the report in at least 80% of cases.

## Approach to business planning

### THE CHALLENGE

The coronavirus pandemic has had an enormous impact on COPFS operations and on the ways we interact with the public and our justice partners.

The changes to our operations we have seen within a short period of time include:

- The majority (around 90%) of COPFS employees are no longer attending offices to work and are carrying out their required duties from home.
- The implementation of new legislation, the Coronavirus (Scotland) Act 2020, with provisions affecting COPFS including allowing participants in hearings to appear via video or audio link from elsewhere and the ability for COPFS to

conduct some business entirely electronically. The bill also extends time limits and enables some further use of evidence by statement.

- Our work with the court service and defence agents to prepare and resolve cases is now carried out digitally instead of in court.
- We have implemented a memorandum of understanding with the medical profession on the reporting of Covid-19 deaths to the Procurator Fiscal and expect to see a significantly increased number of reportable deaths which will require further investigation.

So far we have made remarkable progress in building resilience within our organisation. In our resilience planning and activity our ultimate aim is to get back to a 'business as usual' state, which continues to keep our employees and the public safe and healthy. However, we recognise and anticipate that our new business as usual may look significantly different to our working arrangements pre-coronavirus.

In particular, we have made an assumption in our planning for 2020-21 that available court time will be very significantly constrained throughout the course of the year because of the immediate court closures in response to Covid-19 and the changes which will need to be made, as courts re-open, to take account of physical distancing and the use of new technology. That assumption leads us to conclude that the justice system will finish the 2020-21 year with a significantly increased volume of pending cases which will take longer to reach a conclusion. This will have a significant impact on victims and witnesses.

## **RESPONDING TO THE CHALLENGE**

Our business plan for 2020-21 is split into three phases:

- **RESPONSE:** our response to the coronavirus pandemic. This phase is well underway and focuses on us meeting a number of new operational challenges to keep our employees and the public safe from harm while ensuring that essential business can continue.
- **RECOVERY:** our organisational recovery from coronavirus. We anticipate in this phase we will see more business running through the courts and more of our employees returning to workplaces. We anticipate significantly different working arrangements within the courts, and a much higher caseload of death investigations.
- **RENEWAL:** our "new normal" which will see our organisation fully recovered from the coronavirus pandemic. We will learn resilience lessons and new ways of working and we aspire that our new normal will be more modern and efficient business than before, taking full advantage of the opportunities to modernise the criminal justice system.

The health and wellbeing of those interacting with the justice system and our employees will be at the forefront of all our operational decisions as we move through our business plan phases.

The COPFS risk management group has developed a new strategic risk register to provide a framework for decision making as we move through the phases of our business plan.

At present there are no timescales attached to each of the business plan phases. As such, we do not know whether it will be possible for us to reach our new normal within the 2020-21 year and elements of this plan may be extended into 2021-22 or further.

We will continue to work closely with the Scottish Government, directed by their published route map through and out of the coronavirus crisis, and our justice partners to make the right decisions for public health and safety during each phase of the business plan.

## **PHASE ONE: RESPONSE**

Our response to coronavirus started from a position of strong business resilience.

Our business response is being co-ordinated and led by the COPFS Corporate Resilience Group and its three sub-groups which focus on operational response, business continuity and planning to manage excess fatalities.

The Scottish Government's resilience room (known as "SGoRR") has also been activated and the COPFS Corporate Resilience Group works closely with the Scottish Government and is represented at SGoRR meetings.

We are also working closely with justice partners on the justice emergency hub to ensure a coordinated sector approach.

### ***Delivering high quality casework during the response phase***

To date we have:

- Defined a new approach to casework which our leaders and employees will use to prioritise and progress our casework in this challenging situation.
- Implemented the provisions of the new emergency legislation including electronic search warrants, electronic signatures and the electronic service of indictments.
- Established clear arrangements with the police and medical profession for the reporting of deaths connected to the Covid-19 virus

We will continue to deliver high quality casework during our response to coronavirus by:

- Piloting and implementing the virtual attendance of parties to proceedings at court.
- Working with justice agencies and the legal profession to conduct summary custody trials in the response phase.
- Establishing a specialist team to investigate deaths connected to the Covid-19 virus.

*Approach to casework in our response to and recovery from coronavirus*

Through consultation with our leaders we have outlined a new approach for casework during the response phase.

The approach reflects our new ways of working and will ultimately help us mitigate the immediate impact of the crisis and lay the groundwork for the recovery phase.

By following this new framework we will continue to deliver high quality casework that best serves the public and is sensitive to the challenges presented in these unprecedented times.

The approach is outlined in the table below.

Objective	Description
Engage	We will be proactive in our communication with defence agents.
Resolve	We will seek, wherever possible, to appropriately resolve the case in its entirety at the earliest opportunity.
Focus	Where it is not possible to resolve the case, we will seek to focus the issues and agree evidence, with the objective of reducing the time a case is likely to take in court when it does call for trial.
Prepare	Where it is not possible to resolve a case and once the issues are focussed, we will ensure the case is as fully prepared as possible.

Prioritise	We will aim to bring our focussed, prepared cases to trial, making best use of legislative provisions and bearing in mind public health advice. We will prioritise cases where the accused is on remand and those involving vulnerable witnesses.
------------	---

### ***Supporting our people during the response phase***

To date we have:

- Made sure our offices and courts are safe working environments through enhanced cleaning and social distancing measures.
- Adapted our working patterns to support our employees' wellbeing, childcare and caring commitments.
- Accelerated our digital transformation by making it possible for 90% of our employees to work from home, prioritising those most at risk from coronavirus.
- Implemented rota working for those carrying out essential office or court-based work to limit their exposure and provide a fair and transparent system for conducting essential business.
- Started to adapt some roles, so that while there is currently less demand for some tasks, our employees are able to learn new skills and support other essential business.

We will continue to support our people as we respond to coronavirus by:

- Adapting our offices to make them as safe as possible in line with public health advice to ensure that employees and visitors will be able to adhere to physical distancing advice.
- Continuing to deliver our wellbeing strategy to protect and enhance the mental and physical health of our employees
- Rolling out digital tools to allow employees to connect with colleagues.

### ***Improving our service during the response phase***

To date we have:

- Made sure our offices and courts are safe working environments through enhanced cleaning and physical distancing measures.
- Provided digital devices to all our employees to allow as much of our workforce as possible to work from home.
- Set up digital communications channels with our justice partners and rolled out more digital ways of working to allow cases to progress.

- Equipped our Victim Information and Advice team with the ability to continue their important work to ensure the most vulnerable service users receive updates about their cases.

We will continue to improve our service as we respond to coronavirus by:

- Bringing forward plans to implement a digital witness portal to facilitate digital communication and the sharing of information with witnesses.
- Continuing to learn from stakeholders how the virus has impacted on victims and witnesses and work with them to encourage public confidence in attending court in person if required or using digital tools to engage virtually with the courts.

## **PHASE TWO: RECOVERY**

We anticipate that our recovery from coronavirus will still involve significantly different working arrangements within courts and offices to allow physical distancing to be maintained in line with health guidance.

It is likely that we will see a shift in our caseload as well, with higher numbers of death investigations and certain complex crimes such as domestic abuse. Throughout this time, we anticipate that there will be significantly reduced court capacity to deal with newly reported and pending cases which were paused when lockdown measures were implemented.

The resource allocation for 2020-21 has enabled COPFS to reach a new record level of staffing – 1870 full time equivalent employees (FTE).

We will need to review our resource and workforce planning priorities as the path to recovery and the wider public expenditure situation become clearer. The risk-based review will take into account the anticipated priorities as the criminal justice system recovers, the staffing requirements and anticipated ways of working in the new normal, and the impact of the crisis on staff turnover and patterns of non-staff expenditure. The review will also take into account any indications from Scottish Government about resource and capital spending in future years.

Objectives for the recovery phase will be to:

- Monitor and support the wellbeing of our employees through our wellbeing strategy
- Monitor changes to our caseload following coronavirus and ensure that we are appropriately staffed and our employees have the skills needed to deliver high quality prosecution and death investigation work.
- Learn lessons from our employees' experiences of working from home and use these to modernise our working practices including by implementing policies that support our employees to work more flexibly.

- Adapt our estate to reflect the ways we anticipate our employees will work in the future.
- Continue to deliver digital transformation for our employees and service users.
- Work with the Scottish Government and our justice partners to bring back all summary casework to the Sheriff Court, either in court buildings or virtually, and to begin to bring back solemn casework in the Sheriff Court and High Court.

### **PHASE THREE: RENEWAL**

Post-recovery, we will enter our new 'business as usual' state. We will seize the opportunity to find new ways to continue to deliver justice effectively, but differently to improve the experience of members of the public and practitioners in the criminal justice system.

It is likely that our business will be conducted within a significantly different public sector resource landscape with increased numbers of older pending cases and continuing restrictions on court capacity.

Objectives for our "renewal" will be to:

- Continue promoting the safety and wellbeing of our staff as we adjust to new ways of working.
- Fully integrate modern digital ways of working within our organisation and across the justice sector to minimise inconvenience for witnesses and promote earlier case resolution.
- Deliver efficiency savings by continuing the work of the previous phases to modernise our working practices and adapting our estate to meet the needs of our employees and service users.
- Learn lessons of resilience and further bolster our business continuity planning.
- Continue to support our people including through investing in training and development and wellbeing support.

Future iterations of this business plan will provide more detail of our phase two and three activities.

## **Resources**

### **OUR STRUCTURE**

COPFS has an operational structure designed deliver our objectives and a high quality service for the people of Scotland. COPFS is divided into three Functions, each led by a Deputy Crown Agent:

- **Local Court:**, comprising Initial Case Processing and all prosecutions in the Sheriff and JP Courts;
- **Serious Casework:** comprising the High Court Unit, Appeals Unit, the Scottish Fatalities Investigation Unit, Proceeds of Crime Unit and other specialist units; and
- **Operational Support:** comprising Business Services, covering Information Systems, Human Resources, Estates and Finance and Procurement, and Policy and Engagement.

The governance structure, with the Executive Board, chaired by the Crown Agent and Chief Executive, focuses on strategic decision-making with more routine decision-making delegated to three Committees of the Board – Operational Performance, Business Process Improvement and Resources. These Committees are responsible for delivering the objectives and those strategies supporting delivery.

This structure allows us to focus on ensuring that we can continue to deliver improving levels of service, investigate and present cases in court effectively, secure best value and provide a better environment for staff.

## FINANCIAL RESOURCES

As can be seen from the table below, we have secured a significant budget increase for 2020-21 compared with 2019-20.

This additional budget was awarded in recognition of our increasingly serious and complex caseloads and of the demands of new legislation. The additional funds have allowed us to increase staff numbers to a higher level than ever before and place us in a better position to meet the public's expectations of the important services we provide, including to victims, next of kin and witnesses.

We have also submitted a bid to the Scottish Government for additional capital funding for estate and technology improvements and await the outcome of that process.

Cash allocations	2019/20 Baseline £m	2020/21 Baseline £m	2020/21 In-year £m
Running Costs	113.4	124.9	128.1
Capital*	3.6	4.3	4.3

\*Please note that the above increase in capital funding is due to the inclusion of money which is ring fenced for use by the Scottish Policy Authority for the provision of Toxicology services.

## STAFFING

Staffing levels (full time equivalents) at 31 March 2020 were as follows:

<b>Senior Civil Servants</b>	<b>26.73</b>
<b>Prosecutors</b>	<b>576.90</b>
<b>Administrative Staff</b>	<b>1193.93</b>
<b>Total</b>	<b>1797.56</b>

## **CONSTRAINTS**

There are a number of constraints that have been taken into account:

- COPFS must comply with the SG public sector pay policy, including the commitment to no compulsory redundancies, and with changes in employer's pension and National Insurance contributions, together with the new Apprenticeship Levy;
- The inflation rate is forecast to increase and costs in some sectors, notably IT, are currently forecast to increase at a substantially higher rate;
- The COPFS caseload is demand-led with time limits for action set by statute or policy;
- Given the medium-term outlook for public expenditure it is expected that further year on year real terms reductions in resources will be required following the 2020-21 budget.